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COMPILED STATUTES

OF

THE UNITED STATES

SUPPLEMENT 1911

EMBRACING THE STATUTES OF THE UNITED STATES OF A GENERAL AND PERMANENT NATURE ENACTED SINCE MARCH 4, 1901, DOWN TO AND INCLUDING THE SESSION OF CONGRESS ENDING AUGUST 22, 1911

INCORPORATING UNDER THE HEADINGS OF THE REVISED STATUTES THE SUBSEQUENT LAWS, TOGETHER WITH EXPLANATORY AND HISTORICAL NOTES

Compiled by JOHN A. MALLORY

ASSISTED BY MEMBERS OF THE PUBLISHERS' EDITORIAL STAFF

ST. PAUL

WEST PUBLISHING CO.

1912

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(SUPP.1911.)

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THE

COMPILED STATUTES

OF THE

UNITED STATES

SUPPLEMENT 1911

TITLE I.

GENERAL PROVISIONS.

CHAPTER ONE.

Definitions.

Sec. 1.

Definitions.

The provisions of Rev. St. §§ 1–5 apply to and govern the construction of the provisions of the Judicial Code, by section 293 thereof, post, under Title XII B, "The Judicial Code," c. 13.

CHAPTER TWO.

Form [and Enactment] of Statutes and Effect of Repeals.

Sec. 7.

Enacting clause.

All laws passed by the Philippine Commission shall have an enacting clause, as follows: "By authority of the United States be it enacted by the Philippine Commission"—by a provision of an act temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes, Act July 1, 1902, c. 1369, § 1, 32 Stat. 691.

Sec. 11.

Title of appropriation acts.

No act of Congress is to be construed to make an appropriation out of the Treasury of the United States unless such act, in specific terms, declares an appropriation to be made for the specified purpose or purposes, by provisions of Act July 1, 1902, c. 1351, and Act June 30, 1906, c. 3914, § 9, set forth post, under Title XLI, "Appropriations."

The committees of Congress in reporting general appropriation bills are required, as far as practicable, to follow the general order and arrangement of the respective appropriation acts for the year preceding, by a provision of Act June 22, 1906, c. 3514, § 4, set forth post, under Title XLI, "Appropriations."

ACT MARCH 2, 1895, c. 177, § 1.

Engrossing and enrolling of bills and joint resolutions.

Besides the provisions for the printing of bills and joint resolutions set forth in the note to the provision of Act March 2, 1895, c. 177, § 1, Comp. St. 1901, p. 6, the printing of bills and resolutions was provided for by Act Jan. 12, 1895, c. 23, § 55, Comp. St. 1901, p. 2554, which is amended by Act Jan. 20, 1905, c. 50, to read as set forth in that act, post, under Title XLV, "Public Printing, Advertisements, and Public Documents."

TITLE II.

THE CONGRESS.

CHAPTER ONE.

Election of Senators

Sec. 14.

When Senators to be elected.

The election of two Senators from the State of Oklahoma by the State legislature when organized was provided for by the enabling act for the admission of the State into the Union, Act June 16, 1906, c. 3335, § 21, 34 Stat. 277.

The election of two Senators from the State of New Mexico and two Senators from the State of Arizona by the legislature of each of those States when organized was provided for by the enabling act for the admission of the States into the Union, Act June 20, 1910, c. 310, §§ 16, 34, 36 Stat. 567, 578.

CHAPTER TWO.

Apportionment and Election of Representatives.

Sec. 20.

ACT JAN. 16, 1901, c. 93.

[Superseded. Act Aug. 8, 1911, c. 5.]

This act, set forth in Comp. St. 1901, p. 9, making an apportionment of Representatives among the several States under the twelfth census, is superseded by the apportionment under the thirteenth census by Act Aug. 8, 1911, c. 5, set forth below.

ACT AUG. 8, 1911, c. 5. [H. R. 2983.]

An Act for the Apportionment of Representatives in Congress among the Several States under the Thirteenth Census. (37 Stat. 13.)

Number of Representatives, and apportionment.

Be it enacted, &c., That after the third day of March, nineteen hundred and thirteen, the House of Representatives shall be composed of four hundred and thirty-three Members, to be apportioned among the several States as follows:

Alabama, ten.
Arkansas, seven.
California, eleven.
Colorado, four.
Connecticut, five.
Delaware, one.
Florida, four.
Georgia, twelve.
Idaho, two.
Illinois, twenty-seven.

Indiana, thirteen.
Iowa, eleven.
Kansas, eight.
Kentucky, eleven.
Louisiana, eight.
Maine, four.
Maryland, six.
Massachusetts, sixteen.
Michigan, thirteen.
Minnesota, ten.
Mississippi, eight.
Missouri, sixteen.
Montana, two.
Nebraska, six.
Nevada, one.
New Hampshire, two.
New Jersey, twelve.
New York, forty-three.
North Carolina, ten.
North Dakota, three.
Ohio, twenty-two.
Oklahoma, eight.
Oregon, three.
Pennsylvania, thirty-six.
Rhode Island, three.
South Carolina, seven.
South Dakota, three.
Tennessee, ten.
Texas, eighteen.
Utah, two.
Vermont, two.
Virginia, ten.
Washington, five.
West Virginia, six.
Wisconsin, eleven.
Wyoming, one.

Act Aug. 8, 1911, c. 5, § 1, 37 Stat. 13.

Representatives from Arizona and New Mexico, when admitted as States.

Sec. 2. That if the Territories of Arizona and New Mexico shall become States in the Union before the apportionment of Representatives under the next decennial census they shall have one Representative each, and if one of such Territories shall so become a State, such State shall have one Representative, which Representative or Representatives shall be in addition to the number four hundred and thirty-three, as provided in section one of this Act, and all laws and parts of laws in conflict with this section are to that extent hereby repealed.

Act Aug. 8, 1911, c. 5, § 2, 37 Stat. 14.

Previous provisions for Representatives from New Mexico and Arizona were made by the enabling act for the admission of those States, Act June 20, 1910, c. 310, §§ 5, 23, 36 Stat. 561, 571.

Election by districts.

Sec. 3. That in each State entitled under this apportionment to more than one Representative, the Representatives to the Sixty-third and each subsequent Congress shall be elected by districts composed of a contiguous and compact territory, and containing as nearly as practicable an equal number of inhabitants. The said districts shall be equal to the number of Representatives to which such State may be entitled in Congress, no district electing more than one Representative.

Act Aug. 8, 1911, c. 5, § 3, 37 Stat. 14.

Election of additional Representatives at large in cases of increase in number.

Sec. 4. That in case of an increase in the number of Representatives in any State under this apportionment such additional Representative or Representatives shall be elected by the State at large and the other Representatives by the districts now prescribed by law until such State shall be redistricted in the manner provided by the laws

thereof and in accordance with the rules enumerated in section three of this Act; and if there be no change in the number of Representatives from a State, the Representatives thereof shall be elected from the districts now prescribed by law until such State shall be redistricted as herein prescribed.

Act Aug. 8, 1911, c. 5, § 4, 37 Stat. 14.

Nominations of candidates for Representatives to be elected at large.

Sec. 5. That candidates for Representative or Representatives to be elected at large in any State shall be nominated in the same manner as candidates for governor, unless otherwise provided by the laws of such State.

Act Aug. 8, 1911, c. 5, § 5, 37 Stat. 15.

Sec. 27.

ACT JUNE 25, 1910, c. 392. [H. R. 2250.] [*As amended* 1911. H. R. 2958.]

An Act Providing for Publicity of Contributions Made for the Purpose of Influencing Elections at which Representatives in Congress are Elected. (36 Stat. 822.)

Term "political committee" defined.

Be it enacted, &c., That the term "political committee" under the provisions of this Act shall include the national committees of all political parties and the national congressional campaign committees of all political parties and all committees, associations, or organizations which shall in two or more States influence the result or attempt to influence the result of an election at which Representatives in Congress are to be elected.

Act June 25, 1910, c. 392, § 1, 36 Stat. 822.

Political committee to have chairman and treasurer; treasurer to keep account of moneys received, etc., and of expenditures, etc.

Sec. 2. That every political committee as defined in this Act shall have a chairman and a treasurer. It shall be the duty of the treasurer to keep a detailed and exact account of all money or its equivalent received by or promised to such committee or any member thereof, or by or to any person acting under its authority or in its behalf, and the name of every person, firm, association, or committee from whom received, and of all expenditures, disbursements, and promises of payment or disbursement made by the committee or any member thereof, or by any person acting under its authority or in its behalf, and to whom paid, distributed, or disbursed. No officer or member of such committee, or other person acting under its authority or in its behalf, shall receive any money or its equivalent, or expend or promise to expend any money on behalf of such committee, until after a chairman and treasurer of such committee shall have been chosen.

Act June 25, 1910, c. 392, § 2, 36 Stat. 823.

Receipts for payments, etc., by political committee; preservation thereof.

Sec. 3. That every payment or disbursement made by a political committee exceeding ten dollars in amount be evidenced by a receipted bill stating the particulars of expense, and every such record, voucher, receipt, or account shall be preserved for fifteen months after the election to which it relates.

Act June 25, 1910, c. 392, § 3, 36 Stat. 823.

Detailed account to treasurer of contributions, etc.; record thereof.

Sec. 4. That whoever, acting under the authority or in behalf of such political committee, whether as a member thereof or otherwise, receives any contribution, payment, loan, gift, advance, deposit, or promise of money or its equivalent shall, on demand, and in any event within five days after the receipt of such contribution, payment, loan, gift, advance, deposit, or promise, render to the treasurer of such political committee a detailed account of the same, together with the name and address from whom received, and said treasurer shall forthwith enter the same in a ledger or record to be kept by him for that purpose.

Act June 25, 1910, c. 392, § 4, 36 Stat. 823.

Statements by treasurer to be filed with Clerk of House of Representatives before election and after election; preservation and inspection thereof.

Sec. 5. That the treasurer of every such political committee shall, not more than fifteen days and not less than ten days next before an election at which Representatives in Congress are to be elected in two or more States, file in the office of the Clerk of the House of Representatives at Washington, District of Columbia, with said Clerk, an itemized detailed statement; and on each sixth day thereafter until such election said treasurer shall file with said Clerk a supplemental itemized detailed statement. Each of said statements shall conform to the requirements of the following section of this Act, except that the supplemental statement herein required need not contain any item of which publicity is given in a previous statement. Each of said statements shall be full and complete, and shall be signed and sworn to by said treasurer.

It shall also be the duty of said treasurer to file a similar statement with said Clerk within thirty days after such election, such final statement also to be signed and sworn to by said treasurer and to conform to the requirements of the following section of this Act. The statements so filed with the Clerk of the House shall be preserved by him for fifteen months and shall be a part of the public records of his office and shall be open to public inspection.

Act June 25, 1910, c. 392, § 5, 36 Stat. 823. Act Aug. 19, 1911, c. 33, § 1, 37 Stat. 25.

The amendment of this section by Act Aug. 19, 1911, c. 33, § 1, cited above, consists chiefly in the insertion of the requirement of statements before election as well as after.

Details of statements.

Sec. 6. That the statements required by the preceding section of this Act shall state:

Contributions, etc., of $100 or more.

First. The name and address of each person, firm, association, or committee who or which has contributed, promised, loaned, or advanced to such political committee, or any officer, member, or agent thereof, either in one or more items, money or its equivalent of the aggregate amount or value of one hundred dollars or more, and the amount or sum contributed, promised, loaned, or advanced by each.

Aggregate of contributions, etc., of less than $100.

Second. The aggregate sum contributed, promised, loaned, or advanced to such political committee, or to any officer, member, or agent thereof, in amounts of less than one hundred dollars.

Total of contributions, etc.

Third. The total sum of all contributions, promises, loans, and advances received by such political committee or any officer, member, or agent thereof.

Disbursements, etc., of $10 or more.

Fourth. The name and address of each person, firm, association, or committee to whom such political committee, or any officer, member, or agent thereof, has distributed, disbursed, contributed, loaned, advanced, or promised any sum of money or its equivalent of the amount or value of ten dollars or more, stating the amount or sum distributed, disbursed, contributed, loaned, advanced, or promised to each, and the purpose thereof.

Aggregate of disbursements, etc., of less than $10.

Fifth. The aggregate sum distributed, disbursed, contributed, loaned, advanced, or promised by such political committee, or any officer, member, or agent thereof, where the amount or value of such distribution, disbursement, loan, advance, or promise to any one person, firm, association, or committee in one or more items is less than ten dollars.

Total of disbursements, etc.

Sixth. The total sum disbursed, distributed, contributed, loaned, advanced, or promised by such political committee, or any officer, member, or agent thereof.

Act June 25, 1910, c. 392, § 6, 36 Stat. 823. Act Aug. 19, 1911, c. 33, § 1, 37 Stat. 25.

Statements by others than political committees of expenditures, etc., of $50 or more.

Sec. 7. That every person, firm, association, or committee, except political committees as hereinbefore defined, that shall expend or promise any sum of money or other thing of value amounting to fifty dollars or more for the purpose of influencing or controlling, in two or more States, the result of an election at which Representatives to the Congress of the United States are elected, unless he or it shall contribute the same to a political committee as hereinbefore defined, shall file the statements of the same under oath, as required by section six of this Act, in the office of the Clerk of the House of Representatives, at Washington, District of Columbia, which statements shall

be held by said Clerk in all respects as required by section five of this Act.

Act June 25, 1910, c. 392, § 7, 36 Stat. 824.

Term "candidate" defined.

Sec. 8. The word "candidate" as used in this section shall include all persons whose names are presented for nomination for Representative or Senator in the Congress of the United States at any primary election or nominating convention, or for indorsement or election at any general or special election held in connection with the nomination or election of a person to fill such office, whether or not such persons are actually nominated, indorsed, or elected.

Statements by candidates for nomination or election as Representatives to be filed with Clerk of House of Representatives, before election, of moneys, etc., received and expended, etc.

Every person who shall be a candidate for nomination at any primary election or nominating convention, or for election at any general or special election, as Representative in the Congress of the United States, shall, not less than ten nor more than fifteen days before the day for holding such primary election or nominating convention, and not less than ten nor more than fifteen days before the day of the general or special election at which candidates for Representatives are to be elected, file with the Clerk of the House of Representatives at Washington, District of Columbia, a full, correct, and itemized statement of all moneys and things of value received by him or by anyone for him with his knowledge and consent, from any source, in aid or support of his candidacy, together with the names of all those who have furnished the same in whole or in part; and such statement shall contain a true and itemized account of all moneys and things of value given, contributed, expended, used, or promised by such candidate, or by his agent, representative, or other person for and in his behalf with his knowledge and consent, together with the names of all those to whom any and all such gifts, contributions, payments, or promises were made, for the purpose of procuring his nomination or election.

Statements by candidates for nomination or election as Senators to be filed with Secretary of Senate, before election, of moneys, etc., received and expended, etc.

Every person who shall be a candidate for nomination at any primary election or nominating convention, or for indorsement at any general or special election, or election by the legislature of any State, as Senator in the Congress of the United States, shall, not less than ten nor more than fifteen days before the day for holding such primary election or nominating convention, and not less than ten nor more than fifteen days before the day of the general or special election at which he is seeking indorsement, and not less than five nor more than ten days before the day upon which the first vote is to be taken in the two houses of the legislature before which he is a candidate for election as Senator, file with the Secretary of the Senate at Washington, District of Columbia, a full, correct, and itemized statement of all moneys and things of value received by him or by

anyone for him with his knowledge and consent, from any source, in aid or support of his candidacy, together with the names of all those who have furnished the same in whole or in part; and such statement shall contain a true and itemized account of all moneys and things of value given, contributed, expended, used, or promised by such candidate, or by his agent, representative, or other person for and in his behalf with his knowledge and consent, together with the names of all those to whom any and all such gifts, contributions, payments, or promises were made for the purpose of procuring his nomination or election.

Statements by candidates to be filed after election of moneys, etc., received and expended, etc.

Every such candidate for nomination at any primary election or nominating convention, or for indorsement or election at any general or special election, or for election by the legislature of any State, shall, within fifteen days after such primary election or nominating convention, and within thirty days after any such general or special election, and within thirty days after the day upon which the legislature shall have elected a Senator, file with the Clerk of the House of Representatives or with the Secretary of the Senate, as the case may be, a full, correct, and itemized statement of all moneys and things of value received by him or by anyone for him with his knowledge and consent, from any source, in aid or support of his candidacy, together with the names of all those who have furnished the same in whole or in part; and such statement shall contain a true and itemized account of all moneys and things of value given, contributed, expended, used, or promised by such candidate, or by his agent, representative, or other person for and in his behalf with his knowledge and consent, up to, on, and after the day of such primary election, nominating convention, general or special election, or election by the legislature, together with the names of all those to whom any and all such gifts, contributions, payments, or promises were made for the purpose of procuring his nomination, indorsement, or election.

Statements by candidates to include statement of promises, etc., made relative to appointment, etc., or that no such promise, etc., has been made.

Every such candidate shall include therein a statement of every promise or pledge made by him, or by any one for him with his knowledge and consent or to whom he has given authority to make any such promise or pledge, before the completion of any such primary election or nominating convention or general or special election or election by the legislature, relative to the appointment or recommendation for appointment of any person to any position of trust, honor, or profit, either in the county, State, or Nation, or in any political subdivision thereof, or in any private or corporate employment, for the purpose of procuring the support of such person or of any person in his candidacy, and if any such promise or pledge shall have been made the name or names, the address or addresses, and the occupation or occupations, of the person or persons to whom such promise or pledge shall have been made, shall be stated, together with a

description of the position relating to which such promise or pledge has been made. In the event that no such promise or pledge has been made by such candidate, that fact shall be distinctly stated.

Candidates forbidden to promise office, etc.; candidates for Senator forbidden to contribute, etc., to nomination or election of candidate for legislature of State; contributions to political committees permitted.

No candidate for Representative in Congress or for Senator of the United States shall promise any office or position to any person, or to use his influence or to give his support to any person for any office or position for the purpose of procuring the support of such person, or of any person, in his candidacy; nor shall any candidate for Senator of the United States give, contribute, expend, use, or promise any money or thing of value to assist in procuring the nomination or election of any particular candidate for the legislature of the State in which he resides, but such candidate may, within the limitations and restrictions and subject to the requirements of this act, contribute to political committees having charge of the disbursement of campaign funds.

Contributions or expenditures, etc., by candidates not to exceed amount allowed under laws of State; limit of aggregate for candidates for Representative and for Senator; assessments, etc., under laws of State, and certain personal expenses, not within this section.

No candidate for Representative in Congress or for Senator of the United States shall give, contribute, expend, use, or promise, or cause to be given, contributed, expended, used, or promised, in procuring his nomination and election, any sum, in the aggregate, in excess of the amount which he may lawfully give, contribute, expend, or promise under the laws of the State in which he resides: Provided, That no candidate for Representative in Congress shall give, contribute, expend, use, or promise any sum, in the aggregate, exceeding five thousand dollars in any campaign for his nomination and election; and no candidate for Senator of the United States shall give, contribute, expend, use, or promise any sum, in the aggregate, exceeding ten thousand dollars in any campaign for his nomination and election: Provided further, That money expended by any such candidate to meet and discharge any assessment, fee, or charge made or levied upon candidates by the laws of the State in which he resides, or for his necessary personal expenses, incurred for himself alone, for travel and subsistence, stationery and postage, writing or printing (other than in newspapers), and distributing letters, circulars, and posters, and for telegraph and telephone service, shall not be regarded as an expenditure within the meaning of this section, and shall not be considered any part of the sum herein fixed as the limit of expense and need not be shown in the statements herein required to be filed.

Details in successive statements.

The statements herein required to be made and filed before the general election, or the election by the legislature at which such candidate seeks election, need not contain items of which publicity is given in a previous statement, but the statement required to be made

and filed after said general election or election by the legislature shall, in addition to an itemized statement of all expenses not theretofore given publicity, contain a summary of all preceding statements.

Person contributing, etc., to nomination or election of member of legislature, and thereafter a candidate for or elected Senator, required to comply with this section; details of statements.

Any person, not then a candidate for Senator of the United States, who shall have given, contributed, expended, used, or promised any money or thing of value to aid or assist in the nomination or election of any particular member of the legislature of the State in which he resides, shall, if he thereafter becomes a candidate for such office, or if he shall thereafter be elected to such office without becoming a candidate therefor, comply with all of the provisions of this section relating to candidates for such office, so far as the same may be applicable; and the statement herein required to be made, verified, and filed after such election shall contain a full, true, and itemized account of each and every gift, contribution, expenditure, and promise whenever made, in any wise relating to the nomination or election of members of the legislature of said State, or in any wise connected with or pertaining to his nomination and election of which publicity is not given in a previous statement.

Verification of statements; officers before whom to be made; filing statements by registered mail.

Every statement herein required shall be verified by the oath or affirmation of the candidate, taken before an officer authorized to administer oaths under the laws of the State in which he is a candidate, and shall be sworn to or affirmed by the candidate in the district in which he is a candidate for Representative, or the State in which he is a candidate for Senator in the Congress of the United States: Provided, That if at the time of such primary election, nominating convention, general or special election, or election by the State legislature said candidate shall be in attendance upon either House of Congress as a Member thereof, he may at his election verify such statements before any officer authorized to administer oaths in the District of Columbia: Provided further, That the depositing of any such statement in a regular post office, directed to the Clerk of the House of Representatives or to the Secretary of the Senate, as the case may be, duly stamped and registered within the time required herein shall be deemed a sufficient filing of any such statement under any of the provisions of this Act.

Effect of act on laws of State.

This Act shall not be construed to annul or vitiate the laws of any State, not directly in conflict herewith, relating to the nomination or election of candidates for the offices herein named, or to exempt any such candidate from complying with such State laws.

Act Aug. 19, 1911, c. 33, § 2, 37 Stat. 26.

This section was inserted as a new section after section 7 of Act June 25, 1910, c. 392, by section 2 of the amendatory act of Aug. 19, 1911, c. 33, cited above.

Personal traveling, etc., expenses, for influencing results of election of Representatives, not subject to provisions of act.

Sec. 9. That any person may in connection with such election incur and pay from his own private funds for the purpose of influencing or controlling, in two or more States, the results of an election at which Representatives to the Congress of the United States are elected, all necessary personal expenses for his traveling, for stationery, and postage, and for telegraph and telephone service without being subject to the provisions of this Act.

Act June 25, 1910, c. 392, § 8, 36 Stat. 824. Act Aug. 19, 1911, c. 33, § 2, 37 Stat. 26.

This section, which was section 8 of Act June 25, 1910, c. 392, was amended and it and sections 9 and 10 of said act were renumbered as sections 9, 10, and 11, by Act Aug. 19, 1911, c. 33, § 2, cited above.

Legal expenses in election contests not limited or affected by act.

Sec. 10. That nothing contained in this Act shall limit or affect the right of any person to spend money for proper legal expenses in maintaining or contesting the results of any election.

Act June 25, 1910, c. 392, § 9, 36 Stat. 824. Act Aug. 19, 1911, c. 33, § 2, 37 Stat. 26.

See note under preceding section.

Punishment for violation of act.

Sec. 11. That every person willfully violating any of the foregoing provisions of this Act shall, upon conviction, be fined not more than one thousand dollars or imprisoned not more than one year, or both.

Act June 25, 1910, c. 392, § 10, 36 Stat. 824. Act Aug. 19, 1911, c. 33, § 2, 37 Stat. 26.

See note under section 9 of this act.

CHAPTER FOUR.

Compensation of Members.

Sec. 35.

Salaries of members of Congress.

The repeal, by Act Jan. 20, 1874, c. 11, set forth in Comp. St. 1901, p. 16, of so much of Act March 3, 1873, c. 226, § 1, incorporated in part in Rev. St. § 35, and other sections of this chapter, as provided "for the increase of the compensation of public officers and employés, whether members of Congress, delegates, or others, except the President of the United States and the justices of the Supreme Court," and the further provision of Act Jan. 20, 1874, c. 11, that "the salaries, compensation, and allowances of all said persons, except as aforesaid, shall be as fixed by the laws in force at the time of the passage of said act" of March 3, 1873, c. 226, § 1, operated as a repeal of so much of Rev. St. § 35, as fixed the amount of the salary of each Senator, Representative, and Delegate at $7,500, and restored, as the law previously in force on the subject, the provisions of Act July 28, 1866, c. 296, § 17, set forth below.

The compensation of Senators, Representatives, Delegates and Resident Commissioner from Porto Rico is at the rate of $7,500 per annum each, on and after March 4, 1907, by Act Feb. 26, 1907, c. 1635, § 4, also set forth below.

ACT JULY 28, 1866, c. 296, § 17.

Pay and mileage of Senators, Representatives, and Delegates in Congress.

And be it further enacted, That the compensation of each Senator, Representative, and Delegate in Congress shall be five thousand dollars per annum, to be computed from the first day of the present Congress, and in addition thereto mileage at the rate of twenty cents per mile, to be estimated by the nearest route usually travelled in going to and returning from each regular session; but nothing herein contained shall affect mileage accounts already accrued under existing laws: Provided, That hereafter mileage accounts of Senators shall be certified by the President of the Senate, and those of Representatives and Delegates by the Speaker of the House of Representatives: And provided further, That the pay of the Speaker shall be eight thousand dollars per annum.

Act July 28, 1866, c. 296, § 17, 14 Stat. 323.

This section is part of the sundry civil appropriation act for the fiscal year ending June 30, 1867. It was superseded by the provisions of Act March 3, 1873, c. 226, § 1, for increased compensation, which were incorporated into the Revised Statutes; but on the repeal of those provisions, by Act Jan. 20, 1874, c. 11, Comp. St. 1901, p. 16, this section was revived, by express provision of said repealing act, as part of "the laws in force at the time of the passage of said act" so repealed. The rate of annual compensation was increased to $7,500 by Act Feb. 26, 1907, c. 1635, § 4, set forth below.

ACT FEB. 26, 1907, c. 1635, § 4. [H. R. 21574.]

Compensation of Speaker of the House, Vice-President of the United States, heads of Executive Departments, and of Senators, Representatives, Delegates, and Resident Commissioner from Porto Rico.

That on and after March fourth, nineteen hundred and seven, the compensation of the Speaker of the House of Representatives, the Vice-President of the United States and the heads of Executive Departments who are members of the President's Cabinet shall be at the rate of twelve thousand dollars per annum each, and the compensation of Senators, Representatives in Congress, Delegates from Territories, and Resident Commissioner from Porto Rico shall be at the rate of seven thousand five hundred dollars per annum each.

Act Feb. 26, 1907, c. 1635, § 4, 34 Stat. 993.

This section is part of the legislative, executive, and judicial appropriation act for the fiscal year ending June 30, 1908. It supersedes the provisions relating to the annual compensation of the members of Congress and officers named, contained in Act July 28, 1866, c. 296, § 17, set forth above, and in Rev. St. §§ 37, 154, 160, Comp. St. 1901, pp. 16, 75, 79.

This section was repealed, in so far as it related to the annual compensation of the Secretary of State, and his annual compensation was to be at the rate of $8,000, by Act Feb. 17, 1909, c. 137, set forth post, under Rev. St. § 160, Title IV, "Provisions Applicable to All the Executive Departments." Appropriations of $8,000 therefor were made for the fiscal years ending June 30, 1910, and June 30, 1911; but the sum of $12,000 was appropriated for the Secretary of State for the fiscal year ending June 30, 1912, by Act March 4, 1911, c. 237, § 1, 36 Stat. 1186.

The election of a Resident Commissioner from Porto Rico was au-

thorized by Act April 12, 1900, c. 191, § 39, 31 Stat. 86, which provided that the salary should be at the rate of $5,000 per annum.

The election of two Resident Commissioners from the Philippine Islands was authorized by Act July 1, 1902, c. 1369, § 8, 32 Stat. 694, which provided that they should be entitled to a salary at the rate of $5,000 per annum, and $2,000 additional to cover all expenses. But by a provision of Act May 22, 1908, c. 186, § 1, 35 Stat. 188, the salary of each is to be the same as that of the Resident Commissioner from Porto Rico. And by subsequent acts, providing for quadrennial election of such Resident Commissioners, to hold office for the term of four years, each of them is to be allowed the same sum for stationery and for the pay of necessary clerk hire as is allowed to Representatives, and the franking privilege enjoyed by Representatives. Act June 14, 1910, c. 291, § 2, 36 Stat. 467. Act Feb. 15, 1911, c. 81, § 2, 36 Stat. 910.

Sec. 37.

Salary of Speaker of the House.

The repeal, by Act Jan. 20, 1874, c. 11, set forth in Comp. St. 1901, p. 16, of that part of the provisions of Act March 3, 1873, c. 226, § 1, which was incorporated in Rev. St. § 37, and the further provision of said Act Jan. 20, 1874, c. 11, as stated in the above note under Rev. St. § 35, operated as a repeal of so much of Rev. St. § 37, as fixed the amount of the salary of the Speaker at $10,000, and restored, as the law previously in force on the subject, the provision of Act July 28, 1866, c. 296, § 17, set forth ante, under Rev. St. § 35, which fixed his salary at $8,000.

The compensation of the Speaker is at the rate of $12,000 per annum, on and after March 4, 1907, by Act Feb. 26, 1907, c. 1635, § 4, set forth ante, under Rev. St. § 35.

Sec. 43.

Newspapers.

The usual annual appropriation "for stationery and newspapers for Senators and the President of the Senate," mentioned in the note under this section in Comp. St. 1901, p. 18, is repeated in the legislative, executive, and judicial appropriation act for the fiscal year ending June 30, 1912, Act March 4, 1911, c. 237, § 1, 36 Stat. 1174.

Sec. 45.

Salary in lieu of all allowances, except traveling.

The repeal, by Act Jan. 20, 1874, c. 11, set forth in Comp. St. 1901, p. 16, of so much of Act March 3, 1873, c. 226, § 1, incorporated in part in Rev. St. §§ 35, 45, and in other sections of this chapter, as provided for the increase of the compensation of Senators, Representatives, and Delegates in Congress, and the further provision of Act Jan. 20, 1874, c. 11, that their salaries, compensation, and allowances should be as fixed by the laws in force at the time of the passage of said act of March 3, 1873, c. 226, § 1, operated as a repeal of so much of Rev. St. § 45, as provided for the payment to Senators, Representatives, and Delegates of "actual individual traveling expenses from their homes to the seat of government and return, by the most direct route of usual travel, once for each session of the House to which such Senator, Representative, or Delegate belongs," and restored, as the law previously in force on the subject, the provision of Act July 28, 1866, c. 296, § 17, set forth ante, under Rev. St. § 35, which fixed the compensation of each Senator, Representative, and Delegate at $5,000 per annum, "and in addition thereto mileage at the rate of twenty cents

per mile, to be estimated by the nearest route usually travelled in going to and returning from each regular session."

The rate of compensation per annum was increased to $7,500 by Act Feb. 26, 1907, c. 1635, § 4, set forth ante, under Rev. St. § 35.

Sec. 47.

Certificate of salary and accounts.

By a proviso annexed to Act July 28, 1866, c. 296, § 17, set forth ante, under Rev. St. § 35, which was incorporated into Rev. St. § 47, and was restored to force by Act Jan. 20, 1874, c. 11, as stated in the above note under Rev. St. § 45, "mileage accounts of Senators shall be certified by the President of the Senate, and those of Representatives and Delegates by the Speaker of the House of Representatives."

The Speaker is authorized to designate a substitute to sign for him all certificates required by Rev. St. § 47, by a provision of Res. Nov. 12, 1903, No. 1, set forth below.

RES. NOV. 12, 1903, No. 1. [H. J. R. 14.]

Joint Resolution Making Immediately Available the Appropriations for Mileage of Senators and Members of the House of Representatives, and for Other Purposes. (33 Stat. 1.)

Substitute for Speaker to sign certificates for salary and accounts.

Resolved, &c., * * [Part of resolution omitted makes immediately available appropriations for mileage.]

Resolved, That the Speaker is authorized to designate from time to time some one from among those appointed by him and appropriated for and employed in his office, whose duty it shall be under the direction of the Speaker to sign in his name and for him all certificates required by section forty-seven of the Revised Statutes for salary and accounts for traveling expenses in going to and returning from Congress of Representatives and Delegates.

Resolved, * * [Remainder of resolution makes immediately available appropriations for compensation of session employees of the Senate and House of Representatives.]

Res. Nov. 12, 1903, No. 1, 33 Stat. 1.

Sec. 51.

ACT MARCH 2, 1895, c. 177, § 1.

Clerks to Senators.

The usual annual appropriation for clerks to Senators who are not chairmen of committees, mentioned in the note under the provision of this act set forth in Comp. St. 1901, p. 21, is repeated in the legislative, executive, and judicial apppropriation acts for each subsequent fiscal year. Such appropriations for the year ending June 30, 1912, are for 35 annual clerks to such Senators, at $2,000 each, and for 22 stenographers to Senators who are not chairmen of committees and three stenographers to the chairmen of the three junior minority committees, at $1,200 each, by Act March 4, 1911, c. 237, § 1, 36 Stat. 1174.

Appropriations for the same fiscal year, for compensation of five clerks to Senators who are not chairmen of committees, at $2,000, and for ten stenographers to such Senators, at $1,200 each, are made by the deficiency appropriation act of March 4, 1911, c. 240, § 1, 36 Stat. 1315.

ACT JULY 7, 1898, c. 571, § 1.

Clerks to Representatives.

The usual annual appropriation for clerk hire to Members of the House of Representatives and Delegates, mentioned in the note under the provision of this act set forth in Comp. St. 1901, p. 22, is repeated in the legislative, executive, and judicial appropriation acts for each subsequent fiscal year, down to the year ending June 30, 1912. The recent acts, instead of the appropriation "to pay Members and Delegates the amounts which they certify they have paid or agree to pay for clerk hire," etc., as in previous acts, make an appropriation to pay each Member and Delegate for clerk hire a stated sum, or so much thereof as necessary. The provision for the year ending June 30, 1912, is as follows:

"Clerk hire, Members and Delegates: To pay each Member, Delegate, and Resident Commissioner, for clerk hire, necessarily employed by him in the discharge of his official and representative duties, one thousand five hundred dollars per annum, in monthly installments, five hundred and ninety-eight thousand five hundred dollars, or so much thereof as may be necessary; and Representatives and Delegates elect to Congress whose credentials in due form of law have been duly filed with the Clerk of the House of Representatives, in accordance with the provisions of section thirty-one of the Revised Statutes of the United States, shall be entitled to payment under this appropriation." Act March 4, 1911, c. 237, § 1, 36 Stat. 1180.

CHAPTER FIVE.

Officers and Persons in the Employ of the Senate and House of Representatives.

Sec. 52.

Officers and employés of Senate.

The appropriations for the officers, clerks, and employés in the service of the Senate for the fiscal year ending June 30, 1912, are contained in the legislative, executive, and judicial appropriation act of March 4, 1911, c. 237, § 1, 36 Stat. 1170–1175.

An Assistant Secretary of the Senate is authorized by a provision of Act March 3, 1905, c. 1484, § 1, set forth below.

The offices of chief clerk of the post office and messenger at the card door are created, in lieu of the offices of assistant postmaster and mail carrier and clerk provided for in previous appropriation acts, by a provision of Res. Aug. 8, 1911, No. 4, set forth below.

ACT JUNE 20, 1874, c. 328, § 1.

Limit of compensation of Sergeant-at-Arms of Senate.

The usual annual appropriation for the Sergeant-at-Arms and Doorkeeper of the Senate, increased to $6,500, and an additional sum for horse and wagon for his use, is repeated in the legislative, executive, and judicial appropriation act for the fiscal year ending June 30, 1912, Act March 4, 1911, c. 237, § 1, 36 Stat. 1173.

ACT MARCH 3, 1905, c. 1484, § 1. [H. R. 19150.]

Assistant Secretary of the Senate.

There shall be employed in the office of the Secretary of the Senate an Assistant Secretary of the Senate (Henry M. Rose), at an annual

salary of five thousand dollars, and the sum of six thousand six hundred and twenty-five dollars is hereby appropriated for the balance of the present fiscal year and for the fiscal year ending June thirtieth, nineteen hundred and six.

Act March 3, 1905, c. 1484, § 1, 33 Stat. 1245.

This is a provision of the deficiency appropriation act for the fiscal year ending June 30, 1905, cited above. The appropriation is continued in the subsequent legislative, executive, and judicial appropriation acts. The appropriation for the fiscal year ending June 30, 1912, is by Act March 4, 1911, c. 237, § 1, 36 Stat. 1170.

RES. AUG. 8, 1911, No. 4. [H. J. Res. 130.]

Chief clerk of the post office, and messenger at the card door.

The offices of assistant postmaster and mail carrier, at two thousand and eighty-eight dollars, and clerk, at one thousand six hundred dollars, as provided for in the Act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year nineteen hundred and twelve, and for other purposes, approved March fourth, nineteen hundred and eleven, be, and the same are hereby, abolished, and the following offices are hereby created in lieu thereof, to take effect July fourteenth, nineteen hundred and eleven, namely: Chief clerk of the post office, at one thousand eight hundred dollars; and messenger at the card door, at one thousand six hundred dollars.

Res. Aug. 8, 1911, No. 4, 37 Stat. 37.

This paragraph is part of a joint resolution making appropriations for certain expenses incident to the first session of the sixty-second Congress, and for other purposes, cited above.

The appropriation mentioned therein was made by Act March 4, 1911, c. 237, § 1, 36 Stat. 1174.

Sec. 53.

Officers and employés of House of Representatives.

The appropriations for the officers, clerks, and employés in the service of the House of Representatives for the fiscal year ending June 30, 1912, are contained in the legislative, executive, and judicial appropriation act of March 4, 1911, c. 237, § 1, 36 Stat. 1175–1181.

ACT JUNE 20, 1874, c. 328, § 1.

Limit of compensation of Sergeant-at-Arms of House.

The usual annual appropriation for the Sergeant-at-Arms of the House, increased to $6,500, is repeated in the legislative, executive, and judicial appropriation act for the fiscal year ending June 30, 1912, Act March 4, 1911, c. 237, § 1, 36 Stat. 1178.

Sec. 54.

ACT JUNE 22, 1874, c. 388, § 1.

Pay of official reporters.

The usual annual appropriations for reporting the debates and proceedings of each house, the Senate, $30,000, the House of Representatives, $32,500, are repeated in the legislative, executive, and judicial appropriation act for the fiscal year ending June 30, 1912, Act March 4, 1911, c. 237, § 1, 36 Stat. 1175, 1180.

Sec. 59.

ACT OCT. 1, 1890, c. 1256, § 8.

Employés in office of Sergeant-at-Arms of House.

The appropriation for the office of the Sergeant-at-Arms of the House for the fiscal year ending June 30, 1912, is contained in the legislative, executive, and judicial appropriation act of March 4, 1911, c. 237, § 1, 36 Stat. 1178.

Sec. 64.

Statements of appropriations and offices.

An appropriation for the preparation of the statement required by this section and the subsequent provisions set forth under it is made by the sundry civil appropriation act for each year. The provision for the fiscal year ending June 30, 1912, is contained in Act March 4, 1911, c. 285, § 1, 36 Stat. 1443.

Sec. 76.

Payments from contingent fund.

Further restrictions on expenditure of appropriations for contingent expenses of either House of Congress, besides those contained in Rev. St. § 3680, Comp. St. 1901, p. 2455, are imposed by a provision of Act Feb. 14, 1902, c. 17, post, under Title XLI, "Appropriations."

ACT MARCH 4, 1911, c. 240. [H. R. 32957.]

Vouchers for payments from contingent fund of House of Representatives, approved by Committee on Accounts, conclusive.

Hereafter the payments made from the contingent fund of the House of Representatives upon vouchers approved by the Committee on Accounts shall be deemed, held, and taken, and are hereby declared to be conclusive upon all the departments and officers of the Government.

Act March 4, 1911, c. 240, 36 Stat. 1318.

This is a provision of the deficiency appropriation act for the fiscal year 1911, cited above.

CHAPTER SIX.

The Library of Congress.

Sec. 82.

Joint Committee on Library.

The number of members of each house constituting the committee is increased by Res. Feb. 7, 1902, No. 5, set forth below.

RES. FEB. 7, 1902, No. 5.

Joint Resolution Increasing the Membership of the Joint Committee of Congress upon the Library. (32 Stat. 735.)

Joint Committee on Library increased.

Resolved, &c., That the Joint Committee of Congress upon the Library, authorized by section eighty-two of the Revised Statutes, shall hereafter consist of five members of the Senate and five members of the House of Representatives.

Res. Feb. 7, 1902, No. 5, 32 Stat. 735.

Secs. 88-91.

ACT FEB. 19, 1897, c. 265, § 1.

Librarian of Congress, officers and employés, and Superintendent of Library building and grounds.

The provisions of this act, set forth in Comp. St. 1901, p. 49, relating to the Register of Copyrights, are superseded by those relating to that officer and to the Copyright Office, contained in Act March 4, 1909, c. 320, §§ 48-61, set forth post, under Title LX, "Patents, Trade-Marks, and Copyrights," c. 3.

The appropriations for the Library, and for the custody, care, and maintenance of the Library building and grounds, for the fiscal year ending June 30, 1912, are contained in the legislative, executive, and judicial appropriation act of March 4, 1911, c. 237, § 1, 36 Stat. 1181-1184.

Sec. 94.

Persons specially privileged to use Library.

The sale to the public of copies of the card indexes and other publications of the Library is authorized by a provision of Act June 28, 1902, c. 1301, § 1, set forth below.

ACT JUNE 28, 1902, c. 1301, § 1.

Sale of copies of card indexes and other publications.

The Librarian of Congress is hereby authorized to furnish to such institutions or individuals as may desire to buy them, such copies of the card indexes and other publications of the Library as may not be required for its ordinary transactions, and charge for the same a price which will cover their cost and ten per centum added, and all moneys received by him shall be deposited in the Treasury.

Act June 28, 1902, c. 1301, § 1, 32 Stat. 480.

This is a provision of the sundry civil appropriation act for the fiscal year ending June 30, 1903, cited above.

Sec. 98.

Deposit in Library of journals of Senate and House.

The transfer to the Library of books, etc., from executive departments, bureaus, or commissions, is authorized by Res. Feb. 21, 1902, No. 6, and by a provision of Act Feb. 25, 1903, c. 755, § 1, set forth below.

RES. FEB. 21, 1902, No. 6.

Joint Resolution Authorizing the Transfer to the Library of Congress of the Library of State Reports, and so forth. (32 Stat. 736.)

Transfer to Library of books and papers of Industrial Commission.

Resolved, &c., That all volumes and pamphlets published by the several States and Territories and collected by the Industrial Commission, also official minutes of the Commission and files of correspondence, are hereby directed to be turned over by the Industrial Commission to the Librarian of Congress, subject to the further orders of Congress.

Res. Feb. 21, 1902, No. 6, 32 Stat. 736.

The official minutes and files of correspondence of the Industrial Commission deposited with the Librarian of Congress by this resolution, and

volumes and pamphlets constituting the library of the Industrial Commission, not needed for the uses of the Library of Congress, were transferred to the Department of Commerce and Labor, by Res. March 4, 1907, No. 26, set forth below.

ACT FEB. 25, 1903, c. 755, § 1.

Transfer to Library of books, etc., from departments, bureaus, or commissions.

The head of any Executive department or bureau or any commission of the Government is hereby authorized from time to time to turn over to the Librarian of Congress, for the use of the Library of Congress, any books, maps, or other material in the library of the department, bureau, or commission no longer needed for its use, and in the judgment of the Librarian of Congress appropriate to the uses of the Library of Congress.

Any books of a miscellaneous character no longer required for the use of such department, bureau, or commission, and not deemed an advisable addition to the Library of Congress, shall, if appropriate to the uses of the Free Public Library of the District of Columbia, be turned over to that library for general use as a part thereof.

Act Feb. 25, 1903, c. 755, § 1, 32 Stat. 865.

These are provisions of the legislative, executive, and judicial appropriation act for the fiscal year ending June 30, 1904, cited above.

RES. MARCH 4, 1907, No. 26. [H. J. R. 211.]

Joint Resolution Authorizing the Transfer of the Files, Books, and Pamphlets of the Industrial Commission. (34 Stat. 1425.)

Transfer to Department of Commerce and Labor of minutes and files of correspondence and books of Industrial Commission.

Resolved, &c., That all official minutes and files of correspondence of the Industrial Commission deposited with the Librarian of Congress by the joint resolution of February twenty-first, nineteen hundred and two, be transferred to the Department of Commerce and Labor, to become the property of said Department. The Librarian of Congress is hereby authorized to select from the volumes and pamphlets constituting the library of the Industrial Commission such publications as may be needed for the uses of the Library of Congress, which books shall become the property of the Library of Congress, and to turn over the residue of such volumes and pamphlets to the Department of Commerce and Labor, to become the property of the said Department.

Res. March 4, 1907, No. 26, 34 Stat. 1425.

The transfer to the Library of Congress of the minutes, etc., and books mentioned in this resolution was directed by Res. Feb. 21, 1902, No. 6, set forth above.

ACT MARCH 4, 1909, c. 297, § 1. [H. R. 23464.]

Transfer to other libraries of books and material, and disposition of useless material.

The Librarian of Congress may from time to time transfer to other governmental libraries within the District of Columbia, including the Public Library, books and material in the possession of the Library of Congress in his judgment no longer necessary to its uses, but in

the judgment of the custodians of such other collections likely to be useful to them, and may dispose of or destroy such material as has become useless.

Act March 4, 1909, c. 297, § 1, 35 Stat. 858.

This is a provision of the legislative, executive, and judicial appropriation act for the fiscal year ending June 30, 1910, cited above.

TITLE III.

THE PRESIDENT.

CHAPTER TWO.

Office and Compensation of the President.

Sec. 153.

President's salary.

The compensation of the President, after March 3, 1909, is $75,000 per annum, by a provision of Act March 4, 1909, c. 297, § 1, set forth below.

The payment of the traveling expenses of the President, not exceeding $25,000 per annum, is provided for by Act June 23, 1906, c. 3523, set forth below.

ACT JUNE 23, 1906, c. 3523. [H. R. 20321.]

An Act To Provide for the Traveling Expenses of the President of the United States. (34 Stat. 454.)

President's traveling expenses.

Be it enacted, &c., That hereafter there may be expended for or on account of the traveling expenses of the President of the United States such sum as Congress may from time to time appropriate, not exceeding twenty-five thousand dollars per annum, such sum when appropriated to be expended in the discretion of the President and accounted for on his certificate solely.

There is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the purposes authorized by this Act for the fiscal year nineteen hundred and seven, the sum of twenty-five thousand dollars.

Act June 23, 1906, c. 3523, 34 Stat. 454.

This appropriation is repeated in subsequent sundry civil appropriation acts. The provision for the fiscal year ending June 30, 1912, is by Act March 4, 1911, c. 285, § 1, 36 Stat. 1404.

ACT MARCH 4, 1909, c. 297, § 1. [H. R. 23464.]

President's compensation.

For compensation of the President of the United States, seventy-five thousand dollars, and after the third of March, nineteen hundred and nine, the compensation of the President of the United States shall be seventy-five thousand dollars per annum; a sufficient sum to pay the increase in the compensation of the President herein authorized from March fourth to June thirtieth, nineteen hundred and nine, inclusive, is hereby appropriated.

Act March 4, 1909, c. 297, § 1, 35 Stat. 859.

This is a provision of the legislative, executive, and judicial appropriation act for the fiscal year ending June 30, 1910, cited above.

Sec. 154.

Vice-President's salary.

The compensation of the Vice-President is at the rate of $12,000 per annum, on and after March 4, 1907, by Act Feb. 26, 1907, c. 1635, § 4, set forth ante, under Rev. St. § 35.

Sec. 155.

Officers of the President's household.

The usual annual appropriations for the Secretary to the President, executive clerk and other clerks, etc., in the office of the President, and for contingent expenses of the Executive Office, are made by the legislative, executive and judicial appropriation act for the fiscal year ending June 30, 1912, Act March 4, 1911, c. 237, § 1, 36 Stat. 1184.

The appointment of an officer of the Signal Corps as chief of the telegraph and cipher bureau of the Executive Office is authorized by a provision of Act March 2, 1903, c. 975, set forth post, under Title XIV, "The Army," c. 1.

The detail of employés of the Executive Departments and other Government establishments to the office of the President for temporary assistance is authorized by a provision of Act Feb. 3, 1905, c. 297, § 1, set forth below.

The usual annual appropriations for care, repair, and refurnishing of the Executive Mansion, and for horses and vehicles for official purposes, for care, etc. of greenhouses, for fuel, and for lighting, are made by the sundry civil appropriation act for the fiscal year ending June 30, 1912, Act March 4, 1911, c. 285, § 1, 36 Stat. 1404.

Accommodations for the horses, carriages, and other vehicles of the President and of the Executive Office are to be provided by the Quartermaster General of the Army, by a provision of Act March 4, 1911, c. 285, § 1, set forth below.

Provisions for the custody of the plate, furniture, and public property in the Executive Mansion, and for an annual inventory thereof, are contained in Act June 25, 1910, c. 384, § 9, set forth post, under Rev. St. §§ 156, 157.

ACT FEB. 3, 1905, c. 297, § 1. [H. R. 15895.]

Detail of employés of Executive Departments and other Government establishments to the office of the President.

* * That employees of the Executive Departments and other establishments of the executive branch of the Government may be detailed from time to time to the office of the President of the United States, for such temporary assistance as may be necessary.

Act Feb. 3, 1905, c. 297, § 1, 33 Stat. 642.

This is a proviso annexed to the appropriation for officers, clerks, and employés in the office of the President, in the legislative, executive, and judicial appropriation act for the fiscal year ending June 30, 1906, cited above. It is repeated in the similar acts for subsequent years. The provision for the fiscal year ending June 30, 1912, is by Act March 4, 1911, c. 237, § 1, 36 Stat. 1185.

ACT MARCH 4, 1911, c. 285, § 1. [H. R. 32909.]

Accommodations for horses, carriages, etc., to be provided by Quartermaster General of the Army.

The Quartermaster General of the Army shall provide suitable accommodations for the horses, carriages, and other vehicles of the

President and of the Executive Office, in the stables maintained in the District of Columbia by and for the use of his department.

Act March 4. 1911, c. 285, § 1, 36 Stat. 1404.

This is a provision of the sundry civil appropriation act for the fiscal year ending June 30, 1912, cited above.

Secs. 156, 157.

[Superseded. Act June 25, 1910, c. 384, § 9.]

The provisions of these sections and of Act April 17, 1900, c. 192, § 1, set forth in Comp. St. 1901, pp. 76, 77, for the custody of the other public property in and belonging to the Executive Mansion, and for an annual inventory thereof, are superseded by Act June 25, 1910, c. 384, § 9, set forth below.

ACT APRIL 17, 1900, c. 192, § 1.

[Superseded. Act June 25, 1910, c. 384, § 9.]

See note under Rev. St. §§ 156, 157, above.

ACT JUNE 25, 1910, c. 384, § 9. [H. R. 25552.]

Custody and annual inventory of public property in and belonging to Executive Mansion.

Sec. 9. Hereafter the steward, housekeeper, or such other employee of the Executive Mansion as the President may designate, shall, under the direction of the President, have the charge and custody of and be responsible for the plate, furniture, and public property therein, and shall, before entering upon the duties of the office, give bond for the faithful discharge thereof, said bond to be in the sum of ten thousand dollars, and be approved by the Secretary of War. And hereafter a complete inventory, in proper books, shall be made annually in the month of June, under the direction of the officer in charge of public buildings and grounds, of all the public property in and belonging to the Executive Mansion, showing when purchased, its cost, condition, and final disposition. This inventory shall be submitted to the President for his approval, and shall then be kept for reference in the Office of Public Buildings and Grounds, which shall furnish a copy thereof to the steward, housekeeper, or other employee responsible for the property.

Act June 25, 1910, c. 384, § 9, 36 Stat. 773.

This section is part of the sundry civil appropriation act for the fiscal year ending June 30, 1911, cited above. It supersedes previous similar provisions of Rev. St. §§ 156, 157, and Act April 17, 1900, c. 192, § 1, Comp. St. 1901, pp. 76, 77.

Other previous requirements of an annual statement and an inventory of such property with other public property are contained in Rev. St. §§ 1832, 1833, Comp. St. 1901, p. 1247.

TITLE IV.

PROVISIONS APPLICABLE TO ALL THE EXECUTIVE DEPARTMENTS.

Sec. 158.

Application of provisions of this Title.

This section is amended to include the Department of Commerce and Labor, and the provisions of this Title of the Revised Statutes, including all amendments thereto, are made applicable to said Department, by Act Feb. 14, 1903, c. 552, § 1, post, under Title XII A, "The Department of Commerce and Labor."

Sec. 159.

Word "Department."

The Department of Commerce and Labor is included in this definition by Act Feb. 14, 1903, c. 552, § 1, post, under Title XII A, "The Department of Commerce and Labor."

Sec. 160.

Salaries of heads of Departments.

The compensation of the heads of Executive Departments who are members of the President's Cabinet is at the rate of $12,000 per annum each, by Act Feb. 26, 1907, c. 1635, § 4, set forth ante, under Title II, "The Congress," c. 4. That section was repealed, in so far as it related to the annual compensation of the Secretary of State, which was fixed at $8,000, by Act Feb. 17, 1909, c. 137, and Act March 4, 1909, c. 297, § 1, set forth post, under Title V, "The Department of State." But the sum of $12,000 is appropriated for the Secretary of State for the fiscal year ending June 30, 1912, by Act March 4, 1911, c. 237, § 1, 36 Stat. 1186.

Sec. 161.

Departmental regulations.

The application of this section to the Post Office Department is not to be affected by anything contained in the postal service appropriation act of April 28, 1904, c. 1759, § 1, by a provision of that act set forth below.

Appropriations "to enable the President, by the employment of accountants and experts from official and private life, to more effectively inquire into the methods of transacting the public business of the Government in the several executive departments and other government establishments, with the view of inaugurating new or changing old methods of transacting such public business so as to attain greater efficiency and economy therein, and to ascertain and recommend to Congress what changes in law may be necessary to carry into effect such results of his inquiry as can not be carried into effect by executive action alone," were made by the sundry civil appropriation acts for the fiscal years ending June 30, 1911, and June 30, 1912, Act June 25, 1910, c. 384, § 1, 36 Stat. 703, and Act March 4, 1911, c. 285, § 1, 36 Stat. 1363.

ACT APRIL 28, 1904, c. 1759, § 1. [H. R. 13521.]

Departmental regulations not affected by provisions of act.

* * That nothing in this Act contained shall be construed to repeal or in any manner modify section one hundred and sixty-one of the Revised Statutes of the United States in its application to the Post-Office Department.

Act April 28, 1904, c. 1759, § 1, 33 Stat. 439.

This is a proviso annexed to the appropriations for the free delivery service in the postal service appropriation act for the fiscal year ending June 30, 1905, cited above.

Sec. 162.

ACT MARCH 3, 1893, c. 211, § 5.

Hours of labor and leaves of absence of clerks and other employés.

In addition to the provisions for leaves of absence to various officers referred to in the note to this section, in Comp. St. 1901, p. 81, such leaves to employés of certain bureaus of the Department of Agriculture, outside of the city of Washington, are authorized by various provisions set forth post, under Title XII, "The Department of Agriculture."

Sec. 167.

Salaries of persons employed in the Departments.

The rates of pay of various classes of employés provided for in the legislative, executive, and judicial appropriation acts for recent fiscal years were fixed by similar provisions of section 2 of each of said acts. The provisions for the year ending June 30, 1912, in Act March 4, 1911, c. 237, § 2, are set forth post, under Title XIX, "Provisions Applicable to Several Classes of Officers."

Rules for division of time and computation of pay for services rendered, where the compensation of any person in the service of the United States is annual or monthly, are prescribed by Act June 30, 1906, c. 3914, § 6, set forth post, under Title XIX, "Provisions Applicable to Several Classes of Officers."

The appropriations made for the officers, clerks, and persons employed in the public service are not to be available for the compensation of any persons incapacitated, otherwise than temporarily, for performing such service, by a provision repeated in each annual legislative, executive, and judicial appropriation act. The provision for the fiscal year ending June 30, 1912, is contained in Act March 4, 1911, c. 237, § 3, set forth post, under Title XIX, "Provisions Applicable to Several Classes of Officers."

Sec. 169.

ACT AUG. 5, 1882, c. 389, § 4.

Officers, clerks, and other employés as specifically provided for each year.

The employment in the Department of State of personal services other than those specifically authorized or appropriated for is forbidden by a provision of Act June 22, 1906, c. 3514, § 1, set forth post, under Title V, "The Department of State."

The transfer of clerks or other employés in the classified service from one Department to another is restricted by Act June 22, 1906, c. 3514, § 5, set forth below.

The detail of civil officers, clerks, or other subordinate employés in the public service outside the District of Columbia, for duty in any Executive Department in the District, is restricted by Act June 22, 1906 c. 3514, § 6, also set forth below.

ACT JUNE 22, 1906, c. 3514, §§ 5, 6. [H. R. 16472.]

Transfer of clerks or other employés from one Department to another.

Sec. 5. It shall not be lawful hereafter for any clerk or other employee in the classified service in any of the Executive Departments to be transferred from one Department to another Department until such clerk or other employee shall have served for a term of three years in the Department from which he desires to be transferred.

Act June 22, 1906, c. 3514, § 5, 34 Stat. 449.

This section is part of the legislative, executive, and judicial appropriation act for the fiscal year ending June 30, 1907, cited above.

Detail of civil officers, clerks, or other employés in public service outside District of Columbia for duty in Department in the District.

Sec. 6. Hereafter it shall be unlawful to detail civil officers, clerks, or other subordinate employees who are authorized or employed under or paid from appropriations made for the military or naval establishments, or any other branch of the public service outside of the District of Columbia, except those officers and employees whose details are now specially provided by law, for duty in any bureau, office, or other division of any Executive Department in the District of Columbia, except temporary details for duty connected with their respective offices.

Act June 22, 1906, c. 3514, § 6, 34 Stat. 449.

This section is part of the legislative, executive, and judicial appropriation act for the fiscal year ending June 30, 1907, cited above.

By a proviso in section 1 of the same act, the detail of clerks or other employés from the Departments to the Civil Service Commission, for duty in the District of Columbia. for or during the fiscal year 1907, was forbidden. The prohibition is renewed, for and during the subsequent fiscal years, by a similar proviso in the legislative, executive and judicial appropriation act for each year. The provision for the year ending June 30, 1912, in Act March 4, 1911, c. 237, § 1, is set forth post, under Title XIX, "Provisions Applicable to Several Classes of Officers," subtitle "Civil Service."

Sec. 178.

Vacancies in subordinate offices.

The senior commissioned medical officer, detailed for duty in the Public Health and Marine Hospital Bureau at Washington, having charge of the administrative divisions thereof, is the "assistant," within the meaning of this section, by Act July 1, 1902, c. 1370, § 3, post, under Title LVIII, "The Public Health."

Sec. 182.

ACT MARCH 28, 1896, c. 73.

Commissions of officers under Secretaries of Departments.

Similar provisions relating to officers under the direction and control of the Postmaster-General and the Secretary of Commerce and Labor are contained in Act March 3, 1905, c. 1422, set forth below.

Other similar provisions, relating to commissions of officers under the direction and control of the Secretary of the Interior, are contained in Act March 3, 1875, c. 131, § 14, Comp. St. 1901, p. 251, and relating to commissions of judicial officers and other officers under the Department of Justice, in Act Aug. 8, 1888, c. 786, Comp. St. 1901, p. 205.

The effect of these acts, taken together, is to require all commissions to be made out and recorded in the Department in which the officer is to serve.

ACT MARCH 3, 1905, c. 1422. [S. 6744.]

An Act Relative to the Commissions of Officers who are under the Direction and Control of the Postmaster-General and the Secretary of Commerce and Labor, Respectively. (33 Stat. 990.)

Commissions of officers under Postmaster-General and Secretary of Commerce and Labor.

Be it enacted, &c., That hereafter the commissions of all officers under the direction and control of the Postmaster-General and the Secretary of Commerce and Labor shall be made out and recorded in the Post-Office Department and the Department of Commerce and Labor, respectively, and the Department seal affixed thereto, any laws to the contrary notwithstanding: Provided, That the said seal shall not be affixed to any such commission before the same shall have been signed by the President of the United States. And all commissions heretofore issued by the Department of Commerce and Labor with the seal of that Department affixed are hereby declared legal and valid.

Act March 3, 1905, c. 1422, 33 Stat. 990.

This act supersedes provisions of Rev. St. § 395, and Act March 18, 1874, c. 57, Comp. St. 1901, pp. 223, 224, relating to commissions of postmasters and others.

Sec. 183. [*As amended* 1901.]

[Amended. Act Feb. 13, 1911, c. 43.]

This section, set forth, as amended by Act March 2, 1901, c. 809, § 3, in Comp. St. 1901, p. 92, is further amended by Act Feb. 13, 1911, c. 43, set forth below.

ACT FEB. 13, 1911, c. 43. [S. 4239.]

An Act to Amend Section One hundred and eighty-three of the Revised Statutes. (36 Stat. 898.)

Amendment of Rev. St. § 183.

Be it enacted, &c., That section one hundred and eighty-three of the Revised Statutes of the United States be, and is hereby, amended so as to read as follows:

Oaths to witnesses, authority of officers, etc., to administer.

"Sec. 183. Any officer or clerk of any of the departments lawfully detailed to investigate frauds on, or attempts to defraud, the Government, or any irregularity or misconduct of any officer or agent of the United States, and any officer of the Army, Navy, Marine Corps or Revenue-Cutter Service, detailed to conduct an investigation, and the recorder, and if there be none the presiding officer, of any military, naval, or Revenue-Cutter Service board appointed for such purpose, shall have authority to administer an oath to any witness attending to testify or depose in the course of such investigation."

Act Feb. 13, 1911, c. 43, 36 Stat. 898.

Rev. St. § 183, amended by this act, is set forth in Comp. St. 1901, p. 92.

Sec. 185.

Witnesses' fees.

Fees allowed witnesses in United States courts are prescribed by Rev. St. § 848, and Act Aug. 3, 1892, c. 361, following that section, Comp. St. 1901, pp. 654, 655.

Sec. 192.

Expenditures for newspapers.

Special expenditures for newspapers for the Bureau of Labor, in the Department of Commerce and Labor, for the purpose of procuring strike data, are authorized by the legislative, executive, and judicial appropriation act for the fiscal year ending June 30, 1912, Act March 4, 1911, c. 237, § 1, 36 Stat. 1227.

So much of Rev. St. § 192, as requires newspapers purchased for the Departments to be preserved as files is repealed by Act June 22, 1906, c. 3514, § 7, set forth below.

ACT JUNE 22, 1906, c. 3514, § 7. [H. R. 16472.]

Repeal, in part, of Rev. St. § 192.

So much of section one hundred and ninety-two of the Revised Statutes of the United States as requires newspapers purchased for the use of the Executive Departments to be preserved for the permanent files of such Departments be, and the same is hereby, repealed.

Act June 22, 1906, c. 3514, § 7, 34 Stat. 449.

This section is part of the legislative, executive, and judicial appropriation act for the fiscal year ending June 30, 1907, cited above.

Sec. 193.

Annual report of expenditure of contingent funds.

Provisions authorizing the Public Printer to furnish certain supplies to the departments, subsequent to the provisions for printing and binding referred to in the note under this section, in Comp. St. 1901, p. 96, are contained in Act June 28, 1902, c. 1301, § 1, post, under Title XLV, "Public Printing, Advertisements, and Public Documents."

The Surgeon General of the Public Health and Marine Hospital Service is required to transmit annually to the Secretary of the Treasury for transmission to Congress a full and complete report of the transactions of the Service, including a detailed statement of receipts and disbursements, by Act July 1, 1902, c. 1370, § 9, post, under Title LVIII, "The Public Health."

Restrictions on payments from appropriations of expenses of horses, carriages, etc., for personal use of officers, or for purchasing, maintaining, driving, or operating carriages or vehicles for the personal or official use of any officer or employé of any of the Executive Departments or other Government establishments at Washington, D. C., contained in Act March 18, 1904, c. 716, § 1, and Act Feb. 3, 1905, c. 297, § 1, are set forth post, under Title XIX, "Provisions Applicable to Several Classes of Officers."

Restrictions on the use of appropriations made for printing and binding, and on the printing of books and documents for the Executive Departments, contained in Acts March 3, 1905, c. 1483, § 1, and c. 1484, § 1, are set forth post, under Title XLV, "Public Printing, Advertisements, and Public Documents."

Sec. 197. [*As amended* 1877.]

Inventories of property.

The Secretary of Commerce and Labor has charge, in the buildings or premises occupied by or appropriated to the [illegible] of Com-

merce and Labor, of the library, furniture, fixtures, records, and other property of the Department, by provisions of the act to establish the Department, Act Feb. 14, 1903, c. 552, § 9, post, under Title XII A, "The Department of Commerce and Labor."

ACT FEB. 16, 1889, c. 171.

Accumulation of useless papers in the Departments.

Special provisions for the disposition of accumulations of useless papers in the Department of Agriculture, contained in Act March 4, 1907, c. 2907, are set forth post, under Title XII, "The Department of Agriculture," c. A.

TITLE V.

THE DEPARTMENT OF STATE.

Sec. 199.

ACT FEB. 17, 1909, c. 137, § 1. [S. 9295.]

An Act in Relation to the Salary of the Secretary of State. (35 Stat. 626.)

Salary of Secretary of State.

Be it enacted, &c., That section four of the Act entitled "An Act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June thirtieth, nineteen hundred and eight, and for other purposes," approved February twenty-sixth, nineteen hundred and seven, fixing the annual compensation of heads of executive departments, be, and the same is hereby, repealed in so far as the same relates to the annual compensation of the Secretary of State; and the annual compensation of the Secretary of State shall be at the rate of eight thousand dollars.

Act Feb. 17, 1909, c. 137, § 1, 35 Stat. 626.

Section 4 of Act Feb. 26, 1907, c. 1635, which fixed the compensation of the heads of Executive Departments who are members of the President's Cabinet at the rate of $12,000 per annum each, and which is repealed in part by this act, is set forth ante, under Title II, "The Congress," c. 4.

An appropriation of $8,000, for compensation of the Secretary of State, was made for the fiscal year ending June 30, 1910, by a provision of Act March 4, 1909, c. 297, § 1, set forth below, and a like appropriation, for the succeeding fiscal year, by Act June 17, 1910, c. 297, § 1, 36 Stat. 483. But the sum of $12,000 was appropriated for the Secretary of State, for the fiscal year ending June 30, 1912, by Act March 4, 1911, c. 237, § 1, 36 Stat. 1186.

Emoluments of office of Secretary of State.

Sec. 2. That on and after March fourth, nineteen hundred and nine, there shall be no emoluments attached to the office of Secretary of State other than those which by the law in force on the first day of May, nineteen hundred and four, belonged and were then attached to said office.

Act Feb. 17, 1909, c. 137, § 2, 35 Stat. 626.

Time of taking effect of act.

Sec. 3. That this Act shall take effect and be in force from and after March fourth, nineteen hundred and nine.

Act Feb. 17, 1909, c. 137, § 3, 35 Stat. 626.

ACT MARCH 4, 1909, c. 297, § 1. [H. R. 23464.]

Compensation of Secretary of State.

For compensation of the Secretary of State, eight thousand dollars, and the annual compensation of the Secretary of State, including all emoluments or allowances fixed by law, except such as were fixed by

law prior to the twenty-sixth day of February, nineteen hundred and seven, after the third day of March, nineteen hundred and nine, is hereby fixed at eight thousand dollars, and all laws or parts of laws providing different compensation, emoluments, or allowances, are hereby repealed, to take effect on the third day of March, nineteen hundred and nine, except that so much of the unexpended balance of the appropriation of twelve thousand dollars for the salary of the Secretary of State for the fiscal year nineteen hundred and nine as may be necessary is hereby made available to pay the said salary as herein fixed at the rate of eight thousand dollars per annum from March fourth, until June thirtieth, nineteen hundred and nine, inclusive; * *

Act March 4, 1909, c. 297, § 1, 35 Stat. 861.

This is a provision of the legislative, executive, and judicial appropriation act for the fiscal year ending June 30, 1910, cited above.

The sum of $8,000 was again appropriated for the Secretary of State for the fiscal year ending June 30, 1911, by Act June 17, 1910, c. 297, § 1, 36 Stat. 483. But the appropriation for the fiscal year ending June 30, 1912, is increased to $12,000, by Act March 4, 1911, c. 237, § 1, 36 Stat. 1186.

Sec. 200.

Assistant Secretaries of State.

The appropriation for the compensation of the Assistant Secretaries for the fiscal year ending June 30, 1912, is, for Assistant Secretary, $5,000; Second and Third Assistant Secretaries, $4,500 each. Act March 4, 1911, c. 237, § 1, 36 Stat. 1186.

Sec. 201.

Subordinate officers, etc.

The appropriations for the officers, clerks, and employés in the Department for the fiscal year ending June 30, 1912, are contained in the legislative, executive, and judicial appropriation act of March 4, 1911, c. 237, § 1, 36 Stat. 1186.

An assistant solicitor for the Department was authorized by appropriations in Act April 17, 1900, c. 192, § 1, 31 Stat. 97, and in subsequent similar acts. Two assistant solicitors were authorized by a provision of Act June 22, 1906, c. 3514, § 1, set forth below, which is repeated in subsequent acts.

A law clerk, and assistant, to edit the laws of Congress and perform other duties, are authorized by provisions of Act Feb. 25, 1903, c. 755, § 1, and subsequent acts, set forth or referred to below.

A bureau to obtain information for the Department of Commerce and Labor is established in the Department by Act Feb. 14, 1903, c. 552, § 11, set forth below.

An appropriation for two clerks, to be employed by the Department of State, and to be charged with the distribution of information among the diplomatic missions, made by a provision of Act March 2, 1909, c. 235, set forth below, is repeated in the subsequent legislative, executive and judicial appropriation acts.

An appropriation for expenses in connection with foreign trade relations within the jurisdiction of the Department, and for the maintenance of a division of far eastern affairs in the Department, was made by a provision of Act Aug. 5, 1909, c. 7, set forth below, and further appropriations for various officers, clerks, etc., and for expenses for advancement of commercial and other interests as provided in that act, were made by a provision of Act June 17, 1910, c. 297, § 1, also set

forth below, and were repeated in Act March 4, 1911, c. 237, § 1, 36 Stat. 1186.

No personal services are to be employed in the Department or in connection with it in the District of Columbia, other than those specifically authorized or appropriated for, by a provision of Act June 22, 1906, c. 3514, § 1, set forth below.

ACT FEB. 20, 1897, c. 268.

Bureau of Foreign Commerce.

The Bureau of Foreign Commerce is transferred from the Department of State to the Department of Commerce and Labor, and consolidated with the Bureau of Statistics, transferred in like manner from the Department of the Treasury, to constitute one Bureau, to be called the Bureau of Statistics, by provisions of the act to establish the Department of Commerce and Labor, Act Feb. 14, 1903, c. 552, § 4, post, under Title XII A, "The Department of Commerce and Labor."

ACT FEB. 14, 1903, c. 552, § 11.

Bureau to obtain information for Department of Commerce and Labor.

A person, to be designated by the Secretary of State, shall be appointed to formulate, under his direction, for the instruction of consular officers, the requests of the Secretary of Commerce and Labor; and to prepare from the dispatches of consular officers, for transmission to the Secretary of Commerce and Labor, such information as pertains to the work of the Department of Commerce and Labor; and such person shall have the rank and salary of a chief of bureau, and be furnished with such clerical assistants as may from time to time be authorized by law.

Act Feb. 14, 1903, c. 552, § 11, 32 Stat. 830.

This section is a part of the act to establish the Department of Commerce and Labor, cited above, other provisions of which are set forth post, under Title XII A, "The Department of Commerce and Labor."

ACT FEB. 25, 1903, c. 755, § 1.

Law clerk, and assistant, to edit laws, etc.

* * law clerk, and assistant, to be selected and appointed by the Secretary of State, to edit the laws of Congress and perform such other duties as may be required of them, at two thousand five hundred dollars and one thousand five hundred dollars, respectively; * *

Act Feb. 25, 1903, c. 755, § 1, 32 Stat. 866.

This is a provision of the legislative, executive, and judicial appropriation act for the fiscal year ending June 30, 1904, cited above. It is repeated in the subsequent similar acts for each fiscal year. The provision for the fiscal year ending June 30, 1912, is by Act March 4, 1911, c. 237, § 1, 36 Stat. 1186.

A provision for the appointment of a law clerk for the same purpose was contained in the preceding acts, Act March 3, 1901, c. 830, § 1, 31 Stat. 972, and Act April 28, 1902, c. 594, § 1, 32 Stat. 132.

ACT JUNE 22, 1906, c. 3514, § 1. [H. R. 16472.]

Assistant Solicitors.

* * two assistant solicitors of the Department of State, to be appointed by the Secretary of State, at three thousand dollars each; * *

Act June 22, 1906, c. 3514, § 1, 34 Stat. 402.

This is a provision of the legislative, executive, and judicial appropriation act for the fiscal year ending June 30, 1907, cited above. It

is repeated in subsequent similar acts. The provision for the fiscal year ending June 30, 1912, is by Act March 4, 1911, c. 237, § 1, 36 Stat. 1186.

A provision for the appointment of one Assistant Solicitor was contained in Act April 17, 1900, c. 192, § 1, 31 Stat. 97, and was repeated in subsequent similar acts preceding this provision.

Personal services other than those provided for not to be employed.

* * That hereafter there shall not be employed in the Department of State or in connection with said Department in the District of Columbia any personal services other than those which shall be specifically authorized or appropriated for.

Act June 22, 1906, c. 3514, § 1, 34 Stat. 402.

This is a proviso annexed to an appropriation for the Department in the legislative, executive, and judicial appropriation act for the fiscal year ending June 30, 1907, cited above.

ACT MARCH 2, 1909, c. 235. [H. R. 27523.]

Clerks for distribution of information among diplomatic missions.

For two clerks to be employed by the Department of State and to be charged with the distribution of information among the diplomatic missions, one at the rate of one thousand eight hundred dollars per annum, and one at the rate of one thousand six hundred dollars per annum; in all, three thousand four hundred dollars.

Act March 2, 1909, c. 235, 35 Stat. 675.

This is a provision of the diplomatic and consular appropriation act for the fiscal year ending June 30, 1910, cited above. It is repeated in the subsequent legislative, executive and judicial appropriation acts. The provision for the fiscal year ending June 30, 1912, is by Act March 4, 1911, c. 237, § 1, 36 Stat. 1186.

ACT AUG. 5, 1909, c. 7. [H. R. 11570.]

Foreign trade relations; appropriations for expenses; statement of expenditures; estimates for further appropriations.

Foreign trade and treaty relations: For defraying the necessary expenses incurred in connection with foreign trade relations which come within the jurisdiction of the Department of State, under tariff legislation and otherwise, and in the negotiation and preparation of treaties, arrangements, and agreements for the advancement of commercial and other interests of the United States, and for the maintenance of a division of far eastern affairs in the Department of State, including the payment of necessary employees, at the seat of government or elsewhere, to be selected, and their compensation fixed, by the Secretary of State and to be expended under his direction, fiscal year nineteen hundred and ten, one hundred thousand dollars. A detailed statement showing expenditures, including salaries or rates of compensation paid, under this appropriation shall be reported to Congress by the Secretary of State on the first day of each regular session; and estimates for further appropriations hereunder shall include in detail salaries for all persons to be employed and paid in the Department of State at Washington, District of Columbia.

Act Aug. 5, 1909, c. 7, 36 Stat. 119.

These are provisions of the urgent deficiency act for the fiscal year 1909, cited above. The appropriation is for that year only, but the further provisions accompanying it appear to be intended as permanent, and further appropriations for various officers, clerks, etc., and for ex-

penses for advancement of commercial and other interests as provided in this act were made by a provision of Act June 17, 1910, c. 297, § 1, set forth below, and were repeated in Act March 4, 1911, c. 237, § 1, 36 Stat. 1186.

ACT JUNE 17, 1910, c. 297, § 1. [H. R. 22643.]

Foreign trade relations; advancement of commercial and other interests; officers, clerks, etc., and expenses.

For the following now authorized and paid from a general appropriation made in the urgent deficiency appropriation Act approved August fifth, nineteen hundred and nine, namely: Advancement of commercial and other interests as provided in the Act approved August fifth, nineteen hundred and nine: Director of the consular service, at four thousand five hundred dollars; counselor for the Department of State and resident diplomatic officer, each at a salary of seven thousand five hundred dollars, and to be appointed by the Secretary of State in accordance with the provisions of the Act approved August fifth, nineteen hundred and nine; eight officers to aid in important drafting work, four at salaries of four thousand five hundred dollars each and four at salaries of three thousand dollars each, to be appointed by the Secretary of State in accordance with the Act approved August fifth, nineteen hundred and nine, and to be employed upon tariff, treaty and trade relations and negotiations, any one of whom may be employed as chief of division of far eastern, Latin-American, near eastern, or European affairs, or upon other work in connection with foreign relations; assistant solicitor at a salary of three thousand dollars; law clerk, at a salary of two thousand five hundred dollars; one clerk of class four; three clerks of class three; two clerks of class one; three clerks, at one thousand dollars each; three assistant messengers; for rent of rooms outside of the Department of State, to accommodate the Bureau of Trade Relations and the Bureau of Accounts, or other offices, not to exceed five thousand five hundred dollars; for meeting occasional and unforseen expenses arising in connection with foreign trade relations which come within the jurisdiction of the Department of State under tariff legislation and otherwise, and in the negotiation and preparation of treaties, arrangements, and agreements for the advancement of commercial and other interests, including the appointment of necessary employees at the seat of government or elsewhere, to be selected and compensated under the provisions of the said Act of August fifth, nineteen hundred and nine, twenty-five thousand three hundred and forty dollars; in all, one hundred thousand dollars.

Act June 17, 1910, c. 297, § 1, 36 Stat. 484.

These are provisions of the legislative, executive, and judicial appropriation act for the fiscal year ending June 30, 1911, cited above. They are repeated in the similar act for the next fiscal year, Act March 4, 1911, c. 237, § 1, 36 Stat. 1186. That act also continues an appropriation for a "Chief of Bureau of Trade Relations," $2,500.

Sec. 211.

Publication of commercial information.

The provisions of this section and of subsequent acts set forth or referred to under it, in Comp. St. 1901, pp. 106, 107, relating to the pub-

lication by the Department of State of commercial information, may be regarded as practically superseded, to some extent, by the establishment of the Department of Commerce and Labor, the transfer to that Department from the Department of State of the Bureau of Foreign Commerce, and its consolidation with the Bureau of Statistics transferred in like manner from the Department of the Treasury, by Act Feb. 14, 1903, c. 552, § 4, post, under Title XII A, "The Department of Commerce and Labor," and by provisions of that and subsequent acts for obtaining and publishing such information, which are also set forth or referred to under that Title.

Sec. 212.

Passports.

The issue of passports to persons who have made declarations of intention to become citizens, and who have resided in the United States three years, is authorized by Act March 2, 1907, c. 2534, § 1, set forth post, under Title XXV, "Citizenship."

Duplicates of any evidence, registration, or other acts required by said Act March 2, 1907, c. 2534, relating to the expatriation of citizens and their protection abroad, are to be filed with the Department of State for record, by section 7 of said act, set forth post, under Title XXV, "Citizenship."

TITLE VI.

THE DEPARTMENT OF WAR.

Sec. 215.

Subordinate officers.

The appropriations for the officers, clerks, and employés in the Department for the fiscal year ending June 30, 1912, are contained in the legislative, executive, and judicial appropriation act of March 4, 1911, c. 237, § 1, 36 Stat. 1203–1206.

A Bureau of Insular Affairs is established in the Department by Act July 1, 1902, c. 1369, § 87, set forth below.

A General Staff Corps of the Army, to be composed of officers detailed from the Army at large, is established by Act Feb. 14, 1903, c. 553, set forth post, under Title XIV, "The Army," c. 1. Subsequent provisions forbidding the detail to or assignment to duty with any office or bureau of the War Department of clerks or other employés at headquarters of divisions, departments, or the office of the Chief of Staff, or such detail from the Department to the office of the General Staff, contained in Act June 22, 1906, c. 3514, § 1, and Act March 23, 1910, c. 115, are also set forth post, under Title XIV, "The Army," c. 1.

In connection with the establishment of a department of the Army, to be known as the Military Secretary's Department, constituted of the officers of the Adjutant-General's Department, except the Adjutant-General, and the officers of the [illegible] Office, by provisions of Act April 23, 1904, c. 1485, set forth post, under Title XIV, "The Army," c. 1, other accompanying provisions of the same act, also set forth under said Title and chapter, constitute the Adjutant-General's Office and the Record and Pension Office, previously bureaus of the War Department, a consolidated bureau to be known as the Military Secretary's Office of the War Department. Subsequent provisions relating to the bureaus so consolidated, contained in Act April 27, 1904, c. 1630, § 1, are set forth below. The Military Secretary's Department is to be known as the Adjutant-General's Department, and the Military Secretary's Office of the War Department is to be known as the Adjutant-General's Office, by provisions of Act March 2, 1907, c. 2511, set forth post, under Title XIV, "The Army," c. 1.

The superintendent of the State, War, and Navy building is also to act as [illegible] of certain annex buildings, by a provision of Act May 22, 1906, c. 186, § 1, set forth below.

ACT AUG. 5, 1882, c. 389, § 1.

Skilled draftsmen, civil engineers, and other employés in office of Chief of Engineers.

The provision of this act and of subsequent annual appropriation acts, set forth in Comp. St. 1901, p. 112, is repeated, in the same language, omitting, after the word "surveys," the words "for military defenses," in the legislative, executive, and judicial appropriation acts for subsequent fiscal years. The provision for the fiscal year ending June 30, 1912, by Act March 4, 1911, c. 237, § 1, is set forth below.

In the similar act for the fiscal year ending June 30, 1905, Act March 18, 1904, c. 716, § 1, 33 Stat. 115, an appropriation was made for services of skilled draftsmen and others in the office of the Chief of Ordnance, and in Act June 22, 1906, c. 3514, § 1, 34 Stat. 419, an appropriation was made for such services in the Signal Office; and both provisions are repeated in the similar acts for subsequent years. The pro-

visions for the fiscal year ending June 30, 1912, in Act March 4, 1911, c. 237, § 1, are set forth below.

Similar provisions of the same acts for employment of draftsmen, etc., in certain bureaus in the Navy Department, are referred to post, under Title X, "The Department of the Navy."

A provision for the employment of professional and other assistants in the office of the Chief of Engineers in the performance of the duties imposed by the river and harbor improvement acts, contained in Act March 3, 1909, c. 264, § 14, 35 Stat. 836, was repealed by a provision of Act June 17, 1910, c. 297, § 1, 36 Stat. 503.

ACT MAY 9, 1892, c. 62.

Record and Pension Office.

Provisions for the compilation, by the chief of the Record and Pension office, of a complete roster of the Union and Confederate armies, are contained in Act Feb. 25, 1903, c. 755, § 1, set forth post, under Rev. St. § 217.

The officers of the Record and Pension Office, with the officers of the Adjutant-General's Department of the Army, are constituted one department of the Army to be known as the Military Secretary's Department, and the Adjutant-General's Office and the Record and Pension Office, previously constituting bureaus of the War Department, are constituted a consolidated bureau to be known as the Military Secretary's Office of the War Department, by provisions of Act April 23, 1904, c. 1485, set forth post, under Title XIV, "The Army," c. 1. Subsequent provisions relating to the bureaus so consolidated, contained in Act April 27, 1904, c. 1630, § 1, are set forth below. The Military Secretary's Department is to be known as the Adjutant-General's Department, and the Military Secretary's Office of the War Department is to be known as the Adjutant-General's Office, by provisions of Act March 2, 1907, c. 2511, set forth post, under Title XIV, "The Army," c. 1.

Provisions relating to vacancies in the office of Assistant Chief of the Record and Pension Office, and to changes of the titles of that officer and other officers, contained in Act April 23, 1904, c. 1485, Act March 2, 1905, c. 1307, and Act March 2, 1907, c. 2511, are set forth post, under Title XIV, "The Army," c. 1.

ACT JULY 1, 1902, c. 1369, § 87.

Bureau of Insular Affairs.

That the Division of Insular Affairs of the War Department, organized by the Secretary of War, is hereby continued until otherwise provided, and shall hereafter be known as the Bureau of Insular Affairs of the War Department. The business assigned to said Bureau shall embrace all matters pertaining to civil government in the island possessions of the United States subject to the jurisdiction of the War Department; and the Secretary of War is hereby authorized to detail an officer of the Army whom he may consider especially well qualified, to act under the authority of the Secretary of War as the chief of said Bureau; and said officer while acting under said detail shall have the rank, pay, and allowances of a colonel.

Act July 1, 1902, c. 1369, § 87, 32 Stat. 712.

This section is a part of the act to provide temporarily for the civil government of the Philippine Islands, cited above.

So much of this section as authorizes the detail of an officer of the Army to act as chief of the Bureau is superseded by the provisions for the appointment of a Chief of the Bureau, by Act June 25, 1906, c. 3528, and for the detail of officers of the Army to act as assistants to the Chief of the Bureau, by Act March 2, 1907, c. 2511, and Act March 23, 1910, c. 115, set forth below.

ACT APRIL 27, 1904, c. 1630, § 1. [H. R. 15054.]

Consolidation of Adjutant General's Office and Record and Pension Office in Military Secretary's Office; appropriations made available; employés transferred to consolidated bureau.

That whenever the office of the Adjutant-General and the Record and Pension Office shall be consolidated by operation of law, any appropriation available at the time of such consolidation, or that may thereafter become available, for the support of either of those offices shall be equally available for the support of the bureau formed by the consolidation, and all employees provided by law for either of said offices, except such employees as were transferred by the Secretary of War to the Military Information Division of the General Staff prior to April first, nineteen hundred and four, shall be regarded as employees of the consolidated bureau and shall be exclusively engaged upon the work of that bureau as required in the case of the employees of the Record and Pension Office by the Acts making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal years nineteen hundred and four and nineteen hundred and five.

Act April 27, 1904, c. 1630, § 1, 33 Stat. 401.

This is a provision, under the head "War Department," in the deficiency appropriation act for the fiscal year ending June 30, 1904, cited above. The consolidation of the Adjutant-General's Office and the Record and Pension Office, previously bureaus of the War Department, into the Military Secretary's Office of the War Department, mentioned in this provision, was authorized, in connection with the establishment of a department of the Army, to be known as the Military Secretary's Department, constituted of the officers of the Adjutant-General's Department, except the Adjutant-General, and the officers of the Record and Pension Office, by provisions of Act April 23, 1904, c. 1485, set forth post, under Title XIV, "The Army," c. 1. The Military Secretary's Department is to be known as the Adjutant-General's Department, and the Military Secretary's Office of the War Department is to be known as the Adjutant-General's Office, by provisions of Act March 2, 1907, c. 2511, also set forth post, under Title XIV, "The Army," c. 1.

The requirements of the appropriation acts for the fiscal years 1904 and 1905, mentioned in this provision, are contained in Act Feb. 25, 1903, c. 755, § 1, 32 Stat. 884, and Act March 18, 1904, c. 716, § 1, 33 Stat. 114. A similar requirement as to employés provided for by the appropriation for the Military Secretary's Office of the War Department in the legislative, executive, and judicial appropriation act for the fiscal year ending June 30, 1906, is contained in that act, Act Feb. 3, 1905, c. 297, § 1, 33 Stat. 659.

Provisions relating to vacancies in the office of Assistant Chief of the Record and Pension Office, and to changes of the titles of that officer and other officers, contained in Act April 23, 1904, c. 1485, Act March 2, 1905, c. 1307, and Act March 2, 1907, c. 2511, are set forth post, under Title XIV, "The Army," c. 1.

ACT JUNE 25, 1906, c. 3528. [S. 4109.]

An Act to Increase the Efficiency of the Bureau of Insular Affairs of the War Department. (34 Stat. 456.)

Chief of Bureau of Insular Affairs.

Be it enacted, &c., That the Chief of the Bureau of Insular Affairs of the War Department shall hereafter be appointed by the President for the period of four years, unless sooner relieved, with the advice

and consent of the Senate, and while holding that office he shall have the rank, pay, and allowances of a brigadier-general.

Act June 25, 1906, c. 3528, 34 Stat. 456.

Before this act, an officer of the Army was to be detailed as chief of the Bureau, with the rank, pay, and allowances of a colonel, under Act July 1, 1902, c. 1369, § 87, set forth above.

The detail of officers of the Army, to act as assistants to the Chief of the Bureau, is authorized by provisions of Act March 2, 1907, c. 2511, and Act March 23, 1910, c. 115, set forth below.

ACT MARCH 2, 1907, c. 2511. [H. R. 23551.]

Assistant to Chief of Bureau of Insular Affairs.

* * That the Secretary of War is hereby authorized to detail an officer of the Army, whom he may consider especially well qualified, to act as principal assistant to the Chief of the Bureau of Insular Affairs of the War Department, and said principal assistant while acting under said detail shall have the rank, pay, and allowances of a major: And provided further, That the provisions of section twenty-seven of the Act of February second, nineteen hundred and one, with reference to the transfer of officers of the line to the departments of the staff for tours of service, shall apply to the vacancy created by this Act and to the return of the officer so detailed to the line of the Army.

Act March 2, 1907, c. 2511, 34 Stat. 1162.

This is a provision following appropriations for officers of the Bureau of Insular Affairs, in the Army appropriation act for the fiscal year ending June 30, 1908, cited above.

Act Feb. 2, 1901, c. 192, § 27, mentioned in this section, is set forth in Comp. St. 1901, p. 800.

The appointment of an additional officer of the Army as assistant to the Chief of the Bureau is authorized by a provision of Act March 23, 1910, c. 115, set forth below.

ACT MAY 22, 1908, c. 186, § 1. [H. R. 16882.]

Duties of superintendent of State, War, and Navy building extended to annex buildings.

The superintendent of the State, War, and Navy building shall also act as superintendent of the Navy Department Annex, or Mills Building, and the State Department Annex building.

Act May 22, 1908, c. 186, § 1, 35 Stat. 218.

This is a provision of the legislative, executive, and judicial appropriation act for the fiscal year ending June 30, 1909, cited above.

ACT MARCH 23, 1910, c. 115. [H. R. 15384.]

Additional assistant to Chief of Bureau of Insular Affairs.

The Secretary of War is hereby authorized to detail one additional officer of the army as assistant to the Chief of the Bureau of Insular Affairs, under the same provisions of law in regard to the vacancy in the line thus created and return to the line as govern in the case of the assistant authorized by the Act of March second, nineteen hundred and seven; and the assistant herein authorized while serving in this capacity shall have the rank, pay, and allowances of colonel; and both officers detailed in the Bureau of Insular Affairs shall hereafter be designated, while on this duty, as assistants to the chief of the bureau.

Act March 23, 1910, c. 115, 36 Stat. 248.

This is a provision following appropriations for pay of the staff corps,

etc., in the Army appropriation act for the fiscal year ending June 30, 1912, cited above.

The provision of Act March 2, 1907, c. 2511, mentioned in this section, is set forth above.

ACT MARCH 4, 1911, c. 237, § 1. [H. R. 29360.]

Skilled draftsmen and other employés in Signal Office.

The services of skilled draftsmen and such other services as the Secretary of War may deem necessary may be employed only in the Signal Office to carry into effect the various appropriations for fortifications and other works of defense, to be paid from such appropriations, in addition to the foregoing employees appropriated for in the Signal Office: Provided, That the entire expenditures for this purpose for the fiscal year ending June thirtieth, nineteen hundred and twelve, shall not exceed twenty-five thousand dollars, and that the Secretary of War shall each year in the annual estimates report to Congress the number of persons so employed, their duties, and the amount paid to each.

Act March 4, 1911, c. 237, § 1, 36 Stat. 1204.

This is a provision following an appropriation for the Signal Office in the legislative, executive, and judicial appropriation act for the fiscal year ending June 30, 1912, cited above. A similar provision was made in the similar acts for preceding years.

Skilled draftsmen and other employés in office of Chief of Ordnance.

The services of skilled draftsmen and such other services, not clerical, as the Secretary of War may deem necessary, may be employed in the office of the Chief of Ordnance to carry into effect the various appropriations for the armament of fortifications, and for the arming and equipping of the organized militia, to be paid from such appropriations, in addition to the amount specifically appropriated for draftsmen in the Army Ordnance Bureau: Provided, That the entire expenditures for this purpose for the fiscal year ending June thirtieth, nineteen hundred and twelve, shall not exceed fifty thousand dollars, and that the Secretary of War shall each year in the annual estimates report to Congress the number of persons so employed, their duties, and the amount paid to each.

Act March 4, 1911, c. 237, § 1, 36 Stat. 1205.

This is a further provision, following an appropriation for the office of the Chief of Ordnance, in the legislative, executive, and judicial appropriation act for the fiscal year ending June 30, 1912, cited above.

A similar provision was made for the fiscal year ending June 30, 1905, by Act March 18, 1904, c. 716, § 1, 33 Stat. 115, and was repeated in the subsequent similar acts for each year. The words "and for the arming and equipping of the organized militia," and the words "their duties," near the end of the proviso, were inserted in Act June 22, 1906, c. 3514, § 1, 34 Stat. 420, and in the subsequent acts.

Skilled draftsmen, civil engineers, and other employés in office of Chief of Engineers.

And the services of skilled draftsmen, civil engineers, and such other services as the Secretary of War may deem necessary, may be employed only in the office of the Chief of Engineers, to carry into effect the various appropriations for rivers and harbors, fortifications, and surveys to be paid from such appropriations: Provided, That the expenditures on this account for the fiscal year nineteen hundred

and twelve, shall not exceed forty-two thousand dollars; and that the Secretary of War shall each year, in the annual estimates, report to Congress the number of persons so employed, their duties, and the amount paid to each.

Act March 4, 1911, c. 237, § 1, 36 Stat. 1205.

This is a further provision, following an appropriation for the office of the Chief of Engineers, in the legislative, executive, and judicial appropriation act for the fiscal year ending June 30, 1912, cited above.

A similar provision was made for the fiscal year ending June 30, 1883, by Act Aug. 5, 1882, c. 389, § 1, set forth in Comp. St. 1901, p. 112, and was repeated in the subsequent similar acts for each year. The limit of the amount to be expended was fixed at $10,000, and the words "their duties," near the end of the proviso, were first inserted in Act June 22, 1906, c. 3514, § 1, 34 Stat. 420.

Sec. 217.

Custody of the departmental records and property.

The compilation from the records of a complete roster of the Union and Confederate armies is authorized by a provision of Act Feb. 25, 1903, c. 755, § 1, set forth below.

The transfer of military rolls and records of wars prior to the civil war, from other Departments to the War Department, is provided for by Res. April 28, 1904, No. 35, set forth below.

ACT FEB. 25, 1903, c. 755, § 1.

Roster of Union and Confederate armies.

* * That under the direction of the Secretary of War the Chief of the Record and Pension Office shall compile, from such official records as are in the possession of the United States and from such other authentic records as may be obtained by loan from the various States and other official sources, a complete roster of the officers and enlisted men of the Union and Confederate armies.

Act Feb. 25, 1903, c. 755, § 1, 32 Stat. 884.

This is a proviso annexed to an appropriation for the Record and Pension Office in the legislative, executive, and judicial appropriation act for the fiscal year ending June 30, 1904, cited above.

The Record and Pension Office, mentioned in this provision, is consolidated with the Adjutant-General's Office, as bureaus of the War Department, to constitute a consolidated bureau, to be known as the Military Secretary's Office of the War Department, by provisions of Act April 23, 1904, c. 1485, set forth post, under Title XIV, "The Army," c. 1. And the Military Secretary's Office is to be known as the Adjutant-General's Office, by provisions of Act March 2, 1907, c. 2511, set forth post, under Title XIV, "The Army," c. 1.

RES. APRIL 28, 1904, No. 35. [H. J. R. 29.]

Joint Resolution Providing for the Transfer of Certain Military Rolls and Records from the Interior and Other Departments to the War Department. (33 Stat. 591.)

Military rolls and records of wars prior to civil war.

Resolved, &c., That the military rolls and records of the Indian wars or any other wars prior to the civil war, now preserved in the Interior or other Departments, be transferred to the War Department, to be pre-

served in the Record and Pension Office of that Department, and that they shall be properly indexed and arranged for use.

Res. April 28, 1904, No. 35, 33 Stat. 591.

A similar provision for the transfer to the Navy Department of naval records, rolls, etc., of wars, down to the War of the Rebellion, contained in Act April 27, 1904, c. 1630, § 1, is set forth post, under Title X, "The Department of the Navy."

Sec. 218.

Collecting flags, etc.

Provisions for the disposition of certain Union and Confederate battle flags, in the custody of the Department, are contained in Res. Feb. 28, 1905, No. 22, and Res. June 29, 1906, No. 43, set forth below.

RES. FEB. 28, 1905, No. 22. [H. J. R. 217.]

Joint Resolution to Return to the Proper Authorities Certain Union and Confederate Battle Flags. (33 Stat. 1284.)

Return of Union and Confederate battle flags to State authorities.

Resolved, &c., That the Secretary of War be, and he is hereby, authorized to deliver to the proper authorities of the respective States in which the regiments which bore these colors were organized certain Union and Confederate battle flags now in the custody of the War Department, for such final disposition as the aforesaid proper authorities may determine.

Res. Feb. 28, 1905, No. 22, 33 Stat. 1284.

RES. JUNE 29, 1906, No. 43. [H. J. R. 92.]

Joint Resolution Authorizing the Secretary of War to Deliver to the Southern Historical Society Certain Unidentified Battle Flags. (34 Stat. 837.)

Disposition of unidentified Confederate battle flags.

Resolved, &c., That the Secretary of War be, and he is hereby, authorized to deliver to the Confederate Memorial Literary Society of Richmond, Virginia, all of the Confederate battle flags now in the custody of the War Department which it has been found impossible, after thorough investigation, to trace to the former ownership or custody of the troops of any particular State.

Res. June 29, 1906, No. 43, 34 Stat. 837.

Sec. 224.

Loss of certificate of discharge.

Further provisions for the issue of a certificate in lieu of a lost certificate, to any officer or enlisted man honorably discharged from the military service, as well as to those who served in the War of the Rebellion, as provided by this section, are made by Act July 1, 1902, c. 1353, set forth below.

ACT JULY 1, 1902, c. 1353.

An Act to Authorize the Secretary of War to Furnish Certificates in Lieu of Lost or Destroyed Discharges. (32 Stat. 629.)

Certificate in lieu of lost certificate of discharge.

Be it enacted, &c., That whenever satisfactory proof shall be furnished to the War Department that any officer or enlisted man who has been or shall hereafter be honorably discharged from the military service of the United States has lost his certificate of discharge, or the same has been destroyed without his privity or procurement, the Secretary of War shall be authorized to furnish to such officer or enlisted man, or to the widow of such officer or enlisted man, a certificate of such discharge, to be indelibly marked, so that it may be known as a certificate in lieu of a lost or destroyed discharge: Provided, That such certificate shall not be accepted as a voucher for the payment of any claim against the United States for pay, bounty, or other allowance, or as evidence in any other case.

Act July 1, 1902, c. 1353, 32 Stat. 629.

Sec. 227.

Surplus maps and publications of Signal Office.

The sale by the Secretary of Agriculture of any surplus maps or publications of the Weather Bureau, the money received to be deposited in the Treasury of the United States, notwithstanding this section, is authorized by a provision of Act March 4, 1907, c. 2907, set forth post, under Title XII, "The Department of Agriculture," c. B.

Sec. 229.

Annual statement of [expenditure of contingent funds].

The Secretary is directed to submit to Congress annually a report of expenditures made by him in the execution of the requirements as to issue of arms, etc., to the militia, of Act Jan. 21, 1903, c. 196, § 13, as amended by Act May 27, 1908, c. 204, § 8, by a proviso annexed to that section as so amended, set forth post, under Title XVI, "The Militia."

Sec. 231.

Report of examinations of river and harbor improvements.

Provisions directing the Secretary of War to superintend and control all property formerly under the control of the Missouri River Commission created by Act July 5, 1884, c. 229, § 1, set forth in Comp. St. 1901, p. 3530, and to expend the unexpended balances of the appropriations for such commission, are contained in Act June 13, 1902, c. 1079, § 1, post, under Title LXIII, "Rivers and Harbors," subchapter "Mississippi and Missouri River Commissions."

Provisions authorizing the Secretary of War to sell land or other property acquired for river and harbor improvements when no longer needed or when no longer serviceable are contained in Act June 13, 1902, c. 1079, § 5, post, under Title LXIII, "Rivers and Harbors," subchapter "Improvement of Rivers and Harbors."

Provisions authorizing the Secretary of War to complete works for river and harbor improvements by contract or otherwise are contained in Act March 2, 1907, c. 2509, § 1, post, under Title LXIII, "Rivers and Harbors," subchapter "Improvement of Rivers and Harbors."

Sec. 232.

[Repealed. Act Jan. 21, 1903, c. 196, § 25.]

This section is expressly repealed by the act to promote the efficiency of the militia, and for other purposes, mentioned above, which act contains more comprehensive provisions of the same nature. Act Jan. 21, 1903, c. 196, §§ 12, 25, post, under Title XVI, "The Militia."

TITLE VII.

THE DEPARTMENT OF THE TREASURY.

CHAPTER ONE.

The Department.

Sec. 235.

ACT MARCH 3, 1875, c. 130, § 2.

Organization of Department, offices, and salaries.

The appropriations for the officers, clerks, and employés in the Department for the fiscal year ending June 30, 1912, are contained in the legislative, executive, and judicial appropriation act of March 4, 1911, c. 237, § 1, 36 Stat. 1187–1194.

The chief clerk is made the chief executive officer of the department, and may be designated to sign official papers and documents during the temporary absence of the Secretary and the assistant secretaries, by a provision of Act March 4, 1911, c. 237, § 1, set forth below.

The position of deputy auditor in the offices of the six Auditors is abolished, by a further provision of Act March 4, 1911, c. 237, § 1, set forth post, under chapter 4 of this Title, "The Auditors."

The appropriations for Deputy Commissioners in the office of the Commissioner of Internal Revenue for the fiscal year ending June 30, 1912, are, Deputy Commissioner, $4,000; Deputy Commissioner, $3,600. Act March 4, 1911, c. 237, § 1, 36 Stat. 1193.

ACT AUG. 5, 1882, c. 389, § 1.

Skilled draftsmen, civil engineers, and other employés in office of Supervising Architect.

The provision of this act and of subsequent annual appropriation acts, set forth in Comp. St. 1901, p. 127, was repeated, in substantially the language of the appropriation for the year ending June 30, 1902, as given in the note under that provision, in the legislative, executive, and judicial appropriation acts and the deficiency appropriation acts down to Act May 22, 1908, c. 186, § 1, 35 Stat. 201, for the fiscal year ending June 30, 1909. The deficiency appropriation act of May 30, 1908, c. 227, § 1, 35 Stat. 490, contained a further authorization of the employment of such services, during the same fiscal year, with provisos annexed thereto that the services authorized by that act and the previous act for that year should be paid from and charged against appropriations for construction of public buildings made in whole or in part prior to July 1, 1907.

Subsequent appropriations for such services for each fiscal year are made by the sundry civil appropriation acts, under the head "General Expenses of Public Buildings," to give effect to the provisions relating to appropriations for public buildings of the public buildings act of May 30, 1908, c. 228, § 6, set forth post, under Title XLI, "Appropriations." The provision for the fiscal year ending June 30, 1912, is by Act March 4, 1911, c. 285, § 1, 36 Stat. 1386.

Provisions for employment of draftsmen, etc., in certain offices of the War Department, are set forth or referred to ante, under Title VI, "The Department of War," and in certain bureaus of the Navy Department, post, under Title X, "The Department of the Navy."

ACT JULY 31, 1894, c. 174, § 10.

Division of Bookkeeping and Warrants.

The Secretary of the Treasury is authorized to change the methods of bookkeeping in the Department, and to install a double entry system of bookkeeping, and an appropriation is made to pay for services of such of the force of the Division of Bookkeeping and Warrants as may be needed to carry the change into effect, by a provision of Act March 4, 1907, c. 2919, § 1, set forth below.

ACT MARCH 4, 1907, c. 2919, § 1. [H. R. 25851.]

Change in methods of bookkeeping in Department; appropriation.

To enable the Secretary of the Treasury to effect a change in the methods of bookkeeping in the Treasury Department, and to install a double-entry system of bookkeeping, five thousand dollars, or so much thereof as may be necessary, is hereby appropriated, to remain available until expended; said sum to be used by the Secretary of the Treasury, as he shall determine, in payment for services of such of the force of the Division of Bookkeeping and Warrants of the Treasury Department as may be needed to carry the change into effect, notwithstanding the provisions of sections one hundred and seventy, seventeen hundred and sixty-three, seventeen hundred and sixty-four, and seventeen hundred and sixty-five of the Revised Statutes.

Act March 4, 1907, c. 2919, § 1, 34 Stat. 1372.

This is a provision of the deficiency appropriation act for the fiscal year ending June 30, 1907, cited above.

The Division of Bookkeeping and Warrants, mentioned therein, was established by Act July 31, 1894, c. 174, § 10, set forth in Comp. St. 1901, p. 128.

ACT JUNE 17, 1910, c. 297, § 1. [H. R. 22643.]

Deputy disbursing clerk.

Offices of disbursing clerks: Disbursing clerk, three thousand dollars; deputy disbursing clerk, two thousand seven hundred and fifty dollars; * * The deputy disbursing clerk herein provided for shall have authority to sign checks in the name of the disbursing clerk; he shall give bond to the disbursing clerk in such sum as the said disbursing clerk may require, and when so acting for the disbursing clerk shall be subject to all the liabilities and penalties prescribed by law for the official misconduct in like cases of the disbursing clerk for whom he acts, and the official bond of the disbursing clerk executed hereunder shall be made to cover and apply to the acts of the deputy disbursing clerk.

Act June 17, 1910, c. 297, § 1, 36 Stat. 487.

These are provisions of the legislative, executive, and judicial appropriation act for the fiscal year ending June 30, 1911, cited above.

ACT MARCH 4, 1911, c. 237, § 1. [H. R. 29360.]

Chief clerk to be chief executive officer of department; designation to sign official papers, etc.

Office of chief clerk and superintendent: Chief clerk, including three hundred dollars as superintendent of Treasury building, who shall be the chief executive officer of the department and who may be designated by the Secretary of the Treasury to sign official papers

and documents during the temporary absence of the Secretary and the assistant secretaries of the department, four thousand dollars;

Act March 4, 1911, c. 237, § 1, 36 Stat. 1187.
This is a provision of the legislative, executive, and judicial appropriation act for the fiscal year ending June 30, 1912, cited above.

Appropriations for Bureau of Engraving and Printing; other appropriations not to be used for services in Bureau, except in cases of emergency.

Bureau of Engraving and Printing: Director, six thousand dollars; assistant director, three thousand five hundred dollars; chief of division of assignments and reviews, three thousand dollars; chief clerk, two thousand five hundred dollars; stenographer, one thousand eight hundred dollars; clerk of class four; six clerks of class three; nine clerks of class two; nine clerks of class one; eight clerks, at one thousand dollars each; disbursing agent, two thousand four hundred dollars; storekeeper, one thousand six hundred dollars; assistant storekeeper, one thousand dollars; clerk in charge of purchases and supplies, two thousand dollars; ten clerks, at nine hundred dollars each; six clerks, at eight hundred and forty dollars each; sixteen clerks, at seven hundred and eighty dollars each; nine attendants, at six hundred dollars each; two helpers, at nine hundred dollars each; two helpers, at seven hundred and twenty dollars each; two helpers, at six hundred dollars each; three messengers; seven assistant messengers; captain of the watch, one thousand four hundred dollars; two lieutenants of the watch, at nine hundred dollars each; forty-six watchmen; two forewomen of charwomen, at five hundred and forty dollars each; nineteen day charwomen, at four hundred dollars each; fifty-two morning and evening charwomen, at three hundred dollars each; foreman of laborers, nine hundred dollars; four laborers; seventy-five laborers, at five hundred and forty dollars each; in all, two hundred and fifteen thousand one hundred and sixty dollars; and no other fund appropriated by this or any other Act shall be used for services, in the Bureau of Engraving and Printing, of the character specified in this paragraph, except in cases of emergency arising after the passage of this Act, and then only on the written approval of the Secretary of the Treasury.

Act March 4, 1911, c. 237, § 1, 36 Stat. 1193.
These are further provisions of the legislative, executive, and judicial appropriation act for the fiscal year ending June 30, 1912, cited above. Similar provisions were contained in the acts for previous years.

ACT MARCH 4, 1911, c. 285, § 1. [H. R. 32909.]

Punishment of violations of internal revenue laws.

Punishment for violations of internal-revenue laws: For detecting and bringing to trial and punishment persons guilty of violating the internal-revenue laws or conniving at the same, including payments for information and detection of such violations, one hundred and fifty thousand dollars; and the Commissioner of Internal Revenue shall make a detailed statement to Congress once in each year as to how he has expended this sum, and also a detailed statement of all

miscellaneous expenditures in the Bureau of Internal Revenue for which appropriation is made in this Act.

Act March 4, 1911, c. 285, § 1, 36 Stat. 1390.

This is a provision, under the head "Miscellaneous Objects, Treasury Department," of the sundry civil appropriation act for the fiscal year ending June 30, 1912. Similar provisions are made by the appropriation acts for each year.

Enforcement of laws relating to Department; detail of persons paid from various appropriations.

The Secretary of the Treasury is authorized to use for, and in connection with, the enforcement of the laws relating to the Treasury Department and the several branches of the public service under its control, not exceeding at any one time, four persons paid from the appropriation for the collection of customs, four persons paid from the appropriation for salaries and expenses of internal-revenue agents or from the appropriation for the foregoing purpose, and four persons paid from the appropriation for suppressing counterfeiting and other crimes, but not exceeding six persons so detailed shall be employed at any one time hereunder: Provided, That nothing herein contained shall be construed to deprive the Secretary of the Treasury from making any detail now otherwise authorized by existing law.

Act March 4, 1911, c. 285, § 1, 36 Stat. 1390.

This is a further provision of the sundry civil appropriation act for the fiscal year ending June 30, 1912, cited above, following immediately the paragraph set forth above, the appropriation therein being "the appropriation for the foregoing purpose," mentioned in this paragraph. A similar provision, except as to the number of persons to be detailed, was made by the appropriation act for the preceding year, Act June 25, 1910, c. 384, § 1, 36 Stat. 713.

Suppression of counterfeiting and other crimes.

Suppressing counterfeiting and other crimes: For expenses incurred under the authority or with the approval of the Secretary of the Treasury in detecting, arresting, and delivering into the custody of the United States marshal having jurisdiction dealers and pretended dealers in counterfeit money and persons engaged in counterfeiting Treasury notes, bonds, national-bank notes, and other securities of the United States and of foreign governments, as well as the coins of the United States and of foreign governments, and other felonies committed against the laws of the United States relating to the pay and bounty laws, and for no other purpose whatever, except in the protection of the person of the President of the United States, one hundred and thirty-five thousand dollars: Provided, That no part of this amount be used in defraying the expenses of any person subpœnaed by the United States courts to attend any trial before a United States court or preliminary examination before any United States commissioner, which expenses shall be paid from the appropriation for "Fees of witnesses, United States courts."

Act March 4, 1911, c. 285, § 1, 36 Stat. 1392.

This is a further provision of the sundry civil appropriation act for the fiscal year ending June 30, 1912. Similar provisions are made by the appropriation acts for each year.

Appropriations for sundry civil expenses not to be used for compensation or expenses of persons detailed or transferred from or employed by or under Secret Service Division.

No part of any money appropriated by this Act shall be used in payment of compensation or expenses of any person detailed or transferred from the Secret Service Division of the Treasury Department, or who may at any time during the fiscal year nineteen hundred and twelve have been employed by or under said Secret Service Division.

Act March 4, 1911, c. 285, § 1, 36 Stat. 1392.

This is a further provision of the sundry civil appropriation act for the fiscal year ending June 30, 1912. Similar provisions were contained in the sundry civil appropriation acts for the two preceding years.

Sec. 240.

Accounts of expenditures for contingent expenses.

The provisions of this section and of Rev. St. § 241, set forth in Comp. St. 1901, pp. 131, 132, are applicable to the officer or officers under whom the control and expenditure of appropriations for contingent expenses of the department may be placed, by a provision of Act June 25, 1910, c. 385, set forth below.

ACT JUNE 4, 1897, c. 2, § 1.

Appropriations for Bureau of Engraving and Printing.

No other fund appropriated is to be used for services, in the Bureau of Engraving and Printing, of the character specified in the appropriation for the Bureau except in cases of emergency, by a provision of Act March 4, 1911, c. 237, § 1, set forth above.

ACT JUNE 25, 1910, c. 385. [H. R. 26730.]

Control and expenditure of appropriations for contingent expenses, under designated officers.

The Secretary of the Treasury is authorized to place the control and expenditure of the various appropriations made for contingent expenses of the Treasury Department at Washington, District of Columbia, under such officer or officers of the Treasury Department as he may from time to time determine proper or necessary, and the requirements and authority imposed by sections two hundred and forty and two hundred and forty-one of the Revised Statutes of the United States shall hereafter be applicable to the person or persons designated hereunder as fully as they have heretofore applied to the superintendent of the Treasury building with reference to said appropriations.

Act June 25, 1910, c. 385, 36 Stat. 776.

This is a provision of the deficiency appropriation act for the fiscal year 1910, cited above.

Rev. St. §§ 240, 241, mentioned in this paragraph, are set forth in Comp. St. 1901, pp. 131, 132.

ACT MARCH 4, 1911, c. 237, § 1. [H. R. 29360.]

Purchase of stationery for internal revenue service.

Hereafter the purchase of stationery for the Internal-Revenue Service shall be made under the direction of the Secretary of the Treasury as in the case of other branches of the public service under the Treasury Department.

Act March 4, 1911, c. 237, § 1, 36 Stat. 1195.

This is a provision of the legislative, executive, and judicial appropriation act for the fiscal year ending June 30, 1912, cited above.

Sec. 241.

Accounts of expenditure for furniture and repairs.

The provisions of this section, as well as Rev. St. § 240, set forth in Comp. St. 1901, pp. 131, 132, are applicable to the officer or officers under whom the control and expenditure of appropriations for contingent expenses of the department may be placed, by a provision of Act June 25, 1910, c. 385, set forth above, under Rev. St. § 240.

ACT JULY 16, 1894, c. 137, § 4.

Destruction of money-order statements and paid money orders in office of Auditor for Post-Office Department.

The provisions of this section, set forth in Comp. St. 1901, p. 132, are superseded by similar and further provisions relating to the same subject, contained in Act May 27, 1908, c. 206, § 1, set forth below.

ACT MAY 27, 1908, c. 206, § 1. [H. R. 18347.]

Destruction of money-order statements, lists, etc., and paid money orders; payment of money orders unpaid after three years.

The Secretary of the Treasury and the Postmaster-General shall cause to be destroyed, in such manner as they may deem best, all money-order statements rendered by postmasters and all paid money orders accompanying the same, as well as all descriptive lists of international money orders certified to or by the exchange offices designated for conducting money-order transactions with foreign countries, and all coupons of issued international money orders now filed in the office of the Auditor for the Post-Office Department, or which may hereafter be filed therein, after three years shall have elapsed from the expiration of the period covered by such statements and lists: Provided, That the Postmaster-General, upon evidence satisfactory to him, and under such special regulations as he shall prescribe, may cause payment to be made in the manner prescribed in sections four and eleven of the Act approved January twenty-seventh, eighteen hundred and ninety-four, of the amount of any domestic money order remaining unpaid after the lapse of three years from the date of its issue. And it shall hereafter be the duty of the Auditor for the Post-Office Department to maintain a complete and permanent record of all unpaid money orders issued by postmasters in the United States, or such of its insular possessions as are amenable to the authority of the Postmaster-General for payment within its own territory, such record to serve as a basis for adjudicating claims for payment by warrant of the amounts of said orders.

Act May 27, 1908, c. 206, § 1, 35 Stat. 415.

These are provisions of the postal service appropriation act for the fiscal year ending June 30, 1909, cited above. They superseded the provisions of Act July 16, 1894, c. 137, § 4, as amended by Act March 3, 1897, c. 385, set forth in Comp. St. 1901, p. 132.

Act Jan. 27, 1894, c. 21, §§ 4, 11, mentioned in the above proviso, amended Act March 3, 1883, c. 123, § 5, and Rev. St. § 4040, and are respectively incorporated therein, as set forth in Comp. St. 1901, pp. 2744, 2749.

CHAPTER TWO.

The Secretary of the Treasury.

Sec. 246.

[Amended. Act March 2, 1910, c. 71, § 1.]

This section, set forth in Comp. St. 1901, p. 136, is amended by Act March 2, 1910, c. 71, § 1, set forth below.

ACT MARCH 2, 1910, c. 71. [H. R. 18586.]

An Act Amending Sections Two hundred and forty-six and Two hundred and forty-seven, Revised Statutes. (36 Stat. 231.)

Amendment of Rev. St. § 246; signing warrants.

Be it enacted, &c., That section two hundred and forty-six of the Revised Statutes be so amended as to read as follows: "The Secretary of the Treasury may, by an appointment under his hand and official seal, delegate authority to the Assistant Secretaries of the Treasury to sign in his stead, and he may in like manner delegate such authority to a clerk in his office to sign in his name, all warrants for the payment of money into the Public Treasury and all warrants for the disbursement from the Public Treasury of money certified by the proper accounting officers of the Treasury to be due upon accounts duly audited and settled by them; also all accountable warrants placing money in the Treasury to the credit of disbursing and other fiscal officers, and all appropriations, repay, and transfer warrants. The warrants so signed by either of the Assistant Secretaries of the Treasury or by the designated clerk shall be in all cases of the same validity as if they had been signed by the Secretary of the Treasury himself."

Act March 2, 1910, c. 71, § 1, 36 Stat. 231.

Repeal of Rev. St. § 247.

Sec. 2. That section two hundred and forty-seven of the Revised Statutes be, and the same is hereby, repealed.

Act March 2, 1910, c. 71, § 2, 36 Stat. 231.

Sec. 247.

[Repealed. Act March 2, 1910, c. 71, § 2.]

This section, set forth in Comp. St. 1901, p. 136, is repealed by Act March 2, 1910, c. 71, § 2, set forth above, the provision contained in it being incorporated in the amendment of Rev. St. § 246, by section 1 of the same act, above.

Sec. 248.

General duties of the Secretary.

The duties, powers, etc., of the head of the Department in and over the bureaus, offices, etc., transferred to the Department of Commerce and Labor, by Act Feb. 14, 1903, c. 552, are vested in the head of that Department, and the duties, powers, etc., of the Secretary of the Treasury as to shipping, seamen, etc., are transferred to the Secretary of Commerce and Labor, by Act Feb. 14, 1903, c. 552, § 10, post, under Title XII A, "The Department of Commerce and Labor."

The Secretary of the Treasury is directed to prepare regulations gov-

erning enlistments in the Revenue-Cutter Service, and for the general government of the service, and various powers in regard to punishment of offenses against the discipline of the service are conferred on him, by Act May 26, 1906, c. 2556, set forth post, under Title XXXIV, "Collection of Duties upon Imports," c. 3.

The Secretary of the Treasury, the Secretary of Agriculture, and the Secretary of Commerce and Labor, are directed to make regulations for carrying out the provisions of the pure food act, Act June 30, 1906, c. 3915, by section 3 of that act, and also for carrying out the provisions of the insecticide act, Act April 26, 1910, c. 191, by section 3 of said act, both which are set forth post, under Title LVI A, "Regulation of Interstate and Foreign Commerce," c. 3.

Further provisions for the enforcement by the Secretary of the Treasury and the Secretary of Agriculture, of the provisions of the pure food act and of the insecticide act as to imported articles are contained in section 11 of each of said acts, also set forth post, under Title LVI A, "Regulation of Interstate and Foreign Commerce," c. 3.

The Secretary of the Treasury, on request of the Governor of Alaska or the Secretary of Agriculture, is to aid in carrying out the provisions of Act June 7, 1902, c. 1037, 32 Stat. 327, as amended by Act May 11, 1908, c. 162, 35 Stat. 102, by section 7 of said amended act.

The Secretary of the Treasury is to obtain and furnish to the national banks information as to the securities to be accepted for additional circulating notes, authorized by Act May 30, 1908, c. 229, by section 8 of said act, and the acts and orders of the Comptroller of the Currency and the Treasurer under the act are to have the approval of the Secretary, and he is to make regulations and control the organization and management of national currency associations to carry out the purposes of the act, by section 13 of said act, set forth post, under Title LXII, "National Banks," c. 2.

Sec. 254.

ACT MARCH 14, 1900, c. 41, § 6.

This section, set forth in Comp. St. 1901, p. 141, was amended by Act May 26, 1906, c. 2558, 34 Stat. 202, by changing, in the first proviso, the words "one hundred" to "fifty," and by adding to that proviso a clause directing the Secretary of the Treasury to coin all gold bullion held in the reserve fund in excess of $50,000,000.

The section was again amended, by reducing the limit of the denominations of the gold certificates mentioned in the first sentence thereof from twenty dollars to ten dollars, and by re-enacting the first proviso in its original form as set forth in Comp. St. 1901, p. 141, with the addition, after the words "gold coin," of the words "and bullion," by Act March 4, 1907, c. 2913, § 1, 34 Stat. 1289.

The section is further amended by Act March 2, 1911, c. 190, set forth below.

ACT MARCH 2, 1911, c. 190. [S. 10457.]

An Act to Amend Section Six of the Currency Act of March Fourteenth, Nineteen hundred, as Amended by the Act Approved March Fourth, Nineteen hundred and seven. (36 Stat. 964.)

Amendment of Act March 14, 1900, c. 41, § 6.

Be it enacted, &c., That section six of an Act to define and fix the standard of value, to maintain the parity of all forms of money issued or coined by the United States, to refund the public debt, and for other purposes, approved March fourteenth, nineteen hundred, as amended

by the Act approved March fourth, nineteen hundred and seven, be, and the same is hereby, further amended so as to read as follows:

Deposits of gold coin; gold certificates.

"Sec. 6. That the Secretary of the Treasury is hereby authorized and directed to receive deposits of gold coin with the Treasurer, or any assistant treasurer of the United States in sums of not less than twenty dollars, and to issue gold certificates therefor in denominations of not less than ten dollars, and the coin so deposited shall be retained in the Treasury and held for the payment of such certificates on demand, and used for no other purpose. Such certificates shall be receivable for customs, taxes, and all public dues, and when so received may be reissued, and when held by any national banking association may be counted as a part of its lawful reserve: Provided, That whenever and so long as the gold coin and bullion held in the reserve fund in the Treasury for the redemption of United States notes and Treasury notes shall fall and remain below one hundred million dollars the authority to issue certificates as herein provided shall be suspended: And provided further, That whenever and so long as the aggregate amount of United States notes and silver certificates in the general fund of the Treasury shall exceed sixty million dollars the Secretary of the Treasury may, in his discretion, suspend the issue of the certificates herein provided for: And provided further, That of the amount of such outstanding certificates one-fourth at least shall be in denominations of fifty dollars or less: And provided further, That the Secretary of the Treasury may, in his discretion, issue such certificates in denominations of ten thousand dollars, payable to order: And provided further, That the Secretary of the Treasury may, in his discretion, receive, with the assistant treasurer in New York and the assistant treasurer in San Francisco, deposits of foreign gold coin at their bullion value in amounts of not less than one thousand dollars in value and issue gold certificates therefor of the description herein authorized: And provided further, That the Secretary of the Treasury may, in his discretion, receive, with the Treasurer or any assistant treasurer of the United States, deposits of gold bullion bearing the stamp of the coinage mints of the United States, or the assay office in New York, certifying their weight, fineness, and value, in amounts of not less than one thousand dollars in value, and issue gold certificates therefor of the description herein authorized. But the amount of gold bullion and foreign coin so held shall not at any time exceed one-third of the total amount of gold certificates at such time outstanding. And section fifty-one hundred and ninety-three of the Revised Statutes of the United States is hereby repealed."

Act March 2, 1911, c. 190, 36 Stat. 964.

Act March 14, 1900, c. 41, § 6, amended by this act, is set forth, as originally enacted, in Comp. St. 1901, p. 141. It was previously amended by Act May 26, 1906, c. 2558, and by Act March 4, 1907, c. 2913, § 1, as stated in the note thereto, under Rev. St. § 254, above. The further amendment by this act consists in the insertion in the section, as amended by Act March 4, 1907, c. 2913, § 1, of the last two provisos, as set forth above, preceding the clause repealing Rev. St. § 5193, which was contained in the section as originally enacted.

Sec. 257.

Reports of the Secretary.

The requirement of the first subdivision of this section, set forth in Comp. St. 1901, p. 142, that the report mentioned therein shall contain estimates of the public revenue and the public expenditures for the fiscal year then current, is re-enacted and extended to such estimates for the fiscal year next ensuing, by a provision of Act Feb. 26, 1907, c. 1635, § 1, set forth below.

ACT JULY 31, 1894, c. 174, § 15.

Reports of receipts and expenditures of all public moneys.

Besides the provision of this section, set forth in Comp. St. 1901, p. 144, a further requirement, that the Secretary of the Treasury shall prepare and submit, in his annual report, a statement of the receipts and expenditures of the Government for the preceding fiscal year is contained in a provision of Act Feb. 26, 1907, c. 1635, § 1, set forth below.

ACT FEB. 26, 1907, c. 1635, § 1. [H. R. 21574.]

Report to include estimates of revenue and expenditures, and statement of receipts and expenditures.

The Secretary of the Treasury shall each year prepare and submit in his annual report to Congress estimates of the public revenue and the public expenditures for the fiscal year current, and also for the fiscal year next ensuing at the time said report is submitted, together with a statement of the receipts and expenditures of the Government for the preceding completed fiscal year.

Act Feb. 26, 1907, c. 1635, § 1, 34 Stat. 949.

This is a provision of the legislative, executive, and judicial appropriation act for the fiscal year ending June 30, 1908, cited above.

Previous provisions as to similar reports and statements were contained in Rev. St. § 257, subd. 1, and in Act July 31, 1894, c. 174, § 15, set forth in Comp. St. 1901, pp. 142, 144.

Sec. 259.

Report of statistics.

The Bureau of Statistics, mentioned in this section, is transferred to the Department of Commerce and Labor, and the duties, powers, etc., of the Secretary of the Treasury in or over it, and any business arising therefrom or pertaining thereto, are transferred to the head of that Department, by Act Feb. 14, 1903, c. 552, §§ 4, 10, post, under Title XII A, "The Department of Commerce and Labor."

Sec. 260.

Reports upon appropriations for Departments of War and Navy.

The transmission to Congress, annually, of a tabular statement showing the receipts and expenditures in the Naval service under each appropriation, with an account of balances in the hands of disbursing agents at the close of each fiscal year, and a report of any amounts lost, etc., is required by Act June 19, 1878, c. 311, Comp. St. 1901, p. 243.

Sec. 263.

Printing report on commerce and navigation.

The Bureau of Statistics, mentioned in this section, is transferred to the Department of Commerce and Labor, and the duties, powers, etc., of the Secretary of the Treasury in or over it, and any business arising therefrom or pertaining thereto, are transferred to the head of that Department, by Act Feb. 14, 1903, c. 552, §§ 4, 10, post, under Title XII A, "The Department of Commerce and Labor."

Sec. 264.

Report of Coast-Survey expenditures.

The Coast and Geodetic Survey, mentioned in this section, is transferred to the Department of Commerce and Labor, and the duties, powers, etc., of the Secretary of the Treasury in and over it, and any business arising therefrom or pertaining thereto, are transferred to the head of that Department, by Act Feb. 14, 1903, c. 552, §§ 4, 10, post, under Title XII A, "The Department of Commerce and Labor."

CHAPTER FOUR.

The Auditors.

Sec. 276.

ACT JULY 31, 1894, c. 174, § 3.

Designation of Auditors, Deputy Auditors, and other subordinates.

The position of deputy auditor mentioned in this section, is abolished, by a provision of Act March 4, 1911, c. 237, § 1, set forth below.

ACT MARCH 4, 1909, c. 297, § 1. [H. R. 23464.]

Employees to countersign warrants and drafts in name of Auditor for Post-Office Department.

* * That hereafter the Secretary of the Treasury may from time to time designate any employees in the office of the Auditor for the Post-Office Department above the grade of class one to countersign warrants and drafts in the name of the auditor and such warrants and drafts, when so countersigned, shall be of the same validity as if countersigned by the Auditor for the Post-Office Department.

Act March 4, 1909, c. 297, § 1, 35 Stat. 866.

This is a proviso annexed to the appropriation for the office of Auditor for the Post-Office Department in the legislative, executive, and judicial appropriation act for the fiscal year ending June 30, 1910, cited above.

ACT MARCH 4, 1911, c. 237, § 1. [H. R. 29360.]

Position of deputy auditor abolished; transfer of duties and powers.

The position of deputy auditor authorized in the offices of the six auditors of the Treasury for the several executive departments and other Government establishments are hereby abolished to take effect on and after July first, nineteen hundred and eleven, and on and after said date the duties and powers theretofore exercised by law by said deputy auditors shall be exercised by the chief clerk and chief of division in each of said auditor's offices except in the office of the Auditor for the Post Office Department, where such duties and powers shall be exercised by the assistant and chief clerk.

Act March 4, 1911, c. 237, § 1, 36 Stat. 1190.

This is a provision of the legislative, executive, and judicial appropriation act for the fiscal year ending June 30, 1912, cited above.

Sec. 277.

Duties of the Auditors.

The Auditor for the State and other Departments is to act as conservator of such part of the estates of citizens of the United States dy-

ing abroad as may be received at the Treasury from consuls, etc., by an amendment of Rev. St. § 1709, by Act March 3, 1911, c. 223, set forth post, under Title XVIII, "Diplomatic and Consular Officers," c. 2.

The Auditor for the Post-Office Department is to maintain a complete and permanent record of all unpaid money orders issued by postmasters, by a provision of Act May 27, 1908, c. 206, § 1, set forth ante, under chapter 1 of this Title.

ACT JULY 31, 1894, c. 174, § 7.

Settlement of accounts by Auditors.

The act to establish the Department of Commerce and Labor provides that the Auditor for the State and other Departments shall receive and examine all accounts of salaries and incidental expenses of the office of the Secretary of Commerce and Labor, and of all bureaus and offices under his direction, all accounts relating to the Light-House Board, steamboat inspection service, immigration, navigation, Alaskan fur-seal fisheries, the National Bureau of Standards, Coast and Geodetic Survey, Census, Department of Labor, Fish Commission, and to all other business within the jurisdiction of the Department of Commerce and Labor, and certify the balances arising thereon to the Division of Bookkeeping and Warrants, and send forthwith a copy of each certificate to the Secretary of Commerce and Labor. Act Feb. 14, 1903, c. 552, § 3, post, under Title XII A, "The Department of Commerce and Labor."

The Auditor for the War Department is to audit the accounts for the Isthmian Canal Commission, by a provision of Act Feb. 3, 1905, c. 297, § 1, set forth below.

Payment of final judgments and awards rendered against the United States by the Court of Claims, and of final judgments rendered against the United States by the circuit and district courts, under appropriations by Congress, is to be made on settlements by the Auditor for the department or branch of the public service having jurisdiction over the subject-matter out of which the claims arose, by a provision of Act Feb. 18, 1904, c. 160, § 1, set forth post, under Title XIII, "The Judiciary," c. 21.

The accounts of individual paymasters in the Army are required to be analyzed under the several heads of the appropriation, and recorded in detail by the Paymaster-General, before they are forwarded to the Treasury Department for final audit, by a provision of Act March 2, 1905, c. 1307, set forth post, under Title XIV, "The Army," c. 1.

ACT JULY 31, 1894, c. 174, § 13.

Settlement of judicial accounts.

The time for the transmission of accounts of marshals and other disbursing officers of the Department of Justice to the Auditor is extended by a provision of Act March 4, 1907, c. 2918, § 1, set forth below.

ACT FEB. 3, 1905, c. 297, § 1. [H. R. 15895.]

Settlement of accounts of Isthmian Canal Commission.

Hereafter the accounts for the Isthmian Canal Commission shall be audited by the Auditor for the War Department.

Act Feb. 3, 1905, c. 297, § 1, 33 Stat. 647.

This is a provision following an appropriation for the office of the Auditor for the War Department in the legislative, executive, and judicial appropriation act for the fiscal year ending June 30, 1906, cited above.

ACT MARCH 4, 1907, c. 2918, § 1. [H. R. 25745.]

Time for transmission of accounts of marshals and other disbursing officers of Department of Justice to Auditor.

The time prescribed by law for the transmission of accounts of United States marshals and other disbursing officers of the Department of Justice to the Auditor for the State and other Departments is

hereby extended from sixty to eighty days after the date of their receipt in the Department of Justice at Washington, District of Columbia.

Act March 4, 1907, c. 2918, § 1, 34 Stat. 1360.

This is a provision of the sundry civil appropriation act for the fiscal year ending June 30, 1908, cited above.

The time for the transmission of accounts to the Auditors for settlement is prescribed by Act July 31, 1894, c. 174, § 12, set forth in Comp. St. 1901, p. 164.

Sec. 278.

Settlement of accounts of Army officers.

The settlement of accounts of deceased officers and enlisted men of the Army, and allowance of the amount found due, without administration, to the decedent's widow or heirs, are authorized by a provision of Act June 30, 1906, c. 3914, § 1, set forth below.

The mode of stating balances to be certified for arrears of pay or for bounty to volunteers, and for commutation of rations to prisoners of war and to soldiers on furlough, is prescribed by a provision of Act March 4, 1907, c. 2918, § 1, set forth below.

ACT JUNE 30, 1906, c. 3914, § 1. [H. R. 19844.]

Settlement of accounts of deceased officers or enlisted men of Army; allowance to widow or heirs without administration.

Hereafter, in the settlement of the accounts of deceased officers or enlisted men of the Army, where the amount due the decedent's estate is less than five hundred dollars and no demand is presented by a duly appointed legal representative of the estate, the accounting officers may allow the amount found due to the decedent's widow or legal heirs in the following order of precedence: First, to the widow; second, if decedent left no widow, or the widow be dead at time of settlement, then to the children or their issue, per stirpes; third, if no widow or descendants, then to the father and mother in equal parts, provided the father has not abandoned the support of his family, in which case to the mother alone; fourth, if either the father or mother be dead then to the one surviving; fifth, if there be no widow, child, father, or mother at the date of settlement, then to the brothers and sisters and children of deceased brothers and sisters, per stirpes: Provided, That this Act shall not be so construed as to prevent payment from the amount due the decedent's estate of funeral expenses, provided a claim therefor is presented by the person or persons who actually paid the same before settlement by the accounting officers.

Act June 30, 1906, c. 3914, § 1, 34 Stat. 750.

This is a provision of the sundry civil appropriation act for the fiscal year ending June 30, 1907, cited above.

ACT MARCH 4, 1907, c. 2918, § 1. [H. R. 25745.]

Stating balances to be certified for arrears of pay or for bounty of volunteers, and for commutation of rations to prisoners of war and soldiers on furlough.

Back pay and bounty: For payment of amounts for arrears of pay of two and three year volunteers, for bounty to volunteers and their widows and legal heirs, for bounty under the Act of July twenty-eight, eighteen hundred and sixty-six, and for amounts for commutation of rations to prisoners of war in rebel States, and to soldiers on

furlough, that may be certified to be due by the accounting officers of the Treasury during the fiscal year nineteen hundred and eight, two hundred thousand dollars: Provided, That in all cases hereafter so certified the said accounting officers shall, in stating balances, follow the decisions of the United States Supreme Court or of the Court of Claims of the United States after the time for appeal has expired, if no appeal be taken, without regard to former settlements or adjudications by their predecessors.

Act March 4, 1907, c. 2918, § 1, 34 Stat. 1356.

This is a provision of the sundry civil appropriation act for the fiscal year ending June 30, 1908, cited above.

Sec. 291.

Settlement of expenses of intercourse with foreign nations.

Appropriations, to be expended under direction of the President, pursuant to the requirement of this section, to meet the expenses of the execution of the neutrality act, and to meet emergencies in the diplomatic and consular service, and to extend the commercial and other interests of the United States, are made in the annual diplomatic and consular appropriation acts. The provisions for such purposes for the fiscal year ending June 30, 1912, are contained in Act March 3, 1911, c. 208, 36 Stat. 1031.

CHAPTER FIVE.

The Treasurer.

Sec. 301.

Treasurer.

The salary of the Treasurer is $8,000 per annum, by Act March 4, 1909, c. 314, § 7, set forth below.

ACT MARCH 4, 1909, c. 314, § 7. [H. R. 21003.]

Salary of Treasurer.

That hereafter the salary of the Treasurer of the United States shall be eight thousand dollars per annum.

Act March 4, 1909, c. 314, § 7, 35 Stat. 1065.

This section is part of an act fixing the compensation of certain officials in the customs service, etc., the other sections of which are set forth post, under Title XXXIV, "Collection of Duties upon Imports," c. 2.

Sec. 303.

Assistant Treasurer.

The appropriations for compensation of the Assistant Treasurer and Deputy Assistant Treasurer by the legislative, executive, and judicial appropriation act for the fiscal year ending June 30, 1912. are: Assistant Treasurer, $3,600; Deputy Assistant Treasurer, $3,200. Act March 4, 1911, c. 237, § 1, 36 Stat. 1191.

CHAPTER SIX.

The Register.

Sec. 313.

The Bureau of Navigation, mentioned in the note under this section in Comp. St. 1901, p. 184, relating to the transfer of certain duties of the Register to the Commissioner of Navigation, is transferred to the Department of Commerce and Labor by Act Feb. 14, 1903, c. 552, § 4, post, under Title XII A, "The Department of Commerce and Labor."

Sec. 314.

Assistant Register.

The appropriation for compensation of the Assistant Register, by the legislative, executive, and judicial appropriation act for the fiscal year ending June 30, 1912, is $2,500. Act March 4, 1911, c. 237, § 1, 36 Stat. 1192.

CHAPTER EIGHT.

The Commissioner of Internal Revenue.

Sec. 322.

Deputy Commissioner of Internal Revenue.

The appropriations for Deputy Commissioners for the fiscal year ending June 30, 1912, are: Deputy Commissioner, $4,000; Deputy Commissioner, $3,600. Act March 4, 1911, c. 237, § 1, 36 Stat. 1193.

Sec. 321.

Duties of Commissioner of Internal Revenue.

The Commissioner is required to make a detailed statement to Congress once in each year as to his expenditure of the appropriation for punishment of violations of internal revenue laws, and of all miscellaneous expenditures in the Bureau of Internal Revenue for which appropriation is made in the sundry civil appropriation act, by a provision of that act for the fiscal year ending June 30, 1912, Act March 4, 1911, c. 285, § 1, set forth ante, under Rev. St. § 235, in Chapter 1 of this Title, "The Department."

CHAPTER NINE.

The Comptroller of the Currency.

Sec. 327.

Deputy Comptroller of the Currency.

An appropriation for Deputy Comptroller, $3,500, and also for Deputy Comptroller, $3,000, to be appointed by the Secretary of the Treasury, was made by a provision of Act March 4, 1909, c. 297, § 1, set forth below.

ACT MARCH 4, 1909, c. 297, § 1. [H. R. 23464.]

Assistant Deputy Comptroller of the Currency.

Office of the Comptroller of the Currency: For Comptroller of the Currency, five thousand dollars; Deputy Comptroller, three thousand

five hundred dollars; Deputy Comptroller, three thousand dollars, who shall be appointed by the Secretary of the Treasury, and shall possess the power and perform the duties attached by law to the office of Comptroller during a vacancy in the office of Comptroller and Deputy Comptroller or during the absence or inability of the Comptroller and the Deputy Comptroller, and said Assistant Deputy Comptroller shall give a like bond in the penalty of fifty thousand dollars; * *

Act March 4, 1909, c. 297, § 1, 35 Stat. 867.

This is a provision of the legislative, executive, and judicial appropriation act for the fiscal year ending June 30, 1910, cited above. The appropriations are repeated in the similar acts for subsequent years.

Sec. 328.

Clerks.

The appropriation for clerks, etc., in the office of the Comptroller of the Currency for the fiscal year ending June 30, 1912, is contained in the legislative, executive, and judicial appropriation act of March 4, 1911, c. 237, § 1, 36 Stat. 1192.

A list of all officers, agents, clerks, and other employés of the office of the Comptroller of the Currency, and persons connected with the work of the office, is required to be furnished for the Official Register, by a provision of Act April 28, 1902, c. 594, § 1, post, under Title XLV, "Public Printing, Advertisements, and Public Documents."

Sec. 333. [*As amended* 1875.]

Report of Comptroller.

The report of the Comptroller is to include the expenses of liquidation of failed national banks, by a provision of Act April 28, 1902, c. 594, § 1, set forth below.

ACT APRIL 28, 1902, c. 594, § 1.

Report of expenses of liquidation of national banks.

* * That the Comptroller of the Currency is hereby directed to include in his Annual Report to the Speaker of the House of Representatives, expenses incurred during each year, in liquidation of each failed national bank separately.

Act April 28, 1902, c. 594, § 1, 32 Stat. 138.

This is a proviso annexed to an appropriation for the office of the Comptroller of the Currency in the legislative, executive, and judicial appropriation act for the fiscal year ending June 30, 1903, cited above.

CHAPTER TEN.

The Bureau of Statistics.

This chapter of the Revised Statutes included the provisions relating to the Bureau of Statistics, as a Bureau of the Treasury Department. The Bureau is transferred to the Department of Commerce and Labor, and the duties, powers, etc., of the head of the Treasury Department in and over the Bureau are vested in the head of the Department of Commerce and Labor, by the act establishing that Department, Act Feb. 14, 1903, c. 552, §§ 4, 10, post, under Title XII A, "The Department of Commerce and Labor."

CHAPTER ELEVEN.

Bureau of the Mint.

Sec. 345.

ACT JUNE 20, 1874, c. 328, § 1.

Salaries under Director.

The appropriations for the officers, clerks, and employés in the office of the Director of the Mint for the fiscal year ending June 30, 1912, are contained in the legislative, executive, and judicial appropriation act of March 4, 1911, c. 237, § 1, 36 Stat. 1194.

[CHAPTER ELEVEN A.]

[Bureau of Navigation.]

This chapter of Comp. St. 1901 included the provisions of Act July 5, 1884, c. 221, establishing the Bureau of Navigation as a Bureau of the Treasury Department. The Bureau is transferred to the Department of Commerce and Labor, and the duties, powers, etc., of the head of the Treasury Department in and over the Bureau are vested in the head of the Department of Commerce and Labor, by the act establishing that Department, Act Feb. 14, 1903, c. 552, §§ 4, 10, post, under Title XII A, "The Department of Commerce and Labor."

TITLE VIII.

THE DEPARTMENT OF JUSTICE.

Sec. 347.

Solicitor-General.

The annual appropriation for compensation of the Solicitor-General, by the legislative, executive, and judicial appropriation acts of recent years, is $10,000. The provision for the fiscal year ending June 30, 1912, is by Act March 4, 1911, c. 237, § 1, 36 Stat. 1224.

Sec. 348.

Assistant Attorneys-General.

The appropriations for the office of the Attorney-General, by the legislative, executive, and judicial appropriation act for the fiscal year ending June 30, 1912, provide, besides the salaries of the Attorney-General and the Solicitor-General, compensation for an Assistant to the Attorney-General, $7,000; seven Assistant Attorneys-General, at $5,000 each (authorized by Rev. St. § 348, and subsequent provisions set forth or referred to under that section, in Comp. St. 1901, pp. 202, 203); the Assistant Attorney-General of the Post-Office Department, $5,000 (authorized by Rev. St. § 390, Comp. St. 1901, p. 220); the Solicitor of Internal Revenue, $5,000 and the Solicitor for the Department of State, $5,000 (authorized by Rev. St. § 349, and Act March 3, 1891, c. 541, § 1, Comp. St. 1901, pp. 203, 204); three attorneys, at $5,000 each; one attorney, $3,750; two attorneys, at $3,500 each; attorney, $3,250; twelve attorneys, at $3,000 each; attorney, $2,500; assistant attorney, $3,500; two assistant attorneys, at $3,000 each; two assistant attorneys, at $2,750 each; five assistant attorneys, at $2,500 each; assistant attorney, $2,400; two assistant attorneys, at $2,000 each; attorney in charge of titles, $3,500; assistant examiner of titles, $2,000; besides other officers, clerks, and employés in that office, and in the office of the Solicitor of the Treasury, and also in the office of the Solicitor of the Department of Commerce and Labor. Act March 4, 1911, c. 237, § 1, 36 Stat. 1224.

The appointment of an Assistant Attorney-General, a Deputy Assistant Attorney-General, and four attorneys, to have charge of the interests of and to represent the government in all matters of reappraisement and classification of imported goods and of all litigation incident thereto, is authorized by Act Aug. 5, 1909, c. 6, § 28, amending Act June 10, 1890, c. 407, besides other amendments, by adding thereto a new section, constituting section 30 of said Act June 10, 1890, c. 407, as so amended, which is set forth below.

ACT JUNE 10, 1890, c. 407, § 30. [*As amended* 1909.]

Assistant Attorney-General, Deputy Assistant Attorney-General, and attorneys, in charge of matters of reappraisement, etc., of imported goods and litigation incident thereto.

Sec. 30. That there shall be appointed by the President, by and with the advice and consent of the Senate, an Assistant Attorney-General, who shall exercise the functions of his office under the supervision and control of the Attorney-General of the United States, and who shall be paid a salary of ten thousand dollars per annum; and there shall also be appointed by the Attorney-General of the United States a Deputy Assistant Attorney-General, who shall be paid a

salary of seven thousand five hundred dollars per annum, and four attorneys, who shall be paid salaries of five thousand dollars per annum each. Said attorneys shall act under the immediate direction of said Assistant Attorney-General, or, in case of his absence or a vacancy in his office, under the direction of said Deputy Assistant Attorney-General, and said Assistant Attorney-General, Deputy Assistant Attorney-General, and attorneys shall have charge of the interests of the Government in all matters of reappraisement and classification of imported goods and of all litigation incident thereto, and shall represent the Government in all the courts and before all tribunals wherein the interests of the Government require such representation.

But the Attorney-General may, whenever in his opinion the public interest requires it, employ and retain, in the name of the United States, such special attorneys and counselors at law in the conduct of customs cases as he may think necessary to assist said Assistant Attorney-General in the discharge of any of the duties incumbent upon him and his said subordinates, and shall stipulate with such attorneys and counsel the amount of compensation and shall have supervision of their conduct and proceedings.

Act Aug. 5, 1909, c. 6, § 28, 36 Stat. 108.

This section is added to Act June 10, 1890, c. 407, the Customs Administrative Act of 1890, as section 30 thereof, by section 28 of the act to provide revenue, etc., the Tariff Act of 1909, cited above. Other sections of said Act Aug. 5, 1909, c. 6, are set forth or referred to post, under Title XXXIII, "Duties upon Imports."

Appropriations for conduct of customs cases, including a provision for special attorneys, etc., as authorized by this section, are made by the subsequent sundry civil appropriation acts. The provision for the fiscal year ending June 30, 1912, by Act March 4, 1911, c. 285, § 1, is set forth below.

ACT MARCH 4, 1911, c. 285, § 1. [H. R. 32909.]

Appropriation for conduct of customs cases.

Conduct of customs cases: For Assistant Attorney General, eight thousand dollars; Deputy Assistant Attorney General, seven thousand five hundred dollars; two assistant attorneys, at five thousand dollars each; one assistant attorney, four thousand five hundred dollars; one assistant attorney, three thousand dollars; one assistant attorney, two thousand five hundred dollars; special attorneys and counselors at law in the conduct of customs cases, to be employed and their compensation fixed by the Attorney General, as authorized by section thirty of the Act of August fifth, nineteen hundred and nine, thirty-five thousand dollars; necessary clerical assistance and other employees at the seat of government and elsewhere, to be employed and their compensation fixed by the Attorney General; supplies, printing, traveling, and other miscellaneous and incidental expenses to be expended under the direction of the Attorney General, twenty-four thousand five hundred dollars; in all, ninety-five thousand dollars.

Act March 4, 1911, c. 285, § 1, 36 Stat. 1424.

This is a provision of the sundry civil appropriation act for the fiscal year ending June 30, 1912, cited above. Similar provisions were made by the appropriation for the preceding year.

Sec. 349.

Solicitor of Treasury, etc., in Department of Justice.

The appropriations for compensation of officers enumerated in this section, by the legislative, executive, and judicial appropriation act for the fiscal year ending June 30, 1912, are, in the office of the Attorney-General, the Solicitor of Internal Revenue, $5,000, and the Solicitor for the Department of State, $5,000; in the office of the Solicitor of the Treasury, for the Solicitor of the Treasury, $5,000, and Assistant Solicitor, $3,000. Act March 4, 1911, c. 237, § 1, 36 Stat. 1225.

The appointment of a Solicitor for the Department of Commerce and Labor is also authorized by a provision of Act March 18, 1904, c. 716, § 1, set forth below.

ACT MARCH 3, 1891, c. 541, § 1.

Solicitor for Department of State.

An assistant solicitor for the Department of State, to be appointed by the Secretary of State, was authorized by a provision of Act April 17, 1900, c. 192, § 1, 31 Stat. 97, repeated in the similar appropriations for each of the five years next following; and two assistant solicitors for that Department were authorized by a provision of Act June 22, 1906, c. 3514, § 1, set forth ante, under Title V, "The Department of State," which is repeated in subsequent acts.

ACT MARCH 18, 1904, c. 716, § 1. [H. R. 9480.]

Solicitor of Department of Commerce and Labor.

* * For Solicitor of the Department of Commerce and Labor, to be appointed by the President, by and with the advice and consent of the Senate, four thousand five hundred dollars; * *

Act March 18, 1904, c. 716, § 1, 33 Stat. 135.

This is a provision of the legislative, executive, and judicial appropriation act for the fiscal year ending June 30, 1905, cited above. It is repeated in the similar act for the fiscal year ending June 30, 1906, Act Feb. 3, 1905, c. 297, § 1, 33 Stat. 681, and similar appropriations are made by subsequent acts.

Sec. 351.

Subordinate officers.

The appropriations for the officers, clerks, and employés in the Department for the fiscal year ending June 30, 1912, are contained in the legislative, executive and judicial appropriation act of March 4, 1911, c. 237, § 1, 36 Stat. 1224.

Sec. 359.

Conduct and argument of cases.

Authority is given to the Attorney-General and to officers, attorneys, etc., specially directed by him, to conduct legal proceedings in any district, by Act June 30, 1906, c. 3935, set forth below.

ACT JUNE 30, 1906, c. 3935. [H. R. 17714.]

An Act to Authorize the Commencement and Conduct of Legal Proceedings under the Direction of the Attorney-General. (34 Stat. 816.)

Conduct of legal proceedings by or under direction of Attorney-General, in any district.

Be it enacted, &c., That the Attorney-General or any officer of the Department of Justice, or any attorney or counselor specially appointed by the Attorney-General under any provision of law, may, when there-

unto specifically directed by the Attorney-General, conduct any kind of legal proceeding, civil or criminal, including grand jury proceedings and proceedings before committing magistrates, which district attorneys now are or hereafter may be by law authorized to conduct, whether or not he or they be residents of the district in which such proceeding is brought.

Act June 30, 1906, c. 3935, 34 Stat. 816.

Sec. 363.

Retaining counsel to aid district attorneys.

Annual appropriations for payment of assistants to the Attorney-General and to United States district attorneys employed to aid in special cases are made in the sundry civil appropriation acts. Each such appropriation is accompanied by a provision that "this appropriation shall be available also for the payment of foreign counsel employed by the Attorney-General in special cases, and such counsel shall not be required to take oath of office in accordance with section three hundred and sixty-six, Revised Statutes of the United States." The appropriation for the fiscal year ending June 30, 1912, is by Act March 4, 1911, c. 285, § 1, 36 Stat. 1426.

Attorneys or counsel specially appointed by the Attorney-General, when thereunto specifically directed by him, may conduct any legal proceeding which district attorneys are authorized to conduct, whether they are residents of the district or not, by Act June 30, 1906, c. 3935, set forth ante, under Rev. St. § 359.

Sec. 366.

Appointment and oath of special attorneys or counsel.

The appropriation made for each recent fiscal year, for the payment of assistants to the Attorney-General and to district attorneys employed by the Attorney-General to aid in special cases, is made available for the payment of foreign counsel so employed, and such counsel shall not be required to take oath of office in accordance with Rev. St. § 366, Comp. St. 1901, p. 209, by a provision accompanying said appropriation, quoted in the above note under Rev. St. § 363.

ACT MARCH 2, 1895, c. 187, § 1.

Counsel before Board of General Appraisers.

The provision of this act relative to the employment of counsel in cases before the Board of General Appraisers, set forth in Comp. St. 1901, p. 209, was amended by Act June 30, 1906, c. 3914, § 4, 34 Stat. 762, to provide for the appointment of a Solicitor of Customs and assistants, to protect the interests of the United States in all cases and matters before the Board of General Appraisers, and, when directed by the Attorney General, to appear in the courts in cases appealed from said Board. But so much of said section 4 of Act June 30, 1906, c. 3914, as relates to the appointment of a Solicitor of Customs and assistants is repealed by Act Aug. 5, 1909, c. 6, § 41, the Tariff Act of 1909, set forth post, under Title XXXIII, "Duties upon Imports."

Sec. 370.

ACT MARCH 3, 1899, c. 424, § 1.

Expenditures for supplies for courts and judicial officers.

The provision of this act set forth in Comp. St. 1901, p. 210, is repeated in the sundry civil appropriation act for the fiscal year ending June 30, 1903, Act June 28, 1902, c. 1301, § 1, 32 Stat. 476, in the same language, except that the sum appropriated is $30,000.

Sec. 383.

Publication of opinions.

The appropriation for the preparation of Vol. 27 of the Opinions of the Attorney-General, to be printed in accordance with this section, is contained in the sundry civil appropriation act of June 25, 1910, c. 384, § 1, 36 Stat. 749.

TITLE IX.

THE POST-OFFICE DEPARTMENT.

Sec. 389.

Assistant Postmasters-General.

The salaries of the Assistant Postmasters-General are increased by subsequent appropriations to $5,000. The provisions for the fiscal year ending June 30, 1912, are by the legislative, executive, and judicial appropriation act of March 4, 1911, c. 237, § 1, 36 Stat. 1222, 1223.

Sec. 390.

Assistant Attorney-General for Post-Office Department.

The appropriation for compensation of the Assistant Attorney-General of the Post-Office Department, by the legislative, executive, and judicial appropriation act for the fiscal year ending June 30, 1912, is $5,000. Act March 4, 1911, c. 237, § 1, 36 Stat. 1224.

Appropriations are also made by the same act for salaries in the office of the Assistant Attorney-General for the Post-Office Department, for an assistant attorney, $2,750, an assistant attorney, $2,000, and clerks, etc.

Sec. 393.

Clerks and employés.

The appropriations for the officers, clerks, and employés in the Department for the fiscal year ending June 30, 1912, are contained in the legislative, executive, and judicial appropriation act of March 4, 1911, c. 237, § 1, 36 Stat. 1221–1223.

The appointment of a purchasing agent for the Post-Office Department is provided for, and his duties and proceedings in purchasing supplies for the Department are prescribed, by Act April 28, 1904, c. 1759, § 3, set forth post, under Title XLIII, "Public Contracts."

Provisions restricting the per diem allowance in lieu of actual expenses when traveling, applicable to all officers and employés entitled to such allowance, except post-office inspectors in certain cases, are contained in Act April 28, 1904, c. 1759, § 4, set forth post, under Title XLVI, "The Postal Service," c. 12.

ACT APRIL 16, 1890, c. 85.

Assistant General Superintendent and chief clerk, railway mail service.

Appropriations for the general superintendent and assistant-general superintendent of railway mail service, and for a chief clerk and assistant chief clerk in the office of the general superintendent, made in previous years in the annual postal service appropriation acts, with other appropriations for the railway mail service, are made for recent fiscal years by the legislative, executive, and judicial appropriation acts, with the appropriations for the office of the Second Assistant Postmaster-General, under the head "Division of Railway Mail Service." The appropriations for the fiscal year ending June 30, 1912, are as follows: General superintendent, $4,000; assistant general superintendent, $3,500; chief clerk, $2,000; with other clerks. Act March 4, 1911, c. 237, § 1, 36 Stat. 1222.

Further provisions relating to allowances for traveling and other ex-

penses of officers in the railway mail service and other branches of the postal service are set forth or referred to post, under Title XLVI, "The Postal Service," c. 12.

Sec. 394.

ACT JUNE 23, 1874, c. 456, § 1.

Superintendent of free delivery; salary.

In the legislative, executive, and judicial appropriation acts for the fiscal years ending June 30, 1905, and June 30, 1906, the appropriation made in the similar acts for previous years, for compensation of a general superintendent of the free delivery service, in the office of the First Assistant Postmaster General, is omitted. Appropriations are made thereby, in the office of the Fourth Assistant Postmaster-General, for a superintendent city delivery service and assistant superintendent of city free delivery system; for a superintendent rural free delivery service and supervisor of rural free delivery service; and for superintendents, assistant superintendents, and other officers in the Department, in connection with other branches of the postal service. In the similar acts for subsequent fiscal years appropriations are again made. in the office of the First Assistant Postmaster-General, under the head "Division of City Delivery," for a superintendent, and assistant superintendent; and, in the office of the Fourth Assistant Postmaster-General, for a superintendent division of rural delivery and assistant superintendent division of rural delivery.

The various superintendents and assistant superintendents, inspectors, and special agents, and other officers at salaries exceeding $2,000, provided for in the Department for the fiscal year ending June 30, 1912, are as follows:

Office Postmaster-General: Chief clerk, Post-Office Department, including $500 as superintendent of Post-Office Department building, $4,000; private secretary, $2,500; disbursing clerk, $2,250.

Division of post-office inspectors: Chief inspector, $4,000.

Division of the purchasing agent: Purchasing agent, $4,000.

Division of Assistant Attorney-General for the Post-Office Department: Assistant attorney, $2,750; assistant attorney, $2,000.

Office First Assistant Postmaster-General: Chief clerk, $2,500; superintendent division of salaries and allowances, $4,000; assistant superintendent division of salaries and allowances, $2,250.

Division of postmasters' appointments: Superintendent, $3,000; two assistants, at $2,000 each.

Division of city delivery: Superintendent, $3,000; assistant superintendent, $2,000.

Office Second Assistant Postmaster-General: Chief clerk, $2,500; superintendent division of railway adjustments, $3,000; assistant superintendent division of railway adjustments, $2,250; superintendent division of foreign mails, $3,000; superintendent division of inspection, $2,000; superintendent division of contracts, $2,000; superintendent division of equipment, $2,000.

Division of railway mail service: General superintendent $4,000; assistant general superintendent, $3,500.

Office Third Assistant Postmaster-General: Chief clerk, $2,500; superintendent division of stamps, $2,750; superintendent division of finance, who shall give bond in such amount as the Postmaster-General may determine for the faithful discharge of his duties, $2,250; assistant superintendent division of finance, $2,000; superintendent division of classification, $2,750; chief, division of redemption, $2,000; superintendent division of registered mails, $2,500.

Division of money orders: Superintendent, $3,500; chief clerk, $2,250.

Office Fourth Assistant Postmaster-General: Chief clerk, $2,500;

superintendent division of rural mails, $3,000; assistant superintendent division of rural mails, $2,000.

Division of dead letters: Superintendent, $2,750.

Division of supplies: Superintendent, $2,500; assistant superintendent, $2,000.

Division of topography: Topographer, $2,750; assistant topographer, $2,000.

Act March 4, 1911, c. 237, § 1, 36 Stat. 1221–1223.

Further appropriations for salaries, with additional per diem allowances when traveling, and for official expenses, for assistant superintendents, special agents, inspectors, etc., in the various branches of the postal service, are made by the postal service appropriation acts. Such appropriations for the fiscal year ending June 30, 1912, are contained in Act March 4, 1911, c. 241, § 1, 36 Stat. 1327–1339.

Provisions relating to the salaries and per diem allowances for traveling expenses, etc., of post-office inspectors, and of division superintendents and assistant division superintendents of railway mail service, are set forth or referred to under Title XLVI, "The Postal Service," c. 12.

ACT FEB. 24, 1899, c. 187, § 1.

Assistant superintendents of free delivery; traveling expenses.

The postal service appropriation acts for the fiscal years ending June 30, 1903, and June 30, 1904, in lieu of provisions for "assistant superintendents of free-delivery," as in previous acts, contained appropriations for "assistant superintendents city delivery service." The similar acts for subsequent fiscal years make no such appropriation; instead thereof, similar appropriations for officers under slightly different titles are made by the legislative, executive, and judicial appropriation acts for those years, as stated in the above note under Act June 23, 1874, c. 456, § 1.

The annual postal service appropriation acts contain appropriations for assistant superintendents and other officers in the various branches of the service. The provisions for the fiscal year ending June 30, 1912, Act March 4, 1911, c. 237, § 1, 36 Stat. 1327, with those relating to the salaries and per diem allowances for traveling expenses, etc., of post-office inspectors, and of division superintendents, assistant division superintendents, and assistant superintendents of railway mail service, are set forth or referred to under Title XLVI, "The Postal Service," c. 12.

Sec. 395.

Seal.

The commissions of all officers under the direction and control of the Postmaster-General are to be made out and recorded in the Post-Office Department, and the department seal affixed thereto, by Act March 3, 1905, c. 1422, ante, under Title IV, "Provisions Applicable to All the Executive Departments."

ACT MARCH 18, 1874, c. 57.

Commissions of Presidential postmasters.

This act, set forth in Comp. St. 1901, p. 224, is superseded by the similar but more comprehensive provisions, relating to commissions of all officers under the direction and control of the Postmaster-General, contained in Act March 3, 1905, c. 1422, ante, under Title IV, "Provisions Applicable to All the Executive Departments."

Sec. 397.

ACT MARCH 3, 1881, c. 130, § 1.

Accumulation of useless papers in the Department.

Provisions similar to those of this act, set forth in Comp. St. 1901, p. 225, for the disposition of useless papers accumulated in post-offices, are contained in Act May 11, 1906, c. 2448, set forth post, under Title XLVI, "The Postal Service," c. 1.

Sec. 408.

Deposits, how brought into the Treasury.

Provisions for the designation, by the Postmaster-General, of an officer or employé of the Department to sign warrants and drafts in his stead, subsequent to the provision of Act March 3, 1891, c. 547, set forth in Comp. St. 1901, p. 229, are contained in Act March 3, 1903, c. 1009, § 6, and Act March 2, 1907, c. 2513, set forth below.

ACT MARCH 3, 1891, c. 547.

Designation of officer to sign warrants.

Further provisions for the designation, by the Postmaster-General, of an officer or employé of the Department to sign warrants and drafts in his stead, are contained in Act March 3, 1903, c. 1009, § 6, and Act March 2, 1907, c. 2513, set forth below.

ACT MARCH 3, 1903, c. 1009, § 6.

Designation of officer to sign warrants and drafts.

Hereafter the Postmaster-General may from time to time designate any officer of the Post-Office Department above the grade of fourth-class clerk to sign warrants, and "collection" and "transfer" drafts, in his stead, and such warrants and drafts when so signed shall be of the same validity as if they had been signed by the Postmaster-General.

Act March 3, 1903, c. 1009, § 6, 32 Stat. 1176.

This section is a part of the postal service appropriation act for the fiscal year ending June 30, 1904, cited above.

A subsequent similar provision of Act March 2, 1907, c. 2513, is set forth below.

ACT MARCH 2, 1907, c. 2513. [H. R. 25483.]

Designation of employé to sign warrants and drafts.

That hereafter the Postmaster-General may from time to time designate any employee in the office of the Third Assistant Postmaster-General above the grade of a clerk of Class E to sign warrants, collection and transfer drafts in his stead, and such warrants and drafts when so signed shall be of the same validity as if signed by the Postmaster-General.

Act March 2, 1907, c. 2513, 34 Stat. 1206.

This is a provision of the postal service appropriation act for the fiscal year ending June 30, 1908, cited above.

Previous similar provisions were contained in Act March 3, 1891, c. 547, set forth in Comp. St. 1901, p. 229, and in Act March 3, 1903, c. 1009, § 6, set forth above.

Sec. 412.

[Repealed. Act March 4, 1909, c. 321, § 341.]

This section, set forth in Comp. St. 1901, p. 230, is incorporated into the act to codify, etc., the penal laws, in chapter 8, § 226, thereof, and is expressly repealed by chapter 15, § 341, of said act, taking effect January 1, 1910. Said act is set forth post, under Title LXIX A, "The Criminal Code."

Sec. 413.

Reports of Postmaster-General.

The Postmaster-General is required to submit in his annual report estimates of revenue and expenditures for the fiscal year current and

also for that next ensuing together with a statement of the receipts and expenditures for the preceding fiscal year, by a provision of Act May 27, 1908, c. 206, set forth below.

ACT MAY 27, 1908, c. 206. [H. R. 18347.]

Report to include estimates of revenue and expenditures, and statement of receipts and expenditures.

That hereafter the Postmaster-General shall each year prepare and submit in his annual report to Congress estimates of the revenue and expenditures in the postal service for the fiscal year current, and also for the fiscal year next ensuing at the time said report is submitted, together with a statement of the receipts and expenditures for the preceding completed fiscal year.

Act May 27, 1908, c. 206, 35 Stat. 418.

This is a provision of the postal service appropriation act for the fiscal year ending June 30, 1909, cited above. A similar provision, without the word "hereafter," was contained in the similar act for the preceding year.

TITLE X.

THE DEPARTMENT OF THE NAVY.

Sec. 415.

ACT APRIL 17, 1900, c. 192, § 1.

Solicitor, assistant to Judge-Advocate-General.

The provision of this act, set forth in Comp. St. 1901, p. 235, for a solicitor, to be an assistant to the Judge-Advocate of the Navy, is repeated in the same language in the subsequent legislative, executive, and judicial appropriation acts, with an increase of the amount appropriated in the recent acts to $4,000. The salary is made $4,000, during service of the present incumbent, by a provision of Act June 29, 1906, c. 3590, set forth below.

ACT JUNE 29, 1906, c. 3590. [H. R. 18750.]

Salary of Solicitor, assistant to Judge-Advocate-General.

The Solicitor in the office of the Judge-Advocate-General of the Navy shall hereafter receive an annual salary of four thousand dollars during the service of the present incumbent.

Act June 29, 1906, c. 3590, 34 Stat. 555.

This is a provision of the naval appropriation act for the fiscal year ending June 30, 1907, cited above.

Sec. 416.

Clerks and employés.

The appropriations for the officers, clerks, and employés in the Department for the fiscal year ending June 30, 1912, are contained in the legislative, executive, and judicial appropriation act of March 4, 1911, c. 237, § 1, 36 Stat. 1208–1212.

ACT JUNE 8, 1896, c. 373, § 1.

Appointment clerk.

The provision of this act set forth in Comp. St. 1901, p. 237, is not repeated in the recent appropriation acts.

ACT MARCH 3, 1901, c. 852, § 1.

Additional experts, draftsmen, and copyists.

The provision of this act set forth in Comp. St. 1901, p. 237, is not repeated in subsequent naval appropriation acts. More comprehensive provisions of a similar nature are made by the legislative, executive, and judicial appropriation acts for each year. The provisions for the fiscal year ending June 30, 1912, by Act March 4, 1911, c. 237, § 1, are set forth below.

ACT MARCH 18, 1904, c. 716, § 1. [H. R. 9480.]

Employment and payment out of appropriations for new ships, of civilian expert aids, draftsmen, writers, copyists, and model makers.

On and after July first, nineteen hundred and four, it shall not be lawful for the Secretary of the Navy to employ in the Navy Department, at Washington, District of Columbia, and pay out of the appropriations for new ships, any civilian expert aids, additional draftsmen, writers, copyists, and model makers, except as herein or as may hereafter be specifically authorized.

Act March 18, 1904, c. 716, § 1, 33 Stat. 117.

This is a provision of the legislative, executive, and judicial appro-

priation act for the fiscal year ending June 30, 1905, cited above. By the same act numerous appropriations were made for various offices and bureaus in the Department, for clerks and other employés, "in lieu of employés now authorized and paid from appropriations for new ships."

Further provisions of this act for employment of draftsmen and others, to be paid from appropriations for "increase of the Navy" and for "public works," are repeated, with some variations of language, in the similar acts for subsequent years. The provisions for the fiscal year ending June 30, 1912, contained in Act March 4, 1911, c. 237, § 1, are set forth below.

Provisos annexed to the naval appropriation act for the fiscal year ending June 30, 1912, forbid the use of the appropriation in that act under "Increase of the Navy" for clerical, drafting, etc., service, or for pay of any of the other classified force under the various bureaus of the Department in Washington, and restrict the use of any sum appropriated by the act for any expense of the Department at Washington, unless specifically authorized by law. Act March 4, 1911, c. 239, 36 Stat. 1288.

ACT MARCH 4, 1911, c. 237, § 1. [H. R. 29360.]

Employment and payment, out of appropriations for increase of Navy, of draftsmen and others.

The services of draftsmen and such other technical services as the Secretary of the Navy may deem necessary may be employed only in the Bureaus of Ordnance, Equipment, Construction and Repair, and Steam Engineering to carry into effect the various appropriations for "Increase of the Navy," "Construction and repair," "Steam machinery," "Ordnance and ordnance stores," and "Equipment of vessels," to be paid from appropriations "Construction and repair," "Steam machinery," "Ordnance and ordnance stores," and "Equipment of vessels:" Provided, That the expenditures on this account for the fiscal year nineteen hundred and twelve shall not exceed one hundred and twenty-five thousand dollars; a statement of the persons employed hereunder, their duties, and the compensation paid to each shall be made to Congress each year in the annual estimates.

Act March 4, 1911, c. 237, § 1, 36 Stat. 1212.

This is a provision of the legislative, executive, and judicial appropriation act for the fiscal year ending June 30, 1912, cited above. Provisions more or less similar thereto were made by the similar acts for preceding years.

A similar provision for such services, to be paid for out of the appropriation under Bureau of Yards and Docks, is set forth below.

See notes above under Act March 3, 1901, c. 852, § 1, and Act March 18, 1904, c. 716, § 1.

Employment and payment, out of appropriations under Bureau of Yards and Docks, of draftsmen and others.

The services of skilled draftsmen and such other technical services as the Secretary of the Navy may deem necessary may be employed only in the Bureau of Yards and Docks to carry into effect the various appropriations thereunder and be paid from such appropriations: Provided, That the expenditures on this account for the fiscal year nineteen hundred and twelve shall not exceed forty thousand dollars; a statement of the persons employed hereunder, their duties, and the compensation paid to each shall be made to Congress each year in the annual estimates.

Act March 4, 1911, c. 237, § 1, 36 Stat. 1212.

This is a further provision of the legislative, executive, and judicial appropriation act for the fiscal year ending June 30, 1912, cited above.

Provisions somewhat similar thereto were made by the similar acts for preceding years.

Similar provisions of the same acts for employment of draftsmen, etc., in certain offices of the War Department, are set forth ante, under Title VI, "The Department of War."

See notes above under Act March 3, 1901, c. 852, § 1, and Act March 18, 1904, c. 716, § 1.

Sec. 418.

Custody of the books and records.

The transfer of naval records, from the beginning of the Navy Department to the war of the rebellion, from other Departments to the Secretary of the Navy, is provided for by Act April 27, 1904, c. 1630, § 1, set forth below.

The transfer of records relating to public and private armed vessels of the colonies in the war of the Revolution, from other Departments to the Secretary of the Navy, is provided for by Act June 29, 1906, c. 3590, set forth below.

ACT APRIL 27, 1904, c. 1630, § 1. [H. R. 15054.]

Naval records, rolls, orders, and reports from beginning of Department to war of rebellion.

* * All naval records, such as muster and pay rolls, orders, and reports relating to the personnel and operations of the Navy of the United States, from the beginning of the Navy Department to the war of the rebellion, eighteen hundred and sixty-one, including operations against the French navy, Tripolitan war, war of eighteen hundred and twelve, operations against pirates in the West Indies, Florida war, and the war with Mexico, now in any of the Executive Departments, shall be transferred to the Secretary of the Navy, to be preserved.

Act April 27, 1904, c. 1630, § 1, 33 Stat. 403.

This is a provision accompanying appropriations for the Navy Department in the deficiency appropriation act for the fiscal year ending June 30, 1904, cited above.

A similar provision for the transfer to the War Department of military rolls and records of wars prior to the civil war is contained in Res. April 28, 1904, No. 38, ante, under Title VI, "The Department of War."

ACT JUNE 29, 1906, c. 3590. [H. R. 18750.]

Records relating to public and private armed vessels of the colonies in war of Revolution.

That all records (such as muster and pay rolls and reports) relating to the personnel and operations of public and private armed vessels of the North American colonies in the war of the Revolution now in any of the Executive Departments shall be transferred to the Secretary of the Navy, to be preserved, indexed, and prepared for publication.

Act June 29, 1906, c. 3590, 34 Stat. 579.

This is a provision of the naval appropriation act for the fiscal year ending June 30, 1907, cited above.

Sec. 419.

Establishment of Bureaus.

Provisions for the distribution, among other bureaus and offices of the department, of the duties of the Bureau of Equipment, and of the funds appropriated for and the employés of the Bureau, and for the discontinuance of the Bureau thereupon, contained in Act June 24, 1910, c. 378, and Act March 4, 1911, c. 239, are set forth below.

ACT JUNE 24, 1910, c. 378. [H. R. 23311.]

Distribution of duties of Bureau of Equipment and transfer of funds and employés to other bureaus and offices.

Distribution of duties: The duties assigned by law to the Bureau of Equipment shall be distributed among the other bureaus and offices of the Navy Department in such manner as the Secretary of the Navy shall consider expedient and proper during the fiscal year ending June thirtieth, nineteen hundred and eleven, and the Secretary of the Navy, with the approval of the President, is hereby authorized and directed to assign and transfer to said other bureaus and offices, respectively, all available funds heretofore and hereby appropriated for the Bureau of Equipment and such civil employees of the bureau as are authorized by law, and when such distribution of duties, funds, and employees shall have been completed, the Bureau of Equipment shall be discontinued as hereinbefore provided: Provided, That nothing herein shall be so construed as to authorize the expenditure of any appropriation for purposes other than those specifically provided by the terms of the appropriations, or the submission of estimates for the naval establishment for the fiscal year nineteen hundred and twelve, except in accordance with the order and arrangement of the naval appropriation Act for the year nineteen hundred and ten: Provided further, That the Secretary of the Navy shall report to Congress at the beginning of its next ensuing session the distribution of the duties of the Bureau of Equipment made by him under the authorization herein granted, with full statement in relation to said distribution and the performance of navy yard work therein involved. * *

Act June 24, 1910, c. 378, 36 Stat. 613.

This is a provision of the naval appropriation act for the fiscal year ending June 30, 1911, cited above. A similar provision for the subsequent year, by Act March 4, 1911, c. 239, is set forth below.

ACT MARCH 4, 1911, c. 239. [H. R. 32212.]

Distribution of duties of Bureau of Equipment and transfer of funds and employés to other bureaus and offices.

Distribution of duties: The duties assigned by law to the Bureau of Equipment shall be distributed among the other bureaus and offices of the Navy Department in such manner as the Secretary of the Navy shall consider expedient and proper during the fiscal year ending June thirtieth, nineteen hundred and twelve, and the Secretary of the Navy, with the approval of the President, is hereby authorized and directed to assign and transfer to said other bureaus and offices, respectively, all available funds heretofore and hereby appropriated for the Bureau of Equipment and such civil employees of the bureau as are authorized by law, and when such distribution of duties, funds, and employees shall have been completed, the Bureau of Equipment shall be discontinued as hereinbefore provided: Provided, That nothing herein shall be so construed as to authorize the expenditure of any appropriation for purposes other than those specifically provided by the terms of the appropriations, or the submission of estimates for the Naval Establishment for the fiscal year nineteen hundred and thirteen, except in accordance with the order and arrangement of the naval appropriation Act for the year nineteen hundred and eleven: Provided further, That the Secretary of the Navy shall re-

port to Congress at the beginning of its next ensuing session the distribution of the duties of the Bureau of Equipment made by him under the authorization herein granted, with full statement in relation to said distribution and the performance of navy yard work therein involved.

Act March 4, 1911, c. 239, 36 Stat. 1273.

This is a provision of the naval appropriation act for the fiscal year ending June 30, 1912, cited above. A similar provision for the preceding year, by Act June 24, 1910, c. 378, is set forth above.

Sec. 421.

Appointment of chiefs of bureaus.

Provisions relating to the pay and allowances of chiefs of bureaus, and their rank, pay, and allowances on retirement, contained in Act June 24, 1910, c. 378, are set forth post, under Title XV, "The Navy," c. 8.

Sec. 422.

Chiefs of Bureaus of Yards and Docks, Equipment and Recruiting, Navigation, and Ordnance.

The Chief of the Bureau of Yards and Docks is to be selected from the Corps of Civil Engineers of the Navy, by a provision of Act June 29, 1906, c. 3590, set forth below.

ACT JUNE 29, 1906, c. 3590. [H. R. 18750.]

Chief of Bureau of Yards and Docks.

That the Chief of the Bureau of Yards and Docks shall be selected from the members of the Corps of Civil Engineers of the Navy having not less than seven years' active service.

Act June 29, 1906, c. 3590, 34 Stat. 564.

This is a provision of the naval appropriation act for the fiscal year ending June 30, 1907, cited above.

Sec. 423.

Chief of Bureau of Construction and Repair.

The Chief of the Bureau has the title of Chief Constructor, by Rev. St. § 1471, Comp. St. 1901, p. 1031.

Sec. 424. [*As amended* 1900.]

Chief of Bureau of Steam Engineering.

The Chief of the Bureau has the title of Engineer in Chief, by Rev. St. § 1471, Comp. St. 1901, p. 1031.

A provision for the detail of a line officer of the Navy as assistant to the Chief of the Bureau, contained in Act March 3, 1905, c. 1481, is set forth below.

ACT MARCH 3, 1905, c. 1481. [H. R. 18467.]

Assistant to Chief of Bureau of Steam Engineering.

That a line officer of the Navy may be detailed as assistant to the Chief of the Bureau of Steam Engineering in the Navy Department, and that such officer during such detail shall receive the highest pay of his grade, and in case of death, resignation, absence, or sickness of the Chief of the Bureau shall, unless otherwise directed by the President, as provided by section one hundred and seventy-nine of the

Revised Statutes, perform the duties of such chief until his successor is appointed or such absence or sickness shall cease.

Act March 3, 1905, c. 1481, 33 Stat. 1111.

This is a provision following appropriations for the Bureau, in the naval appropriation act for the fiscal year ending June 30, 1906, cited above.

Sec. 425.

Chief of Bureau of [Supplies and Accounts].

The Chief of the Bureau has the title of Paymaster-General, by Rev. St. § 1471, Comp. St. 1901, p. 1031.

Quarterly returns of property by the storekeeper at the Naval Academy to the Chief of the Bureau, and a report annually by the Chief of the Bureau to the Secretary of the Navy, are required by provisions of Act May 13, 1908, c. 166, set forth post, under Title XV, "The Navy," c. 5.

Sec. 426.

Chief of Bureau of Medicine and Surgery.

The Chief of the Bureau has the title of Surgeon-General, by Rev. St. § 1471, Comp. St. p. 1031.

Sec. 429.

[Repealed in part. Act June 22, 1910, c. 331.]

The second clause of this section, set forth in Comp. St. 1901, p. 243, and the similar provision of Rev. St. § 3720, Comp. St. 1901, p. 2499, are repealed by Act June 22, 1910, c. 331, set forth below.

Besides the reports to Congress required by this section, set forth in Comp. St. 1901, p. 242, the Secretary is required to report proposed repairs or changes of vessels which in any case amount to more than $200,000, and expenditures exceeding that amount on any one vessel in any one year, by provisions of Act March 2, 1907, c. 2512, and Act March 3, 1909, c. 255, set forth post, under Title XV, "The Navy," c. 6.

ACT JUNE 22, 1910, c. 331. [H. R. 18403.]

An Act to Repeal a Portion of Sections Four hundred and twenty-nine and Thirty-seven hundred and twenty of the Revised Statutes of the United States. (36 Stat. 591.)

Repeal in part of Rev. St. §§ 429 and 3720.

Be it enacted, &c., That the second clause of section four hundred and twenty-nine of the Revised Statutes of the United States and the following words in section thirty-seven hundred and twenty of the Revised Statutes of the United States: "and reported by the Secretary of the Navy to Congress at the commencement of every regular session. The report shall contain a schedule embracing the offers by classes, indicating such as have been accepted," be, and the same are hereby, repealed.

Act June 22, 1910, c. 331, 36 Stat. 591.

Rev. St. §§ 429, 3720, repealed in part by this act, are set forth in Comp. St. 1901, pp. 242, 2499.

Sec. 430.

Estimates for expenses.

The expenditure, out of appropriations for the naval establishment, of any sum for certain contingent expenses of the Department, is forbidden by a provision of Act June 22, 1906, c. 3514, § 1, set forth below.

ACT JUNE 22, 1906, c. 3514, § 1. [H. R. 16472.]

Contingent expenses not to be paid out of appropriations for naval establishment.

Contingent expenses, Navy Department: * *

For stationery, furniture, newspapers, plans, drawings, drawing materials, horses and wagons to be used only for official purposes, freight, expressage, postage, and other absolutely necessary expenses of the Navy Department and its various bureaus and offices, fourteen thousand dollars.

For additional amount for the objects mentioned in the foregoing paragraph and in lieu of expenditures heretofore made therefor from general appropriations for the naval establishment, twenty-six thousand dollars; and hereafter it shall not be lawful to expend, for any of the offices or bureaus of the Navy Department at Washington, any sum out of appropriations made for the naval establishment for any of the purposes mentioned or authorized in the said foregoing paragraph.

Act June 22, 1906, c. 3514, § 1, 34 Stat. 427.

This is a provision of the legislative, executive, and judicial appropriation act for the fiscal year ending June 30, 1907, cited above. A similar appropriation, for the same purposes, of a single sum of $40,000, with a like restriction annexed, is made by the similar act for each subsequent year. The provision for the fiscal year ending June 30, 1912, is by Act March 4, 1911, c. 237, § 1, 36 Stat. 1213.

Sec. 431.

Hydrographic Office.

The annual appropriations for the Hydrographic Office for several years past are accompanied by a provision restricting expenditures to specific appropriations. The provision in the legislative, executive, and judicial appropriation act for the fiscal year ending June 30, 1912, is as follows:

"No expenditure shall be incurred or authorized for personal services or otherwise under the Hydrographic Office at Washington, District of Columbia, during the fiscal year nineteen hundred and twelve except as herein authorized by appropriations under the Navy Department or under appropriations that may be made for printing and binding." Act March 4, 1911, c. 237, § 1, 36 Stat. 1210.

Sec. 432.

Maps, charts, etc.

The annual appropriations for the Hydrographic Office provide for the preparation and publication of the Pilot Charts and supplements, and for the expenses of collecting information therefor; and, by a separate appropriation, for a monthly Pilot Chart of the North Pacific Ocean. The appropriations for the fiscal year ending June 30, 1912, are contained in Act March 4, 1911, c. 237, § 1, 36 Stat. 1210.

TITLE XI.

THE DEPARTMENT OF THE INTERIOR.

CHAPTER ONE.

The Department.

Sec. 438.

Assistant Secretary of the Interior.

The legislative, executive, and judicial appropriation acts for each of the recent fiscal years appropriate for the First Assistant Secretary, $5,000, and Assistant Secretary, $4,500. The provision for the fiscal year ending June 30, 1912, is by Act March 4, 1911, c. 237, § 1, 36 Stat. 1213.

Sec. 440.

Clerks and employés.

The appropriations for the officers, clerks, and employés in the Department for the fiscal year ending June 30, 1912, are contained in the legislative, executive, and judicial appropriation act of March 4, 1911, c. 237, § 1, 36 Stat. 1213–1218.

That act provides, in the office of the Secretary, besides the compensation of the Secretary and of the Assistant Secretaries mentioned above, for a "chief clerk, including five hundred dollars as superintendent of buildings, who shall be chief executive officer of the department and who may be designated by the Secretary of the Interior to sign official papers and documents during the temporary absence of the Secretary and the Assistant Secretaries of the department," $4,000; assistant to the Secretary, $2,750; assistant attorney, $2,500, one of the two previously provided for at that rate being transferred to the office of the Assistant Attorney-General; "two special inspectors, whose employment shall be limited to the inspection of offices and the work in the several offices under the control of the Department," at $2,500 each; six inspectors, at $2,500 each; chief disbursing clerk, $2,250; clerk in charge of supplies, $2,250; clerk in charge of mails, files, and archives, $2,250; clerk in charge of publications, $2,250; four clerks, at $2,000 each; private secretary to the Secretary of the Interior, $2,500; and other clerks of the various classes and employés, particularly a "female clerk, to be designated by the President, to sign land patents," $1,200, and a "clerk, to sign, under the direction of the Secretary, in his name and for him, his approval of all tribal deeds to allottees and deeds for town lots made and executed according to law for any of the Five Civilized Tribes of Indians in the Indian Territory," $1,200. A provision for the designation by the Secretary of an employé or employés to sign his approval of such tribal deeds, etc., contained in Act March 3, 1911, c. 210, § 17, is set forth in Chapter 4 of this Title, "The Commissioner of Indian Affairs," under Rev. St. § 463.

That act also provides, in the office of the Assistant Attorney-General, for an assistant attorney, $3,000; two assistant attorneys, at $2,750 each; four assistant attorneys, at $2,500 each (one transferred from Secretary's office); seven assistant attorneys, at $2,250 each (four transferred from Secretary's office); eleven assistant attorneys, at $2,000 each (two transferred from Board of Pension Appeals); medical expert, $2,000 (transferred from Board of Pension Appeals); besides clerks.

A further provision of the act for the transfer of the duties of the

Board of Pension Appeals to the office of the Assistant Attorney-General for the Department, is set forth below.

Further appropriations are made for per diem, for two special inspectors, in lieu of subsistence, while traveling on duty, and for actual, necessary expenses of transportation, and for incidental expenditures, and for traveling expenses and incidental expenses of six inspectors when actually employed on duty in the field; and, under the head of "General Land Office," for per diem in lieu of subsistence of examiners and of clerks detailed to investigate fraudulent land entries, trespasses on the public lands, and cases of official misconduct, while traveling on duty, and for actual necessary expenses of transportation, including incidental expenses. Act March 4, 1911, c. 237, § 1, 36 Stat. 1214, 1215.

ACT JUNE 17, 1910, c. 297, § 1. [H. R. 22643.]

Board of Pension Appeals; vacancies not to be filled.

* * That no vacancy hereafter occurring upon the Board of Pension Appeals, as now constituted, shall be filled by original appointment, transfer, or otherwise; * *

Act June 17, 1910, c. 297, § 1, 36 Stat. 511.

This is a proviso annexed to an appropriation for the Board of Pension Appeals in the legislative, executive, and judicial appropriation act for the fiscal year ending June 30, 1911, cited above.

A previous provision authorizing the transfer of persons employed as additional members of the Board of Pension Appeals to places in the classified service of the Department was contained in Act May 22, 1908, c. 186, § 1, 35 Stat. 224.

ACT MARCH 4, 1911, c. 237, § 1. [H. R. 29360.]

Duties of Board of Pension Appeals transferred to office of Assistant Attorney-General for the department.

On and after July first, nineteen hundred and eleven, the duties theretofore performed by the Board of Pension Appeals shall be transferred to, and be performed by, the office of the Assistant Attorney General for the Department of the Interior.

Act March 4, 1911, c. 237, § 1, 36 Stat. 1214.

This is a provision of the legislative, executive, and judicial appropriation act for the fiscal year ending June 30, 1912, cited above.

ACT APRIL 17, 1900, c. 192, § 1.

Librarian for General Land Office.

The provision of this act set forth in Comp. St. 1901, p. 252, is repeated in the legislative, executive, and judicial appropriation acts for each year down to the fiscal year ending June 30, 1912. The appropriation in subsequent years is for "clerk and librarian," $1,000.

CHAPTER TWO.

The Secretary of the Interior.

Sec. 441.

Duties of Secretary.

The Census Office, "and all that pertains to the same," is transferred to the Department of Commerce and Labor, by the act establishing that Department, Act Feb. 14, 1903, c. 552, § 4, post, under Title XII A, "The Department of Commerce and Labor."

Powers and duties in connection with the execution of Act June 17, 1902, c. 1093, providing for the construction of irrigation works for the reclamation of arid lands, are conferred and imposed on the Secretary of the Interior by various sections of that act, set forth post, under Title

XXXII, "The Public Lands," c. 11, subchapter "Irrigation in Arid Regions; Grants of Desert Lands to States for Reclamation."

The execution of all laws affecting public lands reserved as forest reserves, after such lands have been so reserved, excepting such laws as affect the surveying, etc., entering, etc., or patenting of any of such lands, is transferred from the Secretary of the Interior to the Secretary of Agriculture, by Act Feb. 1, 1905, c. 288, § 1, set forth post, under Title XXXII, "The Public Lands," c. 11, subchapter "National Forests."

On the termination of the office of Commissioner of Railroads, on June 30, 1904, the duties of the Commissioner were transferred to the Secretary of the Interior, with the records and files of the office, by a provision of Act March 3, 1903, c. 1007, § 1, set forth post, under chapter 9 A of this Title.

The work of completing the unfinished business, if any, of the Commission to the Five Civilized Tribes of Indians, is devolved upon the Secretary of the Interior, and all the powers granted to that Commission are conferred upon the Secretary, on and after July 1, 1905, by a proviso annexed to an appropriation for completing the work of the Commission, in the Indian appropriation act of March 3, 1905, c. 1479, § 1, 33 Stat. 1060.

The Secretary of the Interior is required to cause to be stated annual accounts between the United States and each tribe of Indians arising under appropriations which are required to be reimbursed to the United States, and to pay, out of funds belonging to such tribes, all balances of accounts due to the United States, by a provision of Act April 4, 1910, c. 140, § 1, set forth post, under Rev. St. § 445.

Tribal contracts necessary to the administration of the affairs of the Choctaw and Chickasaw Tribes of Indians may be made by the Secretary of the Interior, Provided, that contracts for professional legal services of attorneys may be made by the tribes, not to be for more than one year in duration and $5,000 per annum in amount, such contracts for legal services not to be valid until approved by the President, by a provision of the Indian appropriation act of March 3, 1911, c. 210, § 17, 36 Stat. 1070.

The net receipts from the sales of surplus and unallotted lands and other tribal property belonging to any of the Five Civilized Tribes may be deposited in national or State banks in the State of Oklahoma in the discretion of the Secretary of the Interior, such depositories to be designated by him under such rules and regulations governing the rate of interest thereon, the time of deposit and withdrawal thereof, and the security therefor, as he may prescribe, by a further provision of said Act March 3, 1911, c. 210, § 17, 36 Stat. 1070.

Sec. 443.

Supervision of census.

The powers of the Secretary of the Interior under this section are vested in the head of the Department of Commerce and Labor, on the transfer of the Census Office to that Department under the act establishing it, by provisions of that act that duties, powers, etc., possessed or exercised by the head of any executive department in and over any bureau, office, etc., so transferred, "whether of an appellate or revisory character or otherwise," shall be vested in and exercised by the head of the Department of Commerce and Labor. Act Feb. 14, 1903, c. 552, § 10, post, under Title XII A, "The Department of Commerce and Labor."

Sec. 445.

Annual reports to Congress.

The Secretary of the Interior is required to transmit to Congress annually a cost account of all survey and allotment work on Indian reservations, by a provision of Act April 4, 1910, c. 140, § 1, set forth below.

Further provisions requiring reports by the Secretary of the Interior

of the expenditure of appropriations for Indians, and of the fiscal affairs of Indian tribes, contained in Act March 4, 1911, c. 210, are set forth below.

ACT MARCH 3, 1875, c. 132, § 8.

[Repealed. Act June 25, 1910, c. 431, § 20.]

This section, set forth in Comp. St. 1901, p. 254, which required a statement by the Secretary of the Interior each year of the items paid out of appropriations for the Indian department, is repealed, with other provisions relating to reports by the Commissioner of Indian Affairs, by Act June 25, 1910, c. 431, § 20, set forth below.

ACT APRIL 4, 1910, c. 140, § 1. [H. R. 19028.]

Statements of accounts between United States and Indian tribes under reimbursable appropriations; payment of balances; account of cost of survey and allotment work on Indian reservations.

Hereafter the Secretary of the Interior shall cause to be stated annual accounts between the United States and each tribe of Indians arising under appropriations heretofore, herein, or hereafter to be made, which by law are required to be reimbursed to the United States, crediting in said accounts the sums so reimbursed, if any; and the Secretary of the Interior shall pay, out of any fund or funds belonging to such tribe or tribes of Indians applicable thereto and held by the United States in trust or otherwise, all balances of accounts due to the United States and not already reimbursed to the Treasury, and deposit such sums in the Treasury as miscellaneous receipts; and such accounts shall be received and examined by the proper auditor of the Treasury Department and the balances arising thereon certified to the Secretary of the Treasury: Provided, That hereafter the Secretary of the Interior shall transmit to Congress annually on the first Monday in December a cost account for the preceding fiscal year of all survey and allotment work on Indian reservations.

Act April 4, 1910, c. 140, § 1, 36 Stat. 270.

This is a provision of the Indian appropriation act for the fiscal year ending June 30, 1911, cited above.

ACT JUNE 25, 1910, c. 431, § 20. [H. R. 24992.]

Repeal of Act March 3, 1875, c. 132, § 8; Act March 2, 1895, c. 188, § 8; Act March 3, 1901, c. 832, § 8; and Act May 27, 1902, c. 888, § 6.

Sec. 20. That the following sections in the following Acts making appropriations for the current and contingent expenses of the Indian service, to wit: Section eight of the Act of March third, eighteen hundred and seventy-five; section eight of the Act of March second, eighteen hundred and ninety-five; section eight of the Act of March third, nineteen hundred and one; and section six of the Act of May twenty-seventh, nineteen hundred and two, be, and they are hereby, repealed.

Act June 25, 1910, c. 431, § 20, 36 Stat. 861.

This section is part of an act for determining the heirs of deceased Indians, etc., cited above.

Subsequent provisions for reports of the expenditure of appropriations for Indians contained in Act March 4, 1911, c. 210, are set forth below.

ACT MARCH 3, 1911, c. 210, §§ 1, 27. [H. R. 28406.]

Appropriations for Indian school and agency buildings, etc.; report of expenditure.

For construction, lease, purchase, repairs, and improvements of school and agency buildings, and for sewerage, water supply, and

lighting plants, and for purchase of school sites, four hundred and twenty-five thousand dollars: Provided, That the Secretary of the Interior shall report annually to Congress the amount expended at each school and agency for the purposes herein authorized: * *

Act March 3, 1911, c. 210, § 1, 36 Stat. 1060.

This is a provision of the Indian appropriation act for the fiscal year ending June 30, 1912, cited above. It is followed by a further provision requiring a report on the first Monday in December, 1911, in respect to school and agency properties entitled to share in appropriations made in this act.

Appropriations for agricultural experiments on Indian school or agency farms; cost account.

To conduct experiments on Indian school or agency farms designed to test the possibilities of soil and climate in the cultivation of trees, grains, vegetables, and fruits, for the purposes of preserving living and growing timber on Indian reservations and allotments, and to advise the Indians as to the proper care of forests: * * Provided still further, That hereafter the Secretary of the Interior shall transmit to Congress annually on the first Monday in December a cost account for the preceding fiscal year relating to the use of appropriations made for the purposes herein provided for.

Act March 3, 1911, c. 210, § 1, 36 Stat. 1060.

This is a further provision of the Indian appropriation act for the fiscal year ending June 30, 1911, cited above.

Fund for encouragement of farming industry among Indians; repayments to and reuse of fund; report of use.

There is hereby appropriated the sum of thirty thousand dollars, or so much thereof as may be necessary, to be immediately available, for the purpose of encouraging industry among Indians, and to aid them to engage in the culture of fruits, grains, and other crops. The said sum may be used for the purchase of animals, machinery, tools, implements, and other agricultural equipment: Provided, That the sum hereby appropriated shall be expended subject to the conditions to be prescribed by the Secretary of the Interior for its repayment to the United States, on or before June thirtieth, nineteen hundred and eighteen, and all repayments to this fund made on or before June thirtieth, nineteen hundred and seventeen are hereby appropriated for the same purpose as the original fund, and the entire fund, including such repayments, shall remain available until June thirtieth, nineteen hundred and seventeen, and all repayments to the fund hereby created which shall be made subsequent to June thirtieth, nineteen hundred and seventeen, shall be covered into the Treasury and shall not be withdrawn or applied except in consequence of a subsequent appropriation made by law: Provided further, That the Secretary of the Interior shall submit to Congress annually on the first Monday in December a detailed report of the use of this fund: * *

Act March 3, 1911, c. 210, § 1, 36 Stat. 1061.

This is a further provision of the Indian appropriation act for the fiscal year ending June 30, 1912, cited above.

Annual statements of fiscal affairs of Indian tribes for whose benefit expenditures are made by officers, clerks, etc., of the department.

Sec. 27. Annually, on the first Monday in December, the Secretary of the Interior shall transmit to the Speaker of the House of Repre-

sentatives a statement of the fiscal affairs of all Indian tribes for whose benefit expenditures from either public or tribal funds shall have been made by any officer, clerk, or employee in the Interior Department during the preceding fiscal year; and such statement shall show (1) the total amount of all moneys, from whatever source derived, standing to the credit of each tribe of Indians, in trust or otherwise, at the close of such fiscal year; (2) an analysis of such credits, by funds, showing how and when they were created, whether by treaty stipulation, agreement, or otherwise; (3) the total amount of disbursements from public or trust funds made on account of each tribe of Indians for such fiscal year; and (4) an analysis of such disbursements showing the amounts disbursed (a) for per capita payments in money to Indians, (b) for salaries or compensation of officers and employees, (c) for compensation of counsel and attorney's fees, and (d) for support and civilization.

Act March 3, 1911, c. 210, § 27, 36 Stat. 1077.

This section is part of the Indian appropriation act for the fiscal year ending June 30, 1912, cited above.

CHAPTER THREE.

The General Land-Office.

Sec. 446.

Commissioner of the General Land-Office.

The appropriation for compensation of the Commissioner by the legislative, executive, and judicial appropriation act for the fiscal year ending June 30, 1912, is $5,000. Act March 4, 1911, c. 237, § 1, 36 Stat. 1214.

ACT JULY 11, 1890, c. 667, § 1.

Assistant Commissioner of the General Land-Office.

The provision of this act for the Assistant Commissioner, set forth in Comp. St. 1901, p. 256, is repeated in the same language in the legislative, executive, and judicial appropriation acts for each of the fiscal years following, to the year 1911. But the similar act for the fiscal year ending June 30, 1912, contains merely the appropriation for "assistant commissioner," $3,500. Act March 4, 1911, c. 237, § 1, 36 Stat. 1214.

The designation of an officer or employé to act temporarily as Assistant Commissioner is authorized by a provision of Act May 22, 1908, c. 186, § 1, set forth below.

ACT MAY 22, 1908, c. 186, § 1. [H. R. 16882.]

Depositary, as receiver of public moneys.

General Land Office: * * one depositary acting for the Commissioner as receiver of public moneys, two thousand dollars; * *

Act May 22, 1908, c. 186, § 1, 35 Stat. 225.

This is a provision of the legislative, executive, and judicial appropriation act for the fiscal year ending June 30, 1909, cited above. It is repeated in the similar acts for subsequent years. The provision for the fiscal year ending June 30, 1912, is by Act March 4, 1911, c. 237, § 1, 36 Stat. 1915.

Designation of temporary Assistant Commissioner.

That hereafter the Secretary of the Interior be, and he is hereby, authorized to designate an officer or employee of the General Land Office to act temporarily as Assistant Commissioner of that Office

during the absence of the Assistant Commissioner, or in case of a vacancy in the office of such Assistant Commissioner, or when such Assistant Commissioner is acting as Commissioner, and all acts performed by any officer or employee while acting under such designation shall have the same force and effect as if performed by said Commissioner or Assistant Commissioner.

Act May 22, 1908, c. 186, § 1, 35 Stat. 225.

This is a further provision of the legislative, executive, and judicial appropriation act for the fiscal year ending June 30, 1909, cited above.

Sec. 447.

Recorder of General Land-Office.

The designation of an officer or employé to perform temporarily the duties of the Recorder is authorized by a provision of Act May 22, 1908, c. 186, § 1, set forth below.

ACT MAY 22, 1908, c. 186, § 1. [H. R. 16882.]

Designation of temporary Recorder.

That hereafter the Secretary of the Interior be, and he is hereby, authorized to designate an officer or employee of the General Land Office to perform temporarily the duties of the Recorder of that office in the absence of that officer and in the case of a vacancy in the office of such Recorder, and the acts of any person so designated shall have all the force and effect of an act performed by the Recorder.

Act May 22, 1908, c. 186, § 1, 35 Stat. 225.

This is a provision of the legislative, executive, and judicial appropriation act for the fiscal year ending June 30, 1909, cited above.

Before this provision the duties of the office of Recorder, in case of a vacancy, or of his sickness or absence, were to be performed by the Assistant Commissioner, by provisions of Rev. St. § 459, and Act March 2, 1895, c. 177, § 3, Comp. St. 1901, 259, 260.

Sec. 450.

ACT JUNE 19, 1878, c. 329, § 1.

Executive clerk to sign land patents.

An appropriation for a "female clerk, to be designated by the President, to sign land patents," $1,200, is made by the legislative, executive, and judicial appropriation acts for recent years; that for the fiscal year ending June 30, 1912, is by Act March 4, 1911, c. 237, § 1, 36 Stat. 1213.

An appropriation is also made by the recent similar acts for per diem in lieu of subsistence of clerks detailed to investigate fraudulent land entries, trespasses on the public lands, and cases of official misconduct, while traveling on duty, and for actual necessary expenses of transportation, etc. That for the fiscal year ending June 30, 1912, is by Act March 4, 1911, c. 237, § 1, 36 Stat. 1215.

Sec. 453. [*As amended* 1875.]

Duties of Commissioner.

The Court of Private Land Claims having ceased on June 30, 1904, pursuant to the amendment of section 19 of the act by which it was established, by a provision of Act March 3, 1903, c. 1007, § 1, 32 Stat. 1144, all the powers exercised by that court in the approval of surveys executed under its decrees of confirmation were conferred upon the Commissioner of the General Land Office from and after that date, by a provision of Act April 28, 1904, c. 1762, § 1, set forth below.

ACT APRIL 28, 1904, c. 1762, § 1. [H. R. 14416.]

Powers of Court of Private Land Claims in approval of surveys conferred on Commissioner of General Land Office.

That all the powers now exercised by the Court of Private Land Claims in the approval of surveys executed under its decrees of confirmation shall be conferred upon and exercised by the Commissioner of the General Land Office from and after the thirtieth day of June, nineteen hundred and four.

Act April 28, 1904, c. 1762, § 1, 33 Stat. 485.

This is a provision, following an appropriation for survey of private land claims confirmed by the court, in the sundry civil appropriation act for the fiscal year ending June 30, 1905, cited above. The court ceased on June 30, 1904, pursuant to the provision of Act March 3, 1903, c. 1007, § 1, 32 Stat. 1144.

Sec. 454.

Custody of seal, books, records, etc.

Original papers on file in the General Land Office, on which a patent to land was issued, may be transmitted and authenticated for use as evidence in the courts, by Act April 19, 1904, c. 1398, set forth below.

ACT APRIL 19, 1904, c. 1398. [H. R. 10007.]

An Act to Authorize the Commissioner of the General Land Office to Transmit Original Papers to be used as Evidence. (33 Stat. 186.)

Transmission, authentication, and use as evidence of original papers on file.

Be it enacted, &c., That whenever the register of any United States land office shall be served with a subpœna duces tecum or other valid legal process requiring him to produce, in any United States court or in any court of record of any State, the original application for entry of public lands or the final proof of residence and cultivation or any other original papers on file in the General Land Office of the United States on which a patent to land has been issued or which furnish the basis for such patent, it shall be the duty of such register to at once notify the Commissioner of the General Land Office of the service of such process, specifying the particular papers he is required to produce, and upon receipt of such notice from any register of a United States land office the Commissioner of the General Land Office shall at once transmit to such register the original papers specified in such notice, and which such register is required to produce, and to attach to such papers a certificate, under seal of his office, properly authenticating them as the original papers upon which patent was issued; and such papers so authenticated shall be received in evidence in all courts of the United States and in the several State courts of the States of the Union: Provided, That the Secretary of the Interior shall make rules and regulations to secure the return of such documents to the General Land Office, after use in evidence, without cost to the United States.

Act April 19, 1904, c. 1398, 33 Stat. 186.

Copies of patents or other papers in the General Land Office, authenticated by the seal and certified by the Recorder of the office, are evidence, equally with the originals, as when certified by the Commissioner, by Act April 19, 1904, c. 1396, set forth post, under Title XIII, "The Judiciary," c. 17.

Sec. 459.

Duties of Recorder.

Copies of patents or other papers in the General Land Office, authenticated by the seal of the office and certified by the Recorder, are evidence, equally with the originals, as when certified by the Commissioner, by Act April 19, 1904, c. 1396, post, under Title XIII, "The Judiciary," c. 17.

ACT MARCH 2, 1895, c. 177, § 3.

Performance of duties of Recorder in case of vacancy in office, etc.

The provision of this section, set forth in Comp. St. 1901, p. 260, that the duties of the office of Recorder, in case of vacancy in the office, or of his sickness or absence, should be performed by the Assistant Commissioner, is superseded by the provision for the designation of an officer or employé to perform such duties temporarily, contained in Act May 22, 1908, c. 186, § 1, set forth ante, under Rev. St. § 447.

Sec. 460.

Copies of papers filed in the Department.

The Commissioner is required to cause to be prepared, and to certify, under the seal of the office, such copies of records, books, and papers on file in his office, as may be applied for, to be used as evidence in courts of justice, by Rev. St. § 2469, Comp. St. 1901, p. 1557. And such copies, so authenticated and certified, are made evidence, equally with the originals thereof, by Rev. St. § 891, Comp. St. 1901, p. 672.

Copies of patents, records, books, or papers in the office, authenticated by the seal and certified by the Recorder, are made evidence equally with the originals thereof, as when certified by the Commissioner, by Act April 19, 1904, c. 1396, set forth post, under Title XIII, "The Judiciary," c. 17.

Registers and receivers of land offices are authorized to make transcripts of records in their offices for individuals, and such transcripts when duly certified are made admissible in evidence, by Act March 22, 1904, c. 748, set forth post, under Title XXXII, "The Public Lands," c. 2.

The Commissioner is authorized to transmit and authenticate for use as evidence in the courts original papers on file in the office, on which any patent to land has been issued, by Act April 19, 1904, c. 1398, set forth above, under Rev. St. § 454.

Sec. 461. [*As amended* 1888.]

[Amended. Act May 29, 1908, c. 220, § 15.]

This section, set forth, as amended by Act April 2, 1888, c. 54, in Comp. St. 1901, p. 260, is further amended by Act May 29, 1908, c. 220, § 15, set forth below.

ACT MAY 29, 1908, c. 220, § 15. [S. 6190.]

Amendment of Rev. St. § 461.

That section four hundred and sixty-one of the Revised Statutes of the United States, as amended by the Act approved April second, eighteen hundred and eighty-eight, be, and the same is hereby, amended to read as follows:

Fees for exemplifications of patents, etc.

"Sec. 461. All exemplications of patents or papers on file or of record in the General Land Office which may be required by parties interested shall be furnished by the Commissioner upon payment by such parties at the rate of fifteen cents per hundred words, and thirty cents each for photolithographic copies of township plats or

diagrams unverified, not to exceed ten copies to any one person, and twenty-five cents each for all copies in excess of ten, with an additional sum of one dollar for the Commissioner's certificate of verification, with the General Land Office seal; and the amount so received shall, under the direction of the Commissioner, be paid into the Treasury; but fees shall not be demanded for such authenticated copies as may be required by the officers of any branch of the Government, nor for such unverified copies as the Commissioner, in his discretion, may deem proper to furnish; but said Commissioner may, if he deem it advisable, make such charge for unverified copies as will, in his judgment, cover the cost of the preparation thereof."

Act May 29, 1908, c. 220, § 15, 35 Stat. 469.

This section is part of an act authorizing a resurvey of certain townships in the state of Wyoming, and for other purposes, cited above.

CHAPTER FOUR.

The Commissioner of Indian Affairs.

Sec. 462.

Commissioner of Indian Affairs.

The appropriation, for compensation of the Commissioner, of $5,000, made by the legislative, executive, and judicial appropriation acts of previous years, is repeated in the similar act for the fiscal year ending June 30, 1912. Act March 4, 1911, c. 237, § 1, 36 Stat. 1215.

Sec. 463.

ACT JULY 31, 1886, c. 827, § 1.

Assistant Commissioner of Indian Affairs.

The provision of this act for an Assistant Commissioner, set forth in Comp. St. 1901, p. 262, was repeated, in the same language, in subsequent similar acts down to the act for the fiscal year 1907. Appropriations were made for the three years following for "Assistant Commissioner," $3,000, and for "chief clerk," $2,250. For the fiscal year 1911, appropriations for "Assistant Commissioner" and for "Second Assistant Commissioner, who shall also perform the duties of chief clerk," were made by Act June 17, 1910, c. 297, § 1, 36 Stat. 513, and repeated in the act for the fiscal year 1912.

An appropriation for a private secretary in the office of the Commissioner is made by a provision of Act Feb. 27, 1906, c. 510, § 1, set forth below, and repeated in subsequent acts.

ACT FEB. 27, 1906, c. 510, § 1. [H. R. 12320.]

Private secretary in office of Commissioner.

For salary of private secretary, now appropriated for as confidential clerk in office of Commissioner of Indian Affairs at the rate of one thousand eight hundred dollars per annum, * *

Act Feb. 27, 1906, c. 510, § 1, 34 Stat. 36.

This is a provision of the urgent deficiency act for the fiscal year ending June 30, 1906, cited above. Appropriations for the salary of the private secretary at the same rate are made by the legislative, executive, and judicial appropriation acts for subsequent years. The provision for the fiscal year ending June 30, 1912, is by Act March 4, 1911, c. 237, § 1, 36 Stat. 1215.

ACT APRIL 30, 1908, c. 153. [H. R. 15219.]

Agent to negotiate with Indians for commutation of perpetual annuities.

That the Commissioner of Indian Affairs is hereby authorized to send a special Indian agent, or other representative of his office, to visit any Indian tribe for the purpose of negotiating and entering into a written agreement with such tribe for the commutation of the perpetual annuities due under treaty stipulations, to be subject to the approval of Congress; and the Commissioner of Indian Affairs shall transmit to Congress said agreements with such recommendations as he may deem proper.

Act April 30, 1908, c. 153, 35 Stat. 73.

This is a provision of the Indian appropriation act for the fiscal year ending June 30, 1909, cited above.

ACT MARCH 3, 1909, c. 263. [H. R. 26916.]

Designation of employee to sign letters for Commissioner or Assistant Commissioner.

That hereafter the Commissioner of Indian Affairs, with the approval of the Secretary of the Interior, may designate an employee of the Indian Office to sign letters of that office requiring the signature of the commissioner or assistant commissioner, and all signatures of such employee while acting under such designation shall have the same force and effect as if made by said commissioner or assistant commissioner.

Act March 3, 1909, c. 263, § 1, 35 Stat. 783.

This is a provision of the Indian appropriation act for the fiscal year ending June 30, 1910, cited above.

ACT MARCH 3, 1911, c. 210, § 17. [H. R. 28406.]

Designation of employé or employés of department to sign approval of Secretary of tribal deeds, etc., of any of Five Civilized Tribes of Indians.

That the Secretary of the Interior be, and he is hereby, authorized to designate an employee or employees of the Department of the Interior to sign, under the direction of the Secretary, in his name and for him, his approval of tribal deeds to allottees, to purchasers of town lots, to purchasers of unallotted lands, to persons, corporations, or organizations for lands reserved to them under the law for their use and benefit, and to any tribal deeds made and executed according to law for any of the Five Civilized Tribes of Indians in Oklahoma.

Act March 3, 1911, c. 210, § 17, 36 Stat. 1069.

This is a provision of the Indian appropriation act for the fiscal year ending June 30, 1912, cited above.

Sec. 464.

ACT APRIL 30, 1908, c. 153. [H. R. 15219.]

Disbursing officers' bonds.

Hereafter when the Secretary of the Interior deems a new bond necessary he may, in his discretion, require any disbursing officer under the jurisdiction of the Commissioner of Indian Affairs to execute a new bond, with approved sureties, in such amount as he may deem necessary, and when accepted and approved by the Secretary of the Interior the new bond shall be valid and the surety or sureties of the prior bond shall be released from liability for all acts or defaults

of the principal which may be done or committed from and after the day on which the new bond was approved.

Act April 30, 1908, c. 153, 35 Stat. 71.

This is a provision of the Indian appropriation act for the fiscal year ending June 30, 1909, cited above.

The expense of procuring the official bond of any disbursing officer of the Indian service is to be paid by the United States, by a further provision of this act, set forth below.

Supervision by Commissioner of expenditures for school purposes; limitation of per capita expenditure.

That all expenditure of money herein or hereafter appropriated for school purposes among the Indians, shall be at all times under the supervision and direction of the Commissioner of Indian Affairs, and in all respects in conformity with such conditions, rules, and regulations as to the character and methods of instruction and expenditure of money as may be from time to time prescribed by him, subject to the supervision of the Secretary of the Interior: Provided, That, except for pay of superintendents, not more than one hundred and sixty-seven dollars shall be expended for the annual support and education of any one pupil in any school herein specifically provided for, except when, by reason of epidemic, accident, or other sufficient cause, the attendance is so reduced or cost of maintenance so high that a larger expenditure is absolutely necessary, when the Commissioner of Indian Affairs, with the approval of the Secretary of the Interior, may allow a larger per capita expenditure: Provided further, That the total amount appropriated for the support of such school shall not be exceeded: Provided further, That the number of pupils in any school entitled to the per capita allowance hereby provided for shall be determined by taking the average enrollment for the entire fiscal year and not any fractional part thereof.

Act April 30, 1908, c. 153, § 1, 35 Stat. 72.

This is a further provision of the Indian appropriation act for the fiscal year ending June 30, 1909, cited above. Similar provisions were contained in the similar acts for previous years, applicable to the appropriations made by the particular act.

Deposits by disbursing agents of Indian moneys in national banks.

That hereafter any United States Indian agent, superintendent, or other disbursing agent of the Indian Service may deposit Indian moneys, individual or tribal, coming into his hands as custodian, in such national bank or banks as he may select: Provided, That the bank or banks so selected by him shall first execute to said disbursing agent a bond, with approved surety, in such an amount as will properly safeguard the funds to be deposited. Such bond shall be subject to the approval of the Secretary of the Interior.

Act April 30, 1908, c. 153, § 1, 35 Stat. 73.

This is a further provision of the Indian appropriation act for the fiscal year ending June 30, 1909, cited above.

Payment of expense of procuring official bonds of agents, etc.

* * That hereafter the expense of procuring the official bond of any agent, superintendent, or other disbursing officer of the Indian Service shall be paid by the United States.

Act April 30, 1908, c. 153, § 1, 35 Stat. 75.

This is a proviso annexed to the appropriation for contingencies of the Indian service in the Indian appropriation act for the fiscal year ending June 30, 1909, cited above.

Secs. 468, 469.

[Repealed. Act June 25, 1910, c. 431, § 19.]

These sections, set forth in Comp. St. 1901, p. 265, relating to the annual reports to Congress of the Commissioner of Indian Affairs, with Rev. St. § 2091, are repealed by Act June 25, 1910, c. 431, § 19, set forth below.

ACT AUG. 15, 1876, c. 289, § 3.

Statement of bids or proposals for services, supplies, etc.

So much of this section, set forth in Comp. St. 1901, p. 266, as required the Commissioner to embody in his annual report a statement of all bids and proposals received for services, supplies, and annuity goods for the Indian service, is repealed by a provision of Act June 21, 1906, c. 3504, set forth below.

ACT MARCH 8, 1892, c. 12.

Report of employés of Indian Bureau.

The provision of this act, set forth in Comp. St. 1901, p. 266, appears to have been intended to be repealed by the provision of Act June 21, 1906, c. 3504, set forth below, for the repeal of so much of the act of "March second," 1892, as requires the Commissioner to report annually the names of all employés in the Indian service.

ACT JULY 13, 1892, c. 164, § 9.

Report of employés at schools.

This section, set forth in Comp. St. 1901, p. 266, was re-enacted in each of the annual Indian appropriation acts, down to Act March 3, 1903, c. 994, § 6, 32 Stat. 1007. Provisions similar thereto, except in requiring a report to each Congress, at the first regular session, instead of annually, were contained in Act April 21, 1904, § 6, set forth below, and were not repeated in subsequent acts, and so much of said Act April 21, 1904, as required the Commissioner to report annually the names of all employés in the Indian service, was repealed by a provision of Act June 21, 1906, c. 3504, also set forth below.

Thereafter the sections in which the original Act July 13, 1892, c. 164, § 9, was re-enacted in three subsequent Indian appropriation acts, Act March 2, 1895, c. 188, § 8, 28 Stat. 908, Act March 3, 1901, c. 832, § 8, 31 Stat. 1085, and Act May 27, 1902, c. 888, § 6, 32 Stat. 274, were repealed by Act June 25, 1910, c. 431, § 20, set forth ante, in Chapter 2 of this Title, under Rev. St. § 445. Such repeal may be regarded as intended to repeal all such provisions mentioned in this note.

ACT APRIL 21, 1904, c. 1402, § 6. [H. R. 12684.]

Report of employés at schools.

That the Commissioner of Indian Affairs shall report to each Congress, at the first regular session thereof, specifically showing the number of employees at each agency, industrial and boarding school, which are supported in whole or in part out of the appropriations in this Act, giving name, when employed, in what capacity employed, male or female, whether white or Indian, amount of compensation paid, and out of what item or fund of the appropriation paid, and whether, in the opinion of such Commissioner, any of such employees are unnecessary.

Act April 21, 1904, c. 1402, § 6, 33 Stat. 217.

This section is part of the Indian appropriation act for the fiscal year ending June 30, 1905, cited above. It supersedes the provisions of Act July 13, 1892, c. 164, § 9, and of subsequent acts referred to under that section, Comp. St. 1901, pp. 266, 267, which required such a report annually. Three of such successive provisions, Act March 2, 1895, c. 188, § 8, 28 Stat. 908, Act March 3, 1901, c. 832, § 8, 31 Stat. 1085, and Act May 27, 1902, c. 888, § 6, 32 Stat. 274, were repealed by Act June 25, 1910, c. 431, § 20, set forth ante, in Chapter 2 of this Title, under Rev. St. § 445. And so much of this act as requires the

Commissioner to report "annually" the names of all employés in the Indian service was repealed by a provision of Act June 21, 1906, c. 3504, set forth below.

ACT JUNE 21, 1906, c. 3504. [H. R. 15331.]

Repeal of provisions of Act Aug. 15, 1876, § 3, Act March 2, 1892, and Act April 21, 1904.

That so much of the section three of the Act of August fifteenth, eighteen hundred and seventy-six, as required the Commissioner of Indian Affairs to embody in his annual report a detailed and tabular statement of all bids and proposals received for any services, supplies, and annuity goods for the Indian service, together with a detailed statement of all awards of contracts made for any such services, supplies, and annuity goods for which said bids or proposals were received, is hereby repealed, and hereafter he shall embody in his annual report only a detailed statement of the awards of contracts made for any services, supplies, and annuity goods for the Indian service; and that so much of the Acts of March second, eighteen hundred and ninety-two, and April twenty-first, nineteen hundred and four, which require the Commissioner to report annually the names of all employees in the Indian service is hereby also repealed.

Act June 21, 1906, c. 3504, 34 Stat. 328.

This is a provision of the Indian appropriation act for the fiscal year ending June 30, 1907, cited above. Act Aug. 15, 1876, c. 289, § 3, mentioned and repealed in part therein, is set forth in Comp. St. 1901, p. 266. The further reference to and repeal of a provision of an act of "March second," 1892, appears to be intended for the provision of Act March 8, 1892, c. 12, also set forth in Comp. St. 1901, p. 266. The provision of Act April 21, 1904, c. 1402, § 6, also mentioned as repealed in this provision, is set forth above; but it required a report as to employés, not "annually," but "to each Congress, at the first regular session thereof," differing in that respect from previous provisions otherwise to the same effect, but requiring the report to be made annually.

ACT JUNE 25, 1910, c. 431, § 19. [H. R. 24992.]

Repeal of Rev. St. §§ 468, 469, and 2091.

Sec. 19. That sections four hundred and sixty-eight, four hundred and sixty-nine, and two thousand and ninety-one of the Revised Statutes of the United States be, and they are hereby, repealed.

Act June 25, 1910, c. 431, § 19, 36 Stat. 860.

This section is part of an act to provide for determining the heirs of deceased Indians, etc., cited above.

The sections of the Revised Statutes repealed by this section relate to reports required to be made by the Commissioner of Indian Affairs. Other provisions relating to such reports are repealed by section 20 of the same act, set forth ante, in Chapter 2 of this Title, under Rev. St. § 445.

CHAPTER FIVE.

The Commissioner of Pensions.

Sec. 470.

Commissioner of Pensions.

The appropriation for compensation of the Commissioner by the legislative, executive, and judicial appropriation act for the fiscal year ending June 30, 1912, is $5,000. Act March 4, 1911, c. 237, § 1, 36 Stat. 1216.

A private secretary to the Commissioner is authorized by a provision of Act March 3, 1905, c. 1484, § 1, set forth post, under Rev. St. § 472.

Sec. 472.

Deputy Commissioner.

The appropriations for compensation of the Deputy Commissioners by the legislative, executive, and judicial appropriation act for the fiscal year ending June 30, 1912, are: First Deputy Commissioner, $3,600; Second Deputy Commissioner, $3,600. Act March 4, 1911, c. 237, § 1, 36 Stat. 1216.

ACT MARCH 3, 1905, c. 1484, § 1. [H. R. 19150.]

Private Secretary to Commissioner.

Pension Office: For private secretary to be selected and appointed by the Commissioner of Pensions at the rate of two thousand dollars per annum from March fourth, nineteen hundred and five, to June thirtieth, nineteen hundred and six, both inclusive, two thousand six hundred and fifty dollars.

Act March 3, 1905, c. 1484, § 1, 33 Stat. 1233.

This is a provision of the deficiency appropriation act for the fiscal year ending June 30, 1905, cited above. The appropriation is continued at the same rate by the legislative, executive, and judicial appropriation acts for subsequent years. The provision for the fiscal year ending June 30, 1912, is by Act March 4, 1911, c. 237, § 1, 36 Stat. 1216.

Sec. 474.

Investigation of attempts at fraud.

Provisions of recent appropriation acts for additional compensation to special examiners or other persons employed in the Bureau of Pensions, detailed to make special investigations, are referred to post, under Title LVII, "Pensions," in connection with the provisions on the subject of Rev. St. § 4744, as amended by Act July 25, 1882, c. 349, and of subsequent acts, Comp. St. 1901, pp. 3276–3278.

CHAPTER SIX.

The Patent-Office.

Sec. 476.

Officers and employés.

Appropriations for the Commissioner of Patents and a First Assistant Commissioner and an Assistant Commissioner, for the fiscal year ending June 30, 1912, are made by a provision of Act March 4, 1911, c. 237, § 1, set forth below.

ACT MARCH 4, 1911, c. 237, § 1. [H. R. 29360.]

Commissioner of Patents, Assistant Commissioners, etc., and examiners in chief.

Patent Office: Commissioner of Patents, five thousand dollars; first assistant commissioner, who shall perform such duties pertaining to the office of commissioner as may be assigned to him by the commissioner, four thousand five hundred dollars; assistant commissioner, who shall perform such duties pertaining to the office of commissioner as may be assigned to him by the commissioner, three thousand five hundred dollars; chief clerk, who shall be qualified to act as principal examiner, three thousand dollars; two law examiners, at two thou-

sand seven hundred and fifty dollars each; three examiners in chief, at three thousand five hundred dollars each; * *

Act March 4, 1911, c. 237, § 1, 36 Stat. 1216.

This is part of a provision of the legislative, executive, and judicial appropriation act for the fiscal year ending June 30, 1912, cited above, the remainder of which makes appropriations for other examiners, officers, clerks, and employés in the Patent Office; among them, for a "financial clerk, who shall give bonds in such amount as the Secretary of the Interior may determine," $2,250, a "private secretary, to be selected and appointed by the Commissioner of Patents," $1,800; and a "translater of languages," $1,800.

Sec. 477.

Salaries.

The appropriations for salaries of the Commissioner and the Assistant Commissioners for the fiscal year ending June 30, 1912, are contained in a provision of Act March 4, 1911, c. 237, § 1, set forth ante, under section 476.

Sec. 481.

ACT JULY 11, 1890, c. 667, § 1.

Duties of Assistant Commissioner.

The provision of this act set forth in Comp. St. 1901, p. 272, is repeated in the legislative, executive, and judicial appropriation acts for subsequent years, down to and including the fiscal year ending June 30, 1911. Similar provisions relating to the First Assistant Commissioner and the Assistant Commissioner for whom appropriations are made by Act March 4, 1911, c. 237, § 1, are contained in said appropriations, set forth ante, under section 476.

Sec. 484.

Arrangement and exhibition of models, etc.

All models of the Patent Office are to be retained until provision is made for their care by Congress, by a provision of Act March 4, 1909, c. 298, § 1, set forth below.

ACT MARCH 4, 1909, c. 298, § 1. [H. R. 28736.]

All models to be retained.

That all models of the Patent Office be retained by the Interior Department until provision is made for their care by Congress.

Act March 4, 1909, c. 298, § 1, 35 Stat. 924.

This is a provision of the deficiency appropriation act for the fiscal year ending June 30, 1909, cited above.

This provision appears to supersede a previous provision relating to the disposition of such models, contained in Act May 22, 1908, c. 186, § 1, 35 Stat. 229, which was as follows:

"That a commission, which is hereby created, to consist of the Secretary of the Interior, the Commissioner of Patents, and the Secretary of the Smithsonian Institution, shall determine which of the models of the Patent Office may be of possible benefit to patentees or of historical value, such models thus selected to be cared for in the new National Museum building, the remainder of said models shall before January first, nineteen hundred and nine, be disposed of by sale, gift, or otherwise as the Commissioner of Patents, with the approval of the Secretary of the Interior, shall determine."

Sec. 490.

Printing specifications and drawings.

The patent department of the Carnegie Library of Pittsburg, Pa., is made the place of deposit for the patent specifications and drawings

referred to in this section, instead of the clerk's office of the United States District Court for the Western District of Pennsylvania, by Res. June 28, 1902, No. 35, 32 Stat. 746.

CHAPTER NINE.

The Office of Education.

Sec. 517.

Commissioner of Education.

The appropriation for compensation of the Commissioner, by the legislative, executive, and judicial appropriation act for the fiscal year ending June 30, 1912, is $5,000. Act March 4, 1911, c. 237, § 1, 36 Stat. 1217.

Sec. 518.

Duties of Commissioner.

Appropriations in the recent annual sundry civil appropriation acts for the education and support of the natives of Alaska provide that all expenditures of money appropriated therein for school purposes shall be under the supervision and direction of the Commissioner of Education and in conformity with such conditions, rules, and regulations as to conduct and methods of instruction and expenditure of money as may from time to time be recommended by him and approved by the Secretary of the Interior. The provision for the fiscal year ending June 30, 1912, is by Act March 4, 1911, c. 285, § 1, 36 Stat. 1420.

Sec. 519.

RES. MARCH 21, 1906, No. 10. [H. J. R. 97.]

Joint Resolution Authorizing Assignment of Pay of Teachers and Other Employees of the Bureau of Education in Alaska. (34 Stat. 824.)

Assignment of pay by teachers and other employés of Bureau in Alaska; reimbursement of teachers for expenses.

Resolved, &c., That the Secretary of the Interior be, and he is hereby, authorized to permit teachers and other employees of the United States Bureau of Education employed in Alaska to make assignments of their pay, under such regulations as he may prescribe, during such time as they may be in the employ of the Bureau of Education in Alaska; and the Secretary of the Interior is further authorized, in his discretion, under such regulations as he may prescribe, to reimburse school-teachers in Alaska for expenses incurred by them in the discharge of their duties and paid from their personal funds.

Res. March 21, 1906, No. 10, 34 Stat. 824.

[CHAPTER NINE A.]

[The Office of the Commissioner of Railroads.]

ACT MARCH 3, 1901, c. 830, § 1.

[Superseded.]

The proviso of this act, set forth in Comp. St. 1901, p. 283, is superseded by a similar proviso in the sundry civil appropriation act for the

fiscal year ending June 30, 1903, that the office should terminate on that date. Act June 28, 1902, c. 1301, § 1, 32 Stat. 456. And this is superseded by a similar proviso in the next similar appropriation act, set forth below.

ACT MARCH 3, 1903, c. 1007, § 1.

Termination of office.

* * That the office of Commissioner of Railroads is hereby continued until the thirtieth day of June, nineteen hundred and four, when the same shall terminate, and the duties of the Commissioner shall be transferred to the Secretary of the Interior together with the records and files of the office.

Act March 3, 1903, c. 1007, § 1, 32 Stat. 1119.

This is a proviso annexed to an appropriation for salaries in the office of Commissioner of Railroads in the sundry civil appropriation act for the fiscal year ending June 30, 1904, cited above.

[CHAPTER NINE B.]

[The Bureau of Mines.]

ACT MAY 16, 1910, c. 240. [H. R. 13915.]

An Act to Establish in the Department of the Interior a Bureau of Mines. (36 Stat. 369.)

Establishment of Bureau; Director, his qualifications, appointment, and salary; experts and other employés.

Be it enacted, &c., That there is hereby established in the Department of the Interior a bureau, to be called the Bureau of Mines, and a director of said bureau, who shall be thoroughly equipped for the duties of said office by technical education and experience and who shall be appointed by the President, by and with the advice and consent of the Senate, and who shall receive a salary of six thousand dollars per annum; and there shall also be in the said bureau such experts and other employees as may from time to time be authorized by Congress.

Act May 16, 1910, c. 240, § 1, 36 Stat. 369.

Duties of Bureau and Director.

Sec. 2. That it shall be the province and duty of said bureau and its director, under the direction of the Secretary of the Interior, to make diligent investigation of the methods of mining, especially in relation to the safety of miners, and the appliances best adapted to prevent accidents, the possible improvement of conditions under which mining operations are carried on, the treatment of ores and other mineral substances, the use of explosives and electricity, the prevention of accidents, and other inquiries and technologic investigations pertinent to said industries, and from time to time make such public reports of the work, investigations, and information obtained as the Secretary of said department may direct, with the recommendations of such bureau.

Act May 16, 1910, c. 240, § 2, 36 Stat. 370.

Offices, supplies, assistants, clerks, etc.

Sec. 3. That the Secretary of the Interior shall provide the said bureau with furnished offices in the city of Washington, with such

books, records, stationery, and appliances, and such assistants, clerks, stenographers, typewriters, and other employees as may be necessary for the proper discharge of the duties imposed by this Act upon such bureau, fixing the compensation of such clerks and employees within appropriations made for that purpose.

Act May 16, 1910, c. 240, § 3, 36 Stat. 370.

Appropriations for the Bureau are made by the subsequent sundry civil appropriation acts. The provisions for the fiscal year ending June 30, 1912, are by Act March 4, 1911, c. 285, § 1, 36 Stat. 1418.

Transfer to Bureau from Geological Survey of certain investigations and appropriations therefor, experts, employés, etc.

Sec. 4. That the Secretary of the Interior is hereby authorized to transfer to the Bureau of Mines from the United States Geological Survey the supervision of the investigations of structural materials and the analyzing and testing of coals, lignites, and other mineral fuel substances and the investigation as to the causes of mine explosions; and the appropriations made for such investigations may be expended under the supervision of the Director of the Bureau of Mines in manner as if the same were so directed in the appropriations Acts; and such investigations shall hereafter be within the province of the Bureau of Mines, and shall cease and determine under the organization of the United States Geological Survey; and such experts, employees, property and equipment as are now employed or used by the Geological Survey in connection with the subjects herewith transferred to the Bureau of Mines are directed to be transferred to said bureau.

Act May 16, 1910, c. 240, § 4, 36 Stat. 370.

So much of this act as transfers to the Bureau the supervision of the investigations of structural material and equipment therefor is repealed by a provision of Act June 25, 1910, c. 384, § 1, set forth below.

Act not to be construed as granting authority over mines, etc., in States.

Sec. 5. That nothing in this Act shall be construed as in any way granting to any officer or employee of the Bureau of Mines any right or authority in connection with the inspection or supervision of mines or metallurgical plants in any State.

Act May 16, 1910, c. 240, § 5, 36 Stat. 370.

Time of taking effect of act.

Sec. 6. This Act shall take effect and be in force on and after the first day of July, nineteen hundred and ten.

Act May 16, 1910, c. 240, § 6, 36 Stat. 370.

ACT JUNE 25, 1910, c. 384, § 1. [H. R. 25552.]

Repeal in part of Act May 16, 1910, c. 240; transfer to Bureau of investigations of structural materials.

So much of the Act establishing a Bureau of Mines, approved May sixteenth, nineteen hundred and ten, as transfers to said Bureau the supervision of the investigations of structural materials and equipment therefor is repealed;

Act June 25, 1910, c. 384, § 1, 36 Stat. 743.

This is a provision of the sundry civil appropriation act for the fiscal year ending June 30, 1911, cited above.

TITLE XII.

THE DEPARTMENT OF AGRICULTURE.

[CHAPTER A.]

[The Department and the Secretary of Agriculture.]

Sec. 520.

Establishment of the Department of Agriculture.

The execution of all laws affecting public lands reserved as forest reserves, after such lands have been so reserved, with certain exceptions, having been placed under the Secretary of Agriculture, by Act Feb. 1, 1905, c. 288, § 1, set forth post, under Title XXXII, "The Public Lands," c. 11, subchapter "National Forests," the appropriations previously made for the Bureau of Forestry are made under the head "Forest Service" in the agricultural appropriation acts for subsequent fiscal years. The provision for the fiscal year ending June 30, 1912 is by Act March 4, 1911, c. 238, 36 Stat. 1244.

Sec. 521.

ACT FEB. 9, 1889, c. 122, §§ 2, 3.

Assistant Secretary of Agriculture.

The Assistant Secretary is authorized to perform such duties in the conduct of the Department as may be assigned by the Secretary, by a provision of Act June 30, 1906, c. 3913, set forth below.

Salaries.

The salary of the Assistant Secretary for the fiscal year ending June 30, 1912, is $5,000, by the appropriation therefor by Act March 4, 1911, c. 238, 36 Stat. 1235.

ACT JUNE 30, 1906, c. 3913. [H. R. 18537.]

Assistant Secretary of Agriculture; duties.

Office of the Secretary: * * Assistant Secretary of Agriculture, * * dollars; and the Assistant Secretary is hereby authorized to perform such duties in the conduct of the business of the Department of Agriculture as may be assigned by the Secretary of Agriculture; * *

Act June 30, 1906, c. 3913, 34 Stat. 670.

This is a provision accompanying an appropriation for the compensation of the Assistant Secretary, in the agricultural appropriation act for the fiscal year ending June 30, 1907, cited above. The amount appropriated, as in previous years, was $4,500. It is increased to $5,000 in the similar appropriations for subsequent years. The provision for the fiscal year ending June 30, 1912, is by Act March 4, 1911, c. 238, 36 Stat. 1235.

Sec. 522.

Clerks and employés.

The agricultural appropriation act of March 3, 1905, c. 1405, 33 Stat. 861, made appropriations for clerks and other employés in various

bureaus of the Department who were previously paid as laborers from the lump sums appropriated; and similar appropriations are made by the subsequent agricultural appropriation acts. The appropriations for the officers, clerks, and employés in the Department for the fiscal year ending June 30, 1912, are contained in Act March 4, 1911, c. 238, 36 Stat. 1235-1265.

That act provides, in the office of the Secretary, besides salaries for the Secretary and Assistant Secretary, compensation for the solicitor, $5.000; chief clerk, $2,500, and $500 additional as custodian of buildings; private secretary to the Secretary of Agriculture, $2,500; stenographer and executive clerk to the Secretary of Agriculture, $2,250; private secretary to the Assistant Secretary of Agriculture, $1,600; stenographer to the Assistant Secretary of Agriculture, $1,400; one appointment clerk, $2,000; one chief of supply division, $2,000; one inspector, $2,500; one law clerk, $2,500; ten law clerks, at $2,000 each; seven law clerks, at $1,800 each; three law clerks, at $1,600 each; with a proviso that the law clerks may be detailed for service in or out of Washington.

Said act further provides for salaries, in the division of accounts and disbursements, for one chief of division and disbursing clerk, who shall be administrative officer of the fiscal affairs of the department, $3,750; one assistant chief of division, $2,500; one chief of office of accounts and fiscal agent, who may be detailed to the Forest Service for duty in or out of the city of Washington, $2,500; seven district fiscal agents, at $2,000 each, who may be detailed to the Forest Service for duty in or out of the city of Washington; one supervising auditor, $2,250; one auditor, $2,000; one cashier and chief clerk, $2,000; one deputy disbursing clerk, $2,000; one supervising book keeper, $1,800; with clerks of different classes and other employés.

A further provision of said act relating to the authority, bond, and liabilities of the deputy disbursing clerk therein provided for, is set forth post, under Rev. St. § 523.

The several separate bureaus established in the Department, in addition to the Weather Bureau and the Bureau of Animal Industry, as stated in the note under this section in Comp. St. 1901, p. 287, are recognized, and existing statutes are made applicable thereto, by a provision of Act June 3, 1902, c. 985, set forth below.

Provisions for examinations, in or under the direction and supervision of the Bureau of Chemistry, of specimens of foods and drugs, for the purpose of determining whether such articles are adulterated or misbranded, etc., contained in Act June 30, 1906, c. 3915, § 4, are set forth post, under Title LVI A, "Regulation of Interstate and Foreign Commerce," c. 3.

ACT JUNE 3, 1902, c. 985.

Establishment of Bureaus of Soils, of Forestry, of Chemistry, and of Plant Industry.

* * That all existing statutes relating to the Division of Soils, reorganized into the Bureau of Soils; the Division of Forestry, reorganized into the Bureau of Forestry; the Division of Chemistry, reorganized into the Bureau of Chemistry; and the Division of Botany, the Division of Pomology, the Division of Vegetable Physiology and Pathology, the Division of Agrostology and Experimental Gardens and Grounds, reorganized into the Bureau of Plant Industry, not otherwise repealed, shall remain in effect as applying to the respective bureaus into which the divisions named have been reorganized:

Act June 3, 1902, c. 985, 32 Stat. 303.

This is a proviso annexed to an appropriation for silk investigations in the agricultural appropriation act for the fiscal year ending June 30, 1903, cited above.

The execution of all laws affecting public lands reserved as forest reserves, after such lands have been so reserved, excepting such laws

as affect the surveying, etc., entering, etc., or patenting of any of such lands, is placed under the Secretary of Agriculture, by Act Feb. 1, 1905, c. 288, § 1, set forth post, under Title XXXII, "The Public Lands," c. 11, subchapter "National Forests."

Sec. 523.

Officers and employés.

The Secretary of Agriculture is authorized to make appointments, promotions, and changes in salaries to be paid out of the lump funds of the several bureaus, divisions, and offices of the Department, subject to certain limitations, by provisions of Act March 4, 1907, c. 2907, set forth below.

The classified laborers transferred from the lump funds to the statutory rolls by Act March 3, 1905, c. 1405, 33 Stat. 861, were placed in the classified service, without further examination, by a further provision of Act March 3, 1905, c. 1405, set forth below, and they are made eligible for promotion, without further examination, by a provision of Act June 30, 1906, c. 3913, also set forth below.

The legal work of the department is to be performed under supervision and direction of the solicitor by a provision of Act May 26, 1910, c. 256, set forth below.

The law clerks may be detailed for service in or out of Washington, by a provision of Act March 4, 1911, c. 238, set forth below.

Leaves of absence for employés, outside of the city of Washington, are authorized by a provision of Act May 23, 1908, c. 192, set forth below.

Assignments of pay by employés, under regulations to be prescribed, are authorized by a provision of Act March 4, 1909, c. 301, set forth below.

Advances from the appropriations for the Department are to be made only to such chiefs of field parties, agricultural explorers, special agents, etc., as shall have given bonds, by a provision of Act June 3, 1902, c. 985, post, under Title XL, "The Public Moneys."

ACT MARCH 3, 1905, c. 1405. [H. R. 18329.]

Laborers placed in classified service.

All classified laborers whose positions are transferred from the lump funds to the statutory rolls are hereby placed in the classified service without further examination in the grades and at the rates of compensation herein provided.

Act March 3, 1905, c. 1405, 33 Stat. 883.

This is a provision of the agricultural appropriation act for the fiscal year ending June 30, 1906, cited above. Previous provisions of the act made appropriations for clerks and other employés previously paid as laborers from the lump sums appropriated.

The laborers so transferred are made eligible for promotion, without further examination, by a provision of Act June 30, 1906, c. 3913, set forth below.

ACT JUNE 30, 1906, c. 3913. [H. R. 18537.]

Laborers transferred to classified service eligible for promotion.

* * That all classified laborers whose positions were transferred from the lump funds to the statutory rolls by the Act making appropriations for the Department of Agriculture approved March third, nineteen hundred and five, and who were by the last clause of that Act placed in the classified service without further examination in the grades and at the rates of compensation provided in said Act, are hereby made eligible for promotion without further examination.

Act June 30, 1906, c. 3913, 34 Stat. 695.

This is a proviso, annexed, in the agricultural appropriation act for the fiscal year ending June 30, 1907, cited above, to provisions contained in that act, which, as repeated and made permanent in Act March 4, 1907, c. 2907, are set forth below.

The last clause of Act March 3, 1905, c. 1405, mentioned in this pro-

vision as having placed in the classified service the laborers in question, is set forth above.

ACT MARCH 4, 1907, c. 2907. [H. R. 24815.]

Appointments, promotions, and changes in salaries to be paid out of lump funds; details of employees.

And hereafter the Secretary of Agriculture is hereby authorized to make such appointments, promotions, and changes in salaries, to be paid out of the lump funds of the several bureaus, divisions, and offices of the Department as may be for the best interests of the service: Provided, That the maximum salary of any classified scientific investigator in the city of Washington, or other employee engaged in scientific work, shall not exceed three thousand five hundred dollars per annum. And the Secretary of Agriculture is hereby authorized and directed to pay the salary of each employee from the roll of the bureau, independent division, or office in which the employee is working, and no other: Provided, however, That details may be made from the office of the Secretary when necessary and the services of the person whom it is proposed to detail are not required in that office; * *

Act March 4, 1907, c. 2907, 34 Stat. 1280.

This is a provision of the agricultural appropriation act for the fiscal year ending June 30, 1908, cited above. A provision in the same words, except the word "hereafter," following the word "And" at the beginning of the paragraph, and the words "three thousand" instead of "three thousand five hundred" in the first proviso, was contained in the similar appropriation act for the preceding year, Act June 30, 1906, c. 3913, 34 S. ... 695.

A further clause of the last proviso set forth here, directing the Secretary "to submit to Congress each year a statement covering all appointments, promotions, or other changes made in the salaries paid from lump funds," etc., is repealed, with other provisions of this act, by a provision of Act March 4, 1911, c. 238, set forth post, under Title XLI, "Appropriations," under Rev. St. § 3668.

ACT MAY 23, 1908, c. 192. [H. R. 19158.]

Leaves of absence to employees outside of city of Washington.

Leave of absence: The employees of the Department of Agriculture, outside of the city of Washington, may hereafter, in the discretion of the Secretary of Agriculture, be granted leave of absence not to exceed fifteen days in any one year, which leave may in exceptional and meritorious cases where such an employee is ill, be extended, in the discretion of the Secretary of Agriculture, not to exceed fifteen days additional in any one year.

Act May 23, 1908, c. 192, § 1, 35 Stat. 267.

This is a provision of the agricultural appropriation act for the fiscal year ending June 30, 1909, cited above. Previous similar provisions, relating to the employés of particular bureaus, etc., in the Department, were contained in the similar acts for preceding years.

ACT MARCH 4, 1909, c. 301. [H. R. 27053.]

Assignment of pay by employees.

And hereafter the Secretary of Agriculture is authorized to permit employees of the Department of Agriculture to make assignments of their pay, under such regulations as he may prescribe, during such time as they may be in the employ of the said department.

Act March 4, 1909, c. 301, § 1, 35 Stat. 1057.

This is a provision of the agricultural appropriation act for the fiscal year ending June 30, 1910, cited above.

ACT MAY 26, 1910, c. 256. [H. R. 18162.]

Solicitor.

Office of the Secretary: * * solicitor, * * dollars, and hereafter the legal work of the Department of Agriculture shall be performed under the supervision and direction of the solicitor; * *

Act May 26, 1910, c. 256, 36 Stat. 416.

This is a provision, accompanying an appropriation for compensation of the solicitor, in the agricultural appropriation act for the fiscal year ending June 30, 1911. The amount appropriated, as in the previous year, was $4,500. It is increased to $5,000 in the appropriation for the subsequent fiscal year, by Act March 4, 1911, c. 238, 36 Stat. 1235.

ACT MARCH 4, 1911, c. 238. [H. R. 31596.]

* * That hereafter the law clerks may be detailed by the Secretary of Agriculture for service in or out of Washington; * *

Act March 4, 1911, c. 238, 36 Stat. 1236.

This is a proviso following appropriations for officers, clerks, etc., including law clerks, in the office of the Secretary, in the agricultural appropriation act for the fiscal year ending June 30, 1912, cited above. A provision in the same language, except the word "hereafter," was contained in the similar act for the preceding year.

Disbursing clerk, administrative officer of fiscal affairs of department; deputy disbursing clerk, his authority, bond, and liabilities.

Salaries, Division of Accounts and Disbursements: One chief of division and disbursing clerk, who shall be administrative officer of the fiscal affairs of the department, * * dollars; * * one deputy disbursing clerk, * * dollars; * *

The deputy disbursing clerk herein provided for shall hereafter have authority to sign checks in the name of the disbursing clerk; he shall give bond to the United States in such sum as the Secretary of the Treasury may require, and when so acting for the disbursing clerk shall be subject to all the liabilities and penalties prescribed by law for the official misconduct in like cases of the disbursing clerk for whom he acts, and the official bond of the disbursing clerk executed shall also be made to cover and apply to the acts of the deputy disbursing clerk.

Act March 4, 1911, c. 238, 36 Stat. 1258.

These are further provisions of the agricultural appropriation act for the fiscal year ending June 30, 1912, cited above. Salaries for that year for other fiscal officers, agents, etc., are also appropriated.

Details of employees from and to library and bureaus and offices of the department.

* * That hereafter employees of the Library may be temporarily detailed by the Secretary of Agriculture for library service in the bureaus and offices of the department, and employees of the bureaus and offices of the department engaged in library work may also be temporarily detailed to the Library.

Act March 4, 1911, c. 238, 36 Stat. 1261.

This is a proviso annexed to the appropriation for "general expenses, library," in the agricultural appropriation act for the fiscal year ending June 30, 1912, cited above.

Traveling expenses, etc., of officers and employees transferred from one official station to another.

That hereafter officers and employees of the Department of Agriculture transferred from one official station to another for permanent

duty, when authorized by the Secretary of Agriculture, may be allowed actual traveling expenses, including charges for the transfer of their effects and personal property used in official work, under such rules and regulations as may be prescribed by the Secretary of Agriculture.

Act March 4, 1911, c. 238, 36 Stat. 1265.

This is a further provision of the agricultural appropriation act for the fiscal year ending June 30, 1911, cited above.

Sec. 524.

Bonds.

A provision of Act March 3, 1887, c. 351, § 2, 24 Stat. 499, "that the bond of the Commissioner of Agriculture shall be in the penal sum of twenty-five thousand dollars," may be regarded as superseded by the change of the Department into an executive department, under a Secretary of Agriculture, by Act Feb. 9, 1889, c. 122, Comp. St. 1901, p. 285.

Sec. 526.

Duties [of Secretary].

In addition to the powers conferred on the Secretary in regard to the preservation, etc., of game birds, by Act May 25, 1900, c. 553, § 1, set forth in Comp. St. 1901, p. 290, he is empowered to authorize and regulate the importation of eggs of such birds for propagation, by Act June 3, 1902, c. 983, set forth below.

The Secretary is directed to test for adulterations samples of seeds of grass, clover, or alfalfa, obtained in the open market, by a provision of Act April 28, 1904, c. 1486, set forth below.

The Secretary is authorized to establish an official standard of classification for the different grades of cotton, by a provision of Act May 23, 1908, c. 192, set forth below.

The Secretary is authorized to establish and maintain laboratories for examining samples, etc., of seed or grain and to report upon them, such reports to serve as a basis for fixing grades and for the issuance of certificates of inspection, by a further provision of Act May 23, 1908, c. 192, also set forth below.

The Secretary of Agriculture is authorized to continue investigations of the cost of food supplies and to disseminate the results, by a provision of Act March 4, 1911, c. 238, set forth below.

The Secretary of the Treasury, the Secretary of Agriculture, and the Secretary of Commerce and Labor, are directed to make regulations for carrying out the provisions of the pure food act, Act June 30, 1906, c. 3915, by section 3 of that act, and also for carrying out the provisions of the insecticide act, Act April 26, 1910, c. 191, by section 3 of said act, both which are set forth post, under Title LVI A, "Regulation of Interstate and Foreign Commerce," c. 3.

Further provisions for the enforcement, by the Secretary of the Treasury and the Secretary of Agriculture, of the provisions of the pure food act and of the insecticide act as to imported articles are contained in section 11 of each of said acts, also set forth post, under Title LVI A, "Regulation of Interstate and Foreign Commerce," c. 3.

Provisions for the regulation of the exportation and transportation of live stock and the suppression of diseases among such stock, by the Secretary of Agriculture, are contained in Act Feb. 2, 1903, c. 349, set forth post, under Title LVI A, "Regulation of Interstate and Foreign Commerce," c. 3.

The Secretary of Agriculture is authorized to use any part of certain appropriations for general expenses of the Bureau of Animal Industry, in the collection of information and dissemination of knowledge concerning live stock, dairy and other products, in preventing the spread of contagious, etc., diseases of animals, and in establishing and maintaining quarantine stations, etc., by provisions of Act March 4, 1907,

c. 2907, set forth post, under Title LVI A, "Regulation of Interstate and Foreign Commerce," c. 3.

The Secretary of Agriculture is authorized to cause to be made, by inspectors appointed for the purpose, the inspection of cattle, etc., carcasses, etc., thereof, and meat and meat food products, provided for by Act March 4, 1907, c. 2907, and to make regulations for the execution of that act, by various provisions of said Act March 4, 1907, c. 2907, relating to such inspections, etc., set forth post, under Title LVI A, "Regulation of Interstate and Foreign Commerce," c. 3.

The Secretary of Agriculture is charged with the proper administration of Act March 16, 1906, c. 951, providing for an increased annual appropriation for agricultural experiment stations, by section 4 of that act, and specific requirements in regard thereto are contained in that and other sections of said Act March 16, 1906, c. 951, set forth post, under Title LVI D, "Agricultural Colleges and Experiment Stations."

The Secretary of Agriculture is made one of the members of the National Forest Reservation Commission, and varions powers and duties are imposed on him in regard to the acquisition, etc., of lands necessary for regulation of flow of navigable streams, by Act March 1, 1911, c. 186, §§ 4–11, set forth post, under Title XXXII, "The Public Lands," c. 11, subc. "National Forests."

ACT JUNE 3, 1902, c. 983.

An Act to Regulate the Introduction of Eggs of Game Birds for Propagation. (32 Stat. 285.)

Importation of eggs of game birds for propagation.

Be it enacted, &c., That from and after the passage of this Act the Secretary of Agriculture shall have the power to authorize the importation of eggs of game birds for purposes of propagation, and he shall prescribe all necessary rules and regulations governing the importation of eggs of said birds for such purposes.

Act June 3, 1902, c. 983, 32 Stat. 285.

ACT APRIL 28, 1904, c. 1486. [H. R. 11825.]

Tests of seeds of grass, etc., for adulterations.

* * The Secretary of Agriculture is hereby directed to obtain in the open market, samples of seeds of grass, clover, or alfalfa, test the same, and if any such seeds are found to be adulterated or misbranded, or any seeds of Canada blue grass (Poa compressa) are obtained under any other name than Canada blue grass or Poa compressa, to publish the results of the tests, together with the names of the persons by whom the seeds were offered for sale.

Act April 28, 1904, c. 1486, 33 Stat. 283.

This is a provision accompanying appropriations for expenses of the Bureau of Plant Industry in the agricultural appropriation act for the fiscal year ending June 30, 1905, cited above. Provisions for the same purpose are made in the subsequent similar acts. The provision for the fiscal year ending June 30, 1912, is an appropriation "for studying and testing commercial seeds, including the testing of samples of seeds of grasses, clover, or alfalfa secured in the open market, and where such samples are found to be adulterated or misbranded the results of the tests shall be published, together with the names of the persons by whom the seeds were offered for sale." Act March 4, 1911, c. 238, 36 Stat. 1242.

ACT MAY 23, 1908, c. 192. [H. R. 19158.]

Establishing standards for grades of cotton.

To enable the Secretary of Agriculture to establish a standard for the different grades of cotton, calling to his assistance for that purpose expert cotton classifiers, by fixing a standard of middling cot-

ton and, using the same as a basis, establishing a standard of nine different grades to be designated middling fair, strict good middling, good middling, strict middling, middling, strict low middling, low middling, strict good ordinary, and good ordinary, which shall be the official standard of cotton classifications. And the Secretary of Agriculture is authorized and directed to prepare in practical form the standard of said grades and furnish the same upon request to any person, the cost thereof to be paid, when delivered, by the person requesting the same, and certified under the signature of the said Secretary and the seal of his Department.

Act May 23, 1908, c. 192, 35 Stat. 256.

This is a provision accompanying appropriations for expenses of the Bureau of Plant Industry in the agricultural appropriation act for the fiscal year ending June 30, 1909, cited above. Provisions for the same purpose are made in the subsequent similar acts. The provision for the fiscal year ending June 30, 1912, is "for investigating the ginning, handling, grading, baling, and wrapping of cotton, and the establishment of standards for the different grades thereof, and for carrying into effect the provisions of law relating thereto." Act March 4, 1911, c. 238, 36 Stat. 1242.

Examinations of and reports on samples of seed or grain; fixing of grades; certificates of inspection.

To enable the Secretary of Agriculture to establish and maintain, at such points as he may deem expedient, laboratories for the purpose of examining and reporting upon the nature, quality, and condition of any sample, parcel, or consignment of seed or grain, including rent and the employment of labor in the city of Washington and elsewhere; and the Secretary of Agriculture is authorized to report upon such samples, parcels, or consignments, from time to time, and the reports so made shall serve as a basis for the fixing of definite grades, and also for the issuance of certificates of inspection when requested by the consignor or consignee of any grain entering into foreign commerce.

Act May 23, 1908, c. 192, 35 Stat. 257.

This is a further provision accompanying appropriations for expenses of the Bureau of Plant Industry in the agricultural appropriation act for the fiscal year ending June 30, 1909, cited above. Provisions for the same purpose are made in the subsequent similar acts. The provision for the fiscal year ending June 30, 1912, is "for investigating the handling, grading, and transportation of grain, and the fixing of definite grades thereof." Act March 4, 1911, c. 238, 36 Stat. 1242.

ACT MARCH 4, 1911, c. 238. [H. R. 31956.]

Investigations on cost of food.

And the Secretary of Agriculture is hereby authorized to continue investigations on the cost of food supplies at the farm and to the consumer, and to disseminate the results of such investigations in whatever manner he may deem best.

Act March 4, 1911, c. 238, 36 Stat. 1264.

This is a provision of the agricultural appropriation act for the fiscal year ending June 30, 1912, cited above.

Sec. 527. [*As amended* 1896.]

Purchase and distribution of seeds, plants, etc.

Provisions relating to the distribution of seeds, plants, etc., accompanying the annual appropriations for the purchase, etc., thereof, are set forth below.

ACT JUNE 16, 1880, c. 252.

[Superseded. Act March 4, 1909, c. 301.]

The provisions of this act, set forth in Comp. St. 1901, p. 291, are re-enacted, with some alterations and additions, in the similar appropriation acts for the years subsequent to the acts referred to in the note in Comp. St. 1901, p. 291. The provisions of Act March 4, 1911, c. 238, are set forth below.

ACT MARCH 4, 1911, c. 238. [H. R. 31596.]

Allotment of seeds, etc., to members of Congress for distribution.

Purchase and distribution of valuable seeds: For purchase, propagation, testing, and distribution of valuable seeds, bulbs, trees, shrubs, vines, cuttings, and plants; all necessary office fixtures and supplies, fuel, transportation, paper, twine, gum, postal cards, gas, electric current, official traveling expenses, and all necessary material and repairs for putting up and distributing the same; for rent and repairs and the employment of local and special agents, clerks, assistants, and other labor required, in the city of Washington and elsewhere, two hundred and eighty-nine thousand six hundred and eighty dollars, of which amount not less than two hundred and thirty-seven thousand one hundred and sixty dollars shall be allotted for congressional distribution. And the Secretary of Agriculture is hereby directed to expend the said sum, as nearly as practicable, in the purchase, testing, and distribution of such valuable seeds, bulbs, shrubs, vines, cuttings, and plants, the best he can obtain at public or private sale, and such as shall be suitable for the respective localities to which the same are to be apportioned, and in which same are to be distributed as hereinafter stated, and such seeds so purchased shall include a variety of vegetable and flower seeds suitable for planting and culture in the various sections of the United States. An equal proportion of five-sixths of all seeds, bulbs, shrubs, vines, cuttings, and plants, shall, upon their request, after due notification by the Secretary of Agriculture that the allotment to their respective districts is ready for distribution, be supplied to Senators, Representatives, and Delegates to Congress for distribution among their constituents, or mailed by the Department upon the receipt of their addressed franks, in packages of such weight as the Secretary of Agriculture and the Postmaster-General may jointly determine: Provided, however, That upon each envelope or wrapper containing packages of seeds the contents thereof shall be plainly indicated, and the Secretary shall not distribute to any Senator, Representative, or Delegate seeds entirely unfit for the climate and locality he represents, but shall distribute the same so that each member may have seeds of equal value, as near as may be, and the best adapted to the locality he represents: Provided, also, That the seeds allotted to Senators and Representatives for distribution in the districts embraced within the twenty-fifth and thirty-fourth parallels of latitude shall be ready for delivery not later than the tenth day of January: Provided also, That any portion of the allotments to Senators, Representatives, and Delegates in Congress remaining uncalled for on the first day of April shall be distributed by the Secretary of Agriculture, giving preference to those persons whose names and addresses have been furnished by Senators and Representatives in Congress, and who have not before during the same season been supplied by the Department: And provided also,

That the Secretary shall report, as provided in this Act, the place, quantity, and price of seeds purchased, and the date of purchase; but nothing in this paragraph shall be construed to prevent the Secretary of Agriculture from sending seeds to those who apply for the same. And the amount herein appropriated shall not be diverted or used for any other purpose but for the purchase, testing, propagation, and distribution of valuable seeds, bulbs, mulberry and other rare and valuable trees, shrubs, vines, cuttings, and plants: Provided further, That fifty-two thousand five hundred and twenty dollars of which sum, or so much thereof as the Secretary of Agriculture shall direct, may be used to collect, purchase, test, propagate, and distribute rare and valuable seeds, bulbs, trees, shrubs, vines, cuttings, and plants from foreign countries or from our possessions for experiments with reference to their introduction into and cultivation in this country, and same shall not be distributed generally, but shall be used for experimental tests, to be carried on with the coöperation of the agricultural experiment stations.

Act March 4, 1911, c. 238, 36 Stat. 1243.

These provisions, contained in the agricultural appropriation act for the fiscal year ending June 30, 1912, cited above, are re-enactments of those contained in the agricultural appropriation acts of 1880 and subsequent years, set forth in Comp. St. 1901, p. 291, with alterations and additions.

Provisions for the printing annually by the Public Printer of franks required for sending out seeds on Congressional orders are contained in Res. May 19, 1902, No. 23, post, under Title XLV, "Public Printing, Advertisements, and Public Documents."

Sec. 529.

Annual report of expenditures.

Special provisions relating to the annual estimates of appropriations for the Department, contained in Act June 3, 1902, c. 985, are set forth post, under Title XLI, "Appropriations."

A statement to Congress each year covering all appointments, promotions, or other changes in salaries paid from lump funds, is required, in connection with authority to make such appointments, promotions, and changes, by provisions of Act March 4, 1907, c. 2907, set forth ante, under Rev. St. § 523.

The Secretary is required to submit to Congress, on or before Jan. 1 of each year, classified and detailed reports of all receipts by the Forest Service and classified and detailed estimates of all expenditures intended for that service for the next fiscal year and detailed reports of all expenditures under any appropriation for such service during the preceding fiscal year, by provisions of said Act March 4, 1907, c. 2907, set forth post, under Title XXXII, "The Public Lands," c. 11, subchapter "National Forests."

ACT JULY 5, 1892, c. 147.

Monthly crop report.

The provision of this act and of subsequent similar acts set forth in Comp. St. 1901, p. 294, is repeated, with some changes and additions, in the agricultural appropriation acts for subsequent years. In the later acts, a further proviso relating to condition reports of the cotton crop is added. Permanent provisions contained in Act March 4, 1909, c. 301, are set forth below.

ACT AUG. 8, 1894, c. 238.

Farmers' bulletins; allotment to members of Congress for distribution.

The provisions of this act, set forth in Comp. St. 1901, p. 294, are re-enacted, with some alterations, in the similar appropriation acts of sub-

sequent years down to and including the agricultural appropriation act for the fiscal year ending June 30, 1907, Act June 30, 1906, c. 3913, 34 Stat. 960. For the subsequent fiscal years a provision substantially similar, but without the provisos previously included, is made by the sundry civil appropriation act for each year. The provision for the fiscal year ending June 30, 1912, by Act March 4, 1911, c. 285, § 1, is set forth below.

ACT MARCH 4, 1907, c. 2907. [H. R. 24815.]

Sale of prints and lantern slides from photographic negatives.

And hereafter the Secretary of Agriculture is hereby authorized to furnish, upon application, prints and lantern slides from negatives in the possession of the Department and to charge for the same a price to cover the cost of preparation, such price to be determined and established by the Secretary of Agriculture, and the money received from such sales to be deposited in the Treasury of the United States.

Act March 4, 1907, c. 2907, 34 Stat. 1281.

This is a provision of the agricultural appropriation act for the fiscal year ending June 30, 1908, cited above. A provision in the same language, without the word "hereafter," was contained in the similar appropriation act for the preceding year, Act June 30, 1906, c. 3913, 34 Stat. 683.

The sale of photographic prints, lantern slides, etc., forest maps, and condemned property or materials of the Forest Service, is authorized by other provisions of this act, relating to that service, set forth post, under Title XXXII, "The Public Lands," c. 11, subchapter "National Forests."

Sale of waste paper; accumulations of Department files; obsolete or worthless documents or publications.

And hereafter the Secretary of Agriculture is authorized to sell as waste waste paper, or otherwise to dispose of the accumulation of Department files which do not constitute permanent records, and all other documents and publications which have become obsolete or worthless.

Act March 4, 1907, c. 2907, 34 Stat. 1281.

This is a further provision of the agricultural appropriation act for the fiscal year ending June 30, 1907, cited above.

Provisions, applicable to all the Departments, for the disposition of accumulations of useless papers, are contained in Act Feb. 16, 1889, c. 171, set forth in Comp. St. 1901, p. 98.

Purchase of mileage and mileage books from appropriations for traveling expenses.

And hereafter the Secretary of Agriculture is authorized to purchase from appropriations made for traveling expenses for employees of the Department of Agriculture, mileage and mileage books, at commercial rates, in the manner in which such mileage or mileage books are usually purchased.

Act March 4, 1907, c. 2907, 34 Stat. 1281.

This is a further provision of the agricultural appropriation act for the fiscal year ending June 30, 1908, cited above.

ACT MAY 23, 1908, c. 192. [H. R. 19158.]

Sale of copies of card index of publications of Department.

* * And hereafter the Secretary of Agriculture may furnish to such institutions or individuals as may care to buy them, copies of the card index of the publications of the Department and of other agricultural literature prepared by the library, and charge for the same

a price covering the additional expense involved in the preparation of these copies.

Act May 23, 1908, c. 192, 35 Stat. 264.

This is a provision accompanying appropriations for the library of the Department in the agricultural appropriation act for the fiscal year ending June 30, 1909, cited above. The same provision, without the word "hereafter," was contained in the similar appropriation acts for previous years.

Sale of copies of card index of agricultural literature prepared by Office of Experiment Stations.

* * And the Secretary of Agriculture hereafter may furnish to such institutions or individuals as may care to buy them copies of the card index of agricultural literature prepared by the Office of Experiment Stations, and charge for the same a price covering the additional expense involved in the preparation of these copies, the money received from such sales to be deposited in the Treasury of the United States as miscellaneous receipts; * *

Act May 23, 1908, c. 192, § 1, 35 Stat. 265.

This is a provision accompanying appropriations for agricultural experiment stations in the agricultural appropriation act for the fiscal year ending June 30, 1909, cited above.

ACT MARCH 4, 1909, c. 301. [H. R. 27053.]

Monthly crop reports.

* * That hereafter the monthly crop reports, which shall be gathered as far as practicable from practical farmers, and which shall be issued on or before the tenth of each month, shall embrace statements of the conditions of crops by States, in the United States, with such explanations, comparisons, and information as may be useful for illustrating the above matter, and that it shall be submitted to and officially approved by the Secretary of Agriculture before being issued or published: Provided further, That hereafter the condition reports of the cotton crop shall be issued on the same day in October each year as the first ginners' report of actual cotton ginned, * *

Act March 4, 1909, c. 301, 35 Stat. 1053.

These are provisos annexed to the appropriations for expenses of the Bureau of Statistics in the agricultural appropriation act for the fiscal year ending June 30, 1910, cited above. Provisos in nearly the same language, without the word "hereafter," were contained in the agricultural appropriation acts for previous years.

Previous similar provisions, relating to a monthly crop report issued on the tenth day of each month, are set forth or referred to in Comp. St. 1901, p. 294.

ACT MARCH 4, 1911, c. 285, § 1. [H. R. 32909.]

Printing and binding; farmers' bulletins; distribution.

For the Department of Agriculture, including not to exceed forty-seven thousand dollars for the Weather Bureau, and including the Annual Report of the Secretary of Agriculture, as required by the Act approved January twelfth, eighteen hundred and ninety-five, and in pursuance of the provisions of Public Resolution Numbered Thirteen of the first session Fifty-Ninth Congress, and also including not to exceed one hundred and twenty-five thousand dollars for farmers' bulletins, which shall be adapted to the interests of the people of the different sections of the country, an equal proportion of four-fifths of which shall be delivered to or sent out under the addressed

franks furnished by Senators, Representatives, and Delegates in Congress, as they shall direct, four hundred and seventy thousand dollars.

Act March 4, 1911, c. 285, § 1, 36 Stat. 1447.

This is a provision, under the head "Public Printing and Binding," in the sundry civil appropriation act for the fiscal year ending June 30, 1912, cited above. It re-enacts, substantially, a provision of Act Aug. 8, 1894, c. 238, set forth in Comp. St. 1901, p. 294, which was repeated in subsequent agricultural appropriation acts previous to this act.

The requirement of Act Jan. 12, 1895, c. 23, § 73, relating to the annual report of the Secretary of Agriculture, mentioned in this provision is set forth in Comp. St. 1901, p. 2561.

Res. March 30, 1906, No. 13, relating to the public printing, also mentioned in this provision, is set forth post, under Title XLV, "Public Printing, Advertisements, and Public Documents."

[CHAPTER B.]

[The Weather Bureau.]

ACT OCT. 1, 1890, c. 1266, § 4.

Employés.

The appropriations for salaries in the Bureau, by the agricultural appropriation act for the fiscal year ending June 30, 1912, include, for the Chief of Bureau, $6,000; one Assistant Chief of Bureau, $3,000; and numerous other officers, clerks and employés. Act March 4, 1911, c. 238, 36 Stat. 1236.

ACT AUG. 8, 1894, c. 238.

The provision of this act and of Act March 2, 1895, c. 169, and Act April 25, 1896, c. 140, which is set forth in Comp. St. 1901, p. 298, is incorporated in the act to codify, etc., the penal laws, Act March 4, 1909, [illegible] in chapter 4, § 61, thereof, and is expressly repealed by chapter 15, § 341, of said act, taking effect January 1, 1910. Said act is set forth post, under Title LXIX A, "The Criminal Code."

Previous to such repeal a provision in the same language, with an additional clause inserted making it likewise punishable to molest or interfere with any weather or storm flag or weather map or bulletin displayed or issued by the Weather Bureau, was enacted by Act March 3, 1905, c. 1405, 33 Stat. 864, as follows:

"Any person who shall knowingly issue or publish any counterfeit weather forecasts or warnings of weather conditions, falsely representing such forecasts or warnings to have been issued or published by the Weather Bureau, or other branch of the Government service, or shall molest or interfere with any weather or storm flag or weather map or bulletin displayed or issued by the United States Weather Bureau, shall be deemed guilty of a misdemeanor, and on conviction thereof, for each offense, be fined in a sum not exceeding five hundred dollars, or be imprisoned not to exceed ninety days, or be both fined and imprisoned, in the discretion of the court."

This provision is not included among those mentioned as expressly repealed in said repealing section 341 of the Criminal Code, but a reference to it is noted in the margin of said section 61 thereof, in which the original provision is incorporated. It may be questioned, therefore, whether said additional provision first enacted in Act March 3, 1905, c. 1405, is, within the meaning of the last clause of section 341 of the Criminal Code, "embraced within and superseded by" said Code, so as to be repealed thereby, or whether it is one of "the remaining portions" of prior acts, which are to "remain in force."

ACT APRIL 23, 1897, c. 1.

[Superseded. Act May 23, 1908, c. 192.]

The provisions of this and subsequent acts, set forth in Comp. St. 1901, p. 298, are superseded by the more comprehensive provisions relating to the same subject contained in more recent appropriation acts. The general provision for leaves of absence to employés of the Department, outside the city of Washington, contained in Act May 23, 1908, c. 192, is set forth ante, under Chapter A of this Title.

ACT MARCH 4, 1907, c. 2907. [H. R. 24815.]

Sale of surplus maps or publications.

* * and hereafter the Secretary of Agriculture is authorized to sell any surplus maps or publications of the Weather Bureau, and the money received from such sales shall be deposited in the Treasury of the United States, section two hundred and twenty-seven of the Revised Statutes notwithstanding; * *

Act March 4, 1907, c. 2907, 34 Stat. 1258.

This is a provision of the agricultural appropriation act for the fiscal year ending June 30, 1908, cited above.

Rev. St. § 227, mentioned in this provision, authorizing the sale of surplus maps or publications of the Signal Office, under the War Department, the money received therefor to be applied toward the expenses of the signal service, is set forth in Comp. St. 1901, p. 119.

[CHAPTER C.]

[The Bureau of Animal Industry.]

ACT MAY 29, 1884, c. 60, §§ 1, 3.

Establishment of the Bureau.

The appropriations for salaries in the Bureau, in the agricultural appropriation act for the fiscal year ending June 30, 1912, include, for the Chief of Bureau, $5,000; one chief clerk, $2,500; and numerous other officers, clerks, and employés. Act March 4, 1911, c. 238, 36 Stat. 1238.

Regulations for suppression of diseases; co-operation of States and Territories.

The agricultural appropriation acts make appropriations annually to carry out the provisions of this act and of subsequent acts relating to the same subjects. The provision for the fiscal year ending June 30, 1912, is by Act March 4, 1911, c. 238, 36 Stat. 1239.

Further provisions for the regulation of the exportation and transportation of live stock and the suppression of disease among such stock by the Secretary of Agriculture are contained in Act Feb. 2, 1903, c. 349, set forth post, under Title LVI A, "Regulation of Interstate and Foreign Commerce," c. 3.

Provisions relating to exportation and transportation of cattle and other live stock to foreign countries, transportation thereof among the states, etc., the investigation and suppression of contagious, etc., diseases of such animals, the establishment and maintenance of quarantine of any state, etc., or portion thereof where cattle or other live stock are affected with any contagious disease, subsequent to the provisions of Act May 29, 1884, c. 60, §§ 4–9, and later statutes, set forth in Comp. St. 1901, pp. 3183–3193, are contained in Act Feb. 2, 1903, c. 349, Act March 3, 1905, c. 1405, and Act March 3, 1905, c. 1496, set forth post, under Title LVI A, "Regulation of Interstate and Foreign Commerce," c. 3.

Provisions for inspection of live cattle, etc., and carcasses and products thereof, including dairy products, which are intended for ex-

portation to any foreign country, or are subjects of interstate commerce, subsequent to the provisions therefor set forth in Comp. St. 1901, pp. 3183-3193, are contained in Act July 1, 1902, c. 1357, and Act March 3, 1905, c. 1405, set forth post, under Title LVI A, "Regulation of Interstate and Foreign Commerce," c. 3.

Forcibly assaulting, resisting, etc., any officer or employé of the Bureau of Animal Industry in the execution of his duties, and discharging any deadly weapon at such officer or employé; or using any dangerous or deadly weapon in resisting him in the execution of his duties, with intent to commit a bodily injury upon him or to deter or prevent him from discharging his duties, or on account of the performance of his duties, are made punishable, by Act March 3, 1905, c. 1496, § 5, 33 Stat. 1265, which is incorporated in the act to codify, etc., the penal laws, Act March 4, 1909, c. 321, in c. 4, § 62 thereof, set forth post, under Title LXIX A, "The Criminal Code."

ACT MAY 25, 1900, c. 555.

[Superseded. Act May 23, 1908, c. 192.]

The provision of this act set forth in Comp. St. 1901, p. 301, repeated, as stated in the note thereto, in the similar act of 1901, is superseded by the more comprehensive provisions relating to the same subject contained in more recent appropriation acts. The general provision for leaves of absence to employés of the Department, outside the city of Washington, contained in Act May 23, 1908, c. 192, is set forth ante, under Chapter A of this Title.

[TITLE XII A.]

[THE DEPARTMENT OF COMMERCE AND LABOR.]

In the Compiled Statutes of 1901, the provisions relating to the Department of Labor, established by Act June 13, 1888, c. 389, are placed under Title XII A, "The Department of Labor." That Department having been placed under the jurisdiction and made part of the Department of Commerce and Labor, established by Act Feb. 14, 1903, c. 552, set forth below, the scope of this title is extended to include the provisions establishing and relating to that Department.

ACT FEB. 14, 1903, c. 552.

An Act to Establish the Department of Commerce and Labor. (32 Stat. 825.)

Establishment of the Department; Secretary of Commerce and Labor; seal.

Be it enacted, &c., That there shall be at the seat of government an executive department to be known as the Department of Commerce and Labor, and a Secretary of Commerce and Labor, who shall be the head thereof, who shall be appointed by the President, by and with the advice and consent of the Senate, who shall receive a salary of eight thousand dollars per annum, and whose term and tenure of office shall be like that of the heads of the other Executive Departments; and section one hundred and fifty-eight of the Revised Statutes is hereby amended to include such Department, and the provisions of title four of the Revised Statutes, including all amendments thereto, are hereby made applicable to said Department. The said Secretary shall cause a seal of office to be made for the said Department of such device as the President shall approve, and judicial notice shall be taken of the said seal.

Act Feb. 14, 1903, c. 552, § 1, 32 Stat. 825.

Rev. St. § 158, amended by this section, defines the Executive Departments to which Title IV, relating to all the Executive Departments, shall apply.

The compensation of the heads of Executive Departments who are members of the President's Cabinet is at the rate of $12,000 per annum, by a provision of Act Feb. 26, 1907, c. 1635, § 4, set forth ante, under Title II, "The Congress," c. 4.

Assistant Secretary of Commerce and Labor; clerks; settlement of accounts of salaries and expenses.

Sec. 2. That there shall be in said Department an Assistant Secretary of Commerce and Labor, to be appointed by the President, who shall receive a salary of five thousand dollars a year. He shall perform such duties as shall be prescribed by the Secretary or required by law. There shall also be one chief clerk and a disbursing clerk and such other clerical assistants as may from time to time be authorized by Congress; and the Auditor for the State and other Departments shall receive and examine all accounts of salaries and incidental

expenses of the office of the Secretary of Commerce and Labor, and of all bureaus and offices under his direction, all accounts relating to the Light-House Board, Steamboat-Inspection Service, Immigration, Navigation, Alaskan fur-seal fisheries, the National Bureau of Standards, Coast and Geodetic Survey, Census, Department of Labor, Fish Commission and to all other business within the jurisdiction of the Department of Commerce and Labor, and certify the balances arising thereon to the Division of Bookkeeping and Warrants and send forthwith a copy of each certificate to the Secretary of Commerce and Labor.

Act Feb. 14, 1903, c. 552, § 2, 32 Stat. 826.

Appropriations for compensation of the officers, clerks, and employés of the Department, including clerks and employés in addition to the chief clerk and disbursing clerk mentioned in this section, and for expenses of the Department, are made by the annual legislative, executive, and judicial appropriation acts. The provisions for the fiscal year ending June 30, 1912, are by Act March 4, 1911, c. 237, § 1, 36 Stat. 1226–1232.

Estimates in detail, for all personal services, and for all general and miscellaneous expenses for the Department, are to be submitted annually, by a provision of Act March 3, 1903, c. 1006, post, under Title XLI, "Appropriations."

A solicitor of the Department of Commerce and Labor, in the Department of Justice, is authorized by a provision of Act March 18, 1904, c. 716, § 1, set forth ante, under Title VIII, "The Department of Justice."

Powers and duties of Department; appropriations made applicable.

Sec. 3. That it shall be the province and duty of said Department to foster, promote, and develop the foreign and domestic commerce, the mining, manufacturing, shipping, and fishery industries, the labor interests, and the transportation facilities of the United States; and to this end it shall be vested with jurisdiction and control of the departments, bureaus, offices, and branches of the public service hereinafter specified, and with such other powers and duties as may be prescribed by law. All unexpended appropriations, which shall be available at the time when this Act takes effect, in relation to the various offices, bureaus, divisions, and other branches of the public service, which shall, by this Act, be transferred to or included in the Department of Commerce and Labor, or which may hereafter, in accordance with the provisions of this Act, be so transferred, shall become available, from the time of such transfer, for expenditure in and by the Department of Commerce and Labor and shall be treated the same as though said branches of the public service had been directly named in the laws making said appropriations as parts of the Department of Commerce and Labor, under the direction of the Secretary of said Department.

Act Feb. 14, 1903, c. 552, § 3, 32 Stat. 826.

Besides the departments, bureaus, offices, etc., specified in section 4 and subsequent sections of this act, set forth below, as transferred to and included in the Department, which is vested with jurisdiction and control thereof by this section, other offices, bureaus, etc., engaged in statistical or scientific work, may be transferred by the President to the Department from certain other Departments, by section 12 of this act, also set forth below.

Transfer of existing offices, bureaus, etc., to Department.

Sec. 4. That the following-named offices, bureaus, divisions, and branches of the public service, now and heretofore under the juris-

diction of the Department of the Treasury, and all that pertains to the same, known as the Light-House Board, the Light-House Establishment, the Steamboat-Inspection Service, the Bureau of Navigation, the United States Shipping Commissioners, the National Bureau of Standards, the Coast and Geodetic Survey, the Commissioner-General of Immigration, the commissioners of immigration, the Bureau of Immigration, the immigration service at large, and the Bureau of Statistics, be, and the same hereby are, transferred from the Department of the Treasury to the Department of Commerce and Labor, and the same shall hereafter remain under the jurisdiction and supervision of the last-named Department; and that the Census Office, and all that pertains to the same, be, and the same hereby is, transferred from the Department of the Interior to the Department of Commerce and Labor, to remain henceforth under the jurisdiction of the latter; that the Department of Labor, the Fish Commission, and the Office of Commissioner of Fish and Fisheries, and all that pertains to the same, be, and the same hereby are, placed under the jurisdiction and made a part of the Department of Commerce and Labor; that the Bureau of Foreign Commerce, now in the Department of State, be, and the same hereby is, transferred to the Department of Commerce and Labor and consolidated with and made a part of the Bureau of Statistics, hereinbefore transferred from the Department of the Treasury to the Department of Commerce and Labor, and the two shall constitute one bureau, to be called the Bureau of Statistics, with a chief of the bureau; and that the Secretary of Commerce and Labor shall have control of the work of gathering and distributing statistical information naturally relating to the subjects confided to his Department; and the Secretary of Commerce and Labor is hereby given the power and authority to rearrange the statistical work of the bureaus and offices confided to said Department, and to consolidate any of the statistical bureaus and offices transferred to said Department; and said Secretary shall also have authority to call upon other Departments of the Government for statistical data and results obtained by them; and said Secretary of Commerce and Labor may collate, arrange, and publish such statistical information so obtained in such manner as to him may seem wise.

That the official records and papers now on file in and pertaining exclusively to the business of any bureau, office, department, or branch of the public service in this Act transferred to the Department of Commerce and Labor, together with the furniture now in use in such bureau, office, department, or branch of the public service, shall be, and hereby are, transferred to the Department of Commerce and Labor.

Act Feb. 14, 1903, c. 552, § 4, 32 Stat. 826.

These provisions for the transfer of existing offices, bureaus, etc., to the Department, take effect July 1, 1903, by section 13 of this act, set forth below.

The powers, duties, etc., of the heads of executive departments in or over the bureaus, offices, officers, etc., transferred to the Department, are vested in the head of the Department, by section 10 of this act, set forth below.

The powers, duties, etc., of the Secretary of the Treasury in regard to shipping, seamen, etc., are transferred to the Secretary of Commerce and Labor by section 10 of this act, set forth below.

Provisions for the transfer to the Department of officers, clerks, and

employés in the offices, bureaus, etc., transferred under this act, are contained in section 9 of this act, set forth below.

The Secretary of Commerce and Labor has charge of the furniture, records, etc., pertaining to the Department, by section 9 of this act, set forth below.

The papers, records, and files of the Immigration Commission, provided for in Act Feb. 20, 1907, c. 1134, § 39, set forth post, under Title XXIX, "Immigration," remaining on the expiration of the existence of said commission, are to be turned over to and become a part of the files of the Department, by a provision of Act June 25, 1910, c. 385, set forth below.

Previous provisions relating to each of the various offices, bureaus, etc., transferred to the Department by this section, are the following:

The Light-House Board and the Light-House Establishment. Title LV, "Lights and Buoys," Comp. St. 1901, pp. 3140–3148.

The Steamboat Inspection Service, Title LII, "Regulation of Steam-Vessels," c. 1, Comp. St. 1901, pp. 3014–3044.

The Bureau of Navigation, Title VII, "The Department of the Treasury," c. 11 A, Comp. St. 1901, pp. 198–200.

The United States Shipping Commissioners, Title LIII, "Merchant Seamen," c. 1, Comp. St. 1901, pp. 3061–3067.

The National Bureau of Standards, Act March 3, 1901, c. 872, Comp. St. 1901, pp. 2383–2385.

The Coast and Geodetic Survey, Title LVI, "The Coast Survey," Comp. St. 1901, pp. 3149–3152.

The Commissioner-General of Immigration, the Commissioners of Immigration, the Bureau of Immigration, and the immigration service at large, Title XXIX, "Immigration," Comp. St. 1901, pp. 1280–1328.

The Bureau of Statistics, Title VII, "The Department of the Treasury," c. 10, Comp. St. 1901, pp. 191–197.

The Census Office, Title XXXI, "The Census," Comp. St. 1901, pp. 1335–1353.

The Department of Labor, Act June 13, 1888, c. 389, Comp. St. 1901, pp. 302–305.

The Fish Commission, and the office of Commissioner of Fish and Fisheries, Rev. St. §§ 4395–4398, and subsequent provisions, Comp. St. 1901, pp. 3001–3003.

Bureau of Foreign Commerce, Act Feb. 20, 1897, c. 268, Comp. St. 1901, p. 102.

Appropriations for the offices, bureaus, etc., thus established in the Department of Commerce and Labor are made under that head in the subsequent legislative, executive, and judicial appropriation acts. Such appropriations for the fiscal year ending June 30, 1912, are made by Act March 4, 1911, c. 237, § 1, 36 Stat. 1226–1232.

A provision of the sundry civil appropriation act of May 27, 1908, c. 200, § 1, 35 Stat. 354, which transferred the testing machines at the Watertown Arsenal to the Department of Commerce and Labor, was repealed by Act March 4, 1909, c. 279, § 1, 35 Stat. 905.

Commercial agents, to investigate trade conditions, with the object of promoting the foreign commerce of the United States, are authorized by a provision of Act March 4, 1911, c. 237, § 1, set forth below.

Appropriations for the Bureau of Labor, in the Department of Commerce and Labor, for compensation of the Commissioner of Labor and of clerks and other employés, for compensation and expenses of special agents and employés, and for other expenses, are made by the legislative, executive, and judicial appropriation act for the fiscal year ending June 30, 1912, Act March 4, 1911, c. 237, § 1, 36 Stat. 1227.

Appropriations for the Census Office, in the Department of Commerce and Labor, are made by the legislative, executive, and judicial appropriation acts. The provision for the fiscal year ending June 30, 1912, is by Act March 4, 1911, c. 237, § 1, 36 Stat. 1228.

The act establishing a permanent Census Office, Act March 6, 1902, c. 139, and subsequent provisions relating to the organization and work of that office, are set forth post, under Title XXXI, "The Census."

The designation of the Bureau of Immigration is changed to the

"Bureau of Immigration and Naturalization," and said bureau is to have charge of all matters concerning naturalization of aliens, and to make a registry of aliens arriving in the United States, and issue certificates of such registry, by Act June 29, 1906, c. 3592, §§ 1, 2, set forth below.

The Secretary of Commerce and Labor is empowered to make rules and regulations for carrying into execution the provisions of said Act June 29, 1906, c. 3592, relating to naturalization, by section 28 of that act, set forth post, under Title XXX, "Naturalization."

A Bureau of Light-Houses, with a Commissioner of Light-Houses, a deputy commissioner, and other officers, etc., is established in the Department by Act June 17, 1910, c. 301, § 4, set forth below, and the employés of or in the Light-House Board or the Light-House Establishment are transferred to said Bureau, and the powers and duties of the Light-House Board are transferred to and vested in the Commissioner of Light-Houses, by other sections of said act, set forth post, under Title LV, "Lights and Buoys."

The Secretary of Commerce and Labor is empowered to authorize the killing of fur seals and the taking of sealskins on the Pribilof Islands, in Alaska, and various powers and duties are conferred and imposed on him in connection with the regulation of the killing, etc., of fur seals and other fur bearing animals in Alaska, by Act April 21, 1910, c. 183, set forth post, under Title LI, "Regulation of Fisheries," subtitle, "The Fur Seal Fishery."

The Secretary of Commerce and Labor is empowered and required to perform various duties in carrying out and enforcing the provisions of Act June 26, 1906, c. 3547, for the protection and regulation of the fisheries of Alaska, by various sections of that act, set forth post, under Title LI, "Regulation of Fisheries," subtitle, "Fisheries in Waters of Alaska."

The Secretary of Commerce and Labor is required to enforce the provisions of Act June 20, 1906, c. 3442, regulating the landing, etc., and sale of sponges, by section 4 of that act, set forth post, under Title LI, "Regulation of Fisheries," subtitle "Sponges Taken by Diving from Waters of Gulf of Mexico or of Straits of Florida."

The Secretary of the Treasury, the Secretary of Agriculture, and the Secretary of Commerce and Labor, are directed to make regulations for carrying out the provisions of the pure food act, Act June 30, 1906, c. 3915, by section 3 of that act, and also for carrying out the provisions of the insecticide act, Act April 26, 1910, c. 191, by section 3 of said act, both which are set forth post, under Title LVI A, "Regulation of Interstate and Foreign Commerce," c. 3.

The Secretary of Commerce and Labor is required to make regulations to secure the proper execution of Act June 24, 1910, c. 379, requiring apparatus for radio communication on certain ocean steamers, by section 6 of that act, set forth post, under Title LII, "Regulation of Steam Vessels," c. 2.

The Secretary of Commerce and Labor is required to make regulations to secure the proper execution of Act June 9, 1910, c. 268, regulating equipment, etc., of certain motor boats, by section 8 of that act, set forth post, under Title LII A, "Regulation of Motor Boats."

Bureau of Manufactures; consular reports.

Sec. 5. That there shall be in the Department of Commerce and Labor a bureau to be called the Bureau of Manufactures, and a chief of said bureau, who shall be appointed by the President, and who shall receive a salary of four thousand dollars per annum. There shall also be in said bureau such clerical assistants as may from time to time be authorized by Congress. It shall be the province and duty of said bureau, under the direction of the Secretary, to foster, promote, and develop the various manufacturing industries of the United States, and markets for the same at home and abroad, domestic and foreign, by gathering, compiling, publishing, and supplying all available and useful information concerning such industries and such markets, and

by such other methods and means as may be prescribed by the Secretary or provided by law. And all consular officers of the United States, including consuls-general, consuls, and commercial agents, are hereby required, and it is made a part of their duty, under the direction of the Secretary of State, to gather and compile, from time to time, useful and material information and statistics in respect to the subjects enumerated in section three of this Act in the countries and places to which such consular officers are accredited, and to send, under the direction of the Secretary of State, reports as often as required by the Secretary of Commerce and Labor of the information and statistics thus gathered and compiled, such reports to be transmitted through the State Department to the Secretary of the Department of Commerce and Labor.

Act Feb. 14, 1903, c. 552, § 5, 32 Stat. 827.

The appointment of a person to formulate, under direction of the Secretary of State, for the instruction of consular officers, the requests of the Secretary of Commerce and Labor, and to prepare from the dispatches of consular officers, for transmission to the Secretary of Commerce and Labor, information pertaining to the work of the Department, is provided for by section 11 of this act, set forth ante, under Title V, "The Department of State."

The printing of daily consular reports, for distribution by the Department is authorized by Act June 25, 1910, c. 388, set forth post, under Title XLV, "Public Printing, Advertisements, and Public Documents."

Appropriations for the Bureau of Manufactures are made by the legislative, executive, and judicial appropriation act for the fiscal year ending June 30, 1912, Act March 4, 1911, c. 237, § 1, 36 Stat. 1227.

An assistant chief of bureau is authorized by a provision of Act Feb. 27, 1906, c. 510, § 1, set forth below.

Bureau of Corporations; investigation of and information concerning corporations.

Sec. 6. That there shall be in the Department of Commerce and Labor a bureau to be called the Bureau of Corporations, and a Commissioner of Corporations who shall be the head of said bureau, to be appointed by the President, who shall receive a salary of five thousand dollars per annum. There shall also be in said bureau a deputy commissioner who shall receive a salary of three thousand five hundred dollars per annum, and who shall in the absence of the Commissioner act as, and perform the duties of, the Commissioner of Corporations, and who shall also perform such other duties as may be assigned to him by the Secretary of Commerce and Labor or by the said Commissioner. There shall also be in the said bureau a chief clerk and such special agents, clerks, and other employees as may be authorized by law.

The said Commissioner shall have power and authority to make, under the direction and control of the Secretary of Commerce and Labor, diligent investigation into the organization, conduct, and management of the business of any corporation, joint stock company or corporate combination engaged in commerce among the several States and with foreign nations excepting common carriers subject to "An Act to regulate commerce," approved February fourth, eighteen hundred and eighty-seven, and to gather such information and data as will enable the President of the United States to make recommendations to Congress for legislation for the regulation of such commerce, and to report such data to the President from time to time as he shall

require; and the information so obtained or as much thereof as the President may direct shall be made public.

In order to accomplish the purposes declared in the foregoing part of this section, the said Commissioner shall have and exercise the same power and authority in respect to corporations, joint stock companies and combinations subject to the provisions hereof, as is conferred on the Interstate Commerce Commission in said "Act to regulate commerce" and the amendments thereto in respect to common carriers so far as the same may be applicable, including the right to subpœna and compel the attendance and testimony of witnesses and the production of documentary evidence and to administer oaths. All the requirements, obligations, liabilities, and immunities imposed or conferred by said "Act to regulate commerce" and by "An Act in relation to testimony before the Interstate Commerce Commission," and so forth, approved February eleventh, eighteen hundred and ninety-three, supplemental to said "Act to regulate commerce," shall also apply to all persons who may be subpœnaed to testify as witnesses or to produce documentary evidence in pursuance of the authority conferred by this section.

It shall also be the province and duty of said bureau, under the direction of the Secretary of Commerce and Labor, to gather, compile, publish, and supply useful information concerning corporations doing business within the limits of the United States as shall engage in interstate commerce or in commerce between the United States and any foreign country, including corporations engaged in insurance, and to attend to such other duties as may be hereafter provided by law.

Act Feb. 14, 1903, c. 552, § 6, 32 Stat. 827.

The act to regulate commerce, Act Feb. 4, 1887, c. 104, and the amendments thereto, and Act Feb. 11, 1893, c. 83, supplemental thereto, mentioned in this section, are set forth in Comp. St. 1901, pp. 3154–3177.

Appropriations for the Bureau of Corporations, including provisions for compensation and traveling expenses of special attorneys, special examiners, and special agents, for the purpose of carrying on the work of the Bureau as provided by this act, are made by the legislative, executive, and judicial appropriation act for the fiscal year ending June 30, 1912, Act March 4, 1911, c. 237, § 1, 36 Stat. 1226.

A provision of the legislative, executive, and judicial appropriation act for the fiscal year ending June 30, 1905, "For one special attorney for the Bureau of Corporations to be appointed by the President, by and with the consent of the Senate," $4,000, Act March 18, 1904, c. 716, § 1, 33 Stat. 136, is not repeated in the similar acts for subsequent fiscal years.

The immunity provisions of this section extend only to natural persons who, in obedience to a subpœna, give testimony or produce evidence under oath, by Act June 30, 1906, c. 3920, set forth post, under Title LVI A, "Regulation of Interstate and Foreign Commerce," c. 1.

Control of fur-seal and other fisheries of Alaska; control of immigration.

Sec. 7. That the jurisdiction, supervision and control now possessed and exercised by the Department of the Treasury over the fur-seal, salmon and other fisheries of Alaska and over the immigration of aliens into the United States, its waters, territories and any place subject to the jurisdiction thereof, are hereby transferred and vested in the Department of Commerce and Labor: Provided, That nothing contained in this Act shall be construed to alter the method of collecting and accounting for the head-tax prescribed by section one of the Act entitled "An Act to regulate immigration," approved August

third, eighteen hundred and eighty-two. That the authority, power and jurisdiction now possessed and exercised by the Secretary of the Treasury by virtue of any law in relation to the exclusion from and the residence within the United States, its territories and the District of Columbia, of Chinese and persons of Chinese descent, are hereby transferred to and conferred upon the Secretary of Commerce and Labor, and the authority, power and jurisdiction in relation thereto now vested by law or treaty in the collectors of customs and the collectors of internal revenue, are hereby conferred upon and vested in such officers under the control of the Commissioner-General of Immigration, as the Secretary of Commerce and Labor may designate therefor.

Act Feb. 14, 1903, c. 552, § 7, 32 Stat. 828.

Previous provisions relating to the fur-seal fishery are set forth, and provisions relating to other fisheries of Alaska are referred to in Comp. St. 1901, pp. 3003–3013.

Previous provisions relating to immigration are contained in Title XXIX, "Immigration," Comp. St. 1901, pp. 1280–1328.

Act Aug. 3, 1882, c. 376, § 1, mentioned in this section, is set forth in Comp. St. 1901, p. 1288.

The Secretary of Commerce and Labor is empowered and required to carry out and enforce the provisions of Act June 26, 1906, c. 3547, for the protection and regulation of the fisheries of Alaska, and to depute officers and employés of the Department for the performance of the work required, by various sections of that act, set forth post, under Title LI, "Regulation of Fisheries," subtitle "Fisheries in Waters of Alaska."

The Secretary of Commerce and Labor is empowered to authorize the killing of fur seals and the taking of sealskins on the Pribilof Islands, in Alaska, and various powers and duties are conferred and imposed on him in connection with the regulation of the killing, etc., of fur seals and other fur bearing animals in Alaska, by Act April 21, 1910, c. 183, set forth post, under Title LI, "Regulation of Fisheries," subtitle "The Fur Seal Fishery."

Annual reports to Congress; special investigations and reports.

Sec. 8. That the Secretary of Commerce and Labor shall annually, at the close of each fiscal year, make a report in writing to Congress, giving an account of all moneys received and disbursed by him and his Department, and describing the work done by the Department in fostering, promoting, and developing the foreign and domestic commerce, the mining, manufacturing, shipping, and fishery industries, and the transportation facilities, of the United States, and making such recommendations as he shall deem necessary for the effective performance of the duties and purposes of the Department. He shall also from time to time make such special investigations and reports as he may be required to do by the President, or by either House of Congress, or which he himself may deem necessary and urgent.

Act Feb. 14, 1903, c. 552, § 8, 32 Stat. 829.

The Secretary is required to submit to Congress, annually, estimates in detail for all personal services and for all general and miscellaneous expenses for the Department, by a provision of Act March 3, 1903, c. 1006, post, under Title XLI, "Appropriations."

The results of investigations by special agents, as to trade conditions abroad, are to be reported to Congress, by a provision of Act March 4, 1909, c. 297, § 1, set forth below.

Custody of Department buildings, property, records, etc.

Sec. 9. That the Secretary of Commerce and Labor shall have charge, in the buildings or premises occupied by or appropriated to

the Department of Commerce and Labor, of the library, furniture, fixtures, records, and other property pertaining to it or hereafter acquired for use in its business; and he shall be allowed to expend for periodicals and the purposes of the library, and for the rental of appropriate quarters for the accommodation of the Department of Commerce and Labor within the District of Columbia, and for all other incidental expenses, such sums as Congress may provide from time to time: Provided, however, That where any office, bureau, or branch of the public service transferred to the Department of Commerce and Labor by this Act is occupying rented buildings or premises, it may still continue to do so until other suitable quarters are provided for its use: And provided further, That all officers, clerks, and employees now employed in or by any of the bureaus, offices, departments, or branches of the public service in this Act transferred to the Department of Commerce and Labor are each and all hereby transferred to said Department at their present grades and salaries, except where otherwise provided in this Act: And provided further, That all laws prescribing the work and defining the duties of the several bureaus, offices, departments, or branches of the public service by this Act transferred to and made a part of the Department of Commerce and Labor shall, so far as the same are not in conflict with the provisions of this Act, remain in full force and effect until otherwise provided by law.

Act Feb. 14, 1903, c. 552, § 9, 32 Stat. 829.

Transfer of duties, powers, etc., of heads of executive departments, and of duties, powers, etc., of Secretary of Treasury as to shipping, seamen, etc.

Sec. 10. That all duties performed and all power and authority now possessed or exercised by the head of any executive department in and over any bureau, office, officer, board, branch, or division of the public service by this Act transferred to the Department of Commerce and Labor, or any business arising therefrom or pertaining thereto, or in relation to the duties performed by and authority conferred by law upon such bureau, officer, office, board, branch or division of the public service, whether of an appellate or revisory character or otherwise, shall hereafter be vested in and exercised by the head of the said Department of Commerce and Labor.

All duties, power, authority and jurisdiction, whether supervisory, appellate or otherwise, now imposed or conferred upon the Secretary of the Treasury by Acts of Congress relating to merchant vessels or yachts, their measurement, numbers, names, registers, enrollments, licenses, commissions, records, mortgages, bills of sale, transfers, entry, clearance, movements and transportation of their cargoes and passengers, owners, officers, seamen, passengers, fees, inspection, equipment for the better security of life, and by Acts of Congress relating to tonnage tax, boilers on steam vessels, the carrying of inflammable, explosive or dangerous cargo on vessels, the use of petroleum or other similar substances to produce motive power and relating to the remission or refund of fines, penalties, forfeitures, exactions or charges incurred for violating any provision of law relating to vessels or seamen or to informer's shares of such fines, and by Acts of Congress relating to the Commissioner and Bureau of Navigation, Shipping Commissioners, their officers and employees, Steam-

boat-Inspection Service and any of the officials thereof, shall be and hereby are transferred to and imposed and conferred upon the Secretary of Commerce and Labor from and after the time of the transfer of the Bureau of Navigation, the Shipping Commissioners and the Steamboat-Inspection Service to the Department of Commerce and Labor, and shall not thereafter be imposed upon or exercised by the Secretary of the Treasury. And all Acts or parts of Acts inconsistent with this Act are, so far as inconsistent, hereby repealed.

Act Feb. 14, 1903, c. 552, § 10. 32 Stat. 829.

Similar provisions for transfer of executive powers, etc., of other departments, upon the transfer of any office, bureau, etc., therefrom, under section 12 of this act, are contained in that section, set forth below.

The previous acts relating to merchant vessels, etc., and to the Commissioner and Bureau of Navigation, Shipping Commissioners, their officers and employés, Steamboat Inspection Service and the officials thereof, mentioned in this section, are set forth in Comp. St. 1901, pp. 198–200, 2801–3125.

Sec. 11. [Relates to the Department of State.]

This section provides for the appointment of a person, to be designated by the Secretary of State, to formulate, under his direction, for the instruction of consular officers, requests of the Secretary of Commerce and Labor, and to prepare from the dispatches of consular officers, for transmission to the Secretary of Commerce and Labor, information pertaining to the work of the Department. It is set forth ante, under Title V, "The Department of State."

Transfer of offices, bureaus, etc., engaged in statistical or scientific work, from certain Departments, authorized.

Sec. 12. That the President be, and he is hereby, authorized, by order in writing, to transfer at any time the whole or any part of any office, bureau, division or other branch of the public service engaged in statistical or scientific work, from the Department of State, the Department of the Treasury, the Department of War, the Department of Justice, the Post-Office Department, the Department of the Navy or the Department of the Interior, to the Department of Commerce and Labor; and in every such case the duties and authority performed by and conferred by law upon such office, bureau, division or other branch of the public service, or the part thereof so transferred, shall be thereby transferred with such office, bureau, division or other branch of the public service, or the part thereof which is so transferred. And all power and authority conferred by law, both supervisory and appellate, upon the department from which such transfer is made, or the Secretary thereof, in relation to the said office, bureau, division or other branch of the public service, or the part thereof so transferred, shall immediately, when such transfer is so ordered by the President, be fully conferred upon and vested in the Department of Commerce and Labor, or the Secretary thereof, as the case may be, as to the whole or part of such office, bureau, division or other branch of the public service so transferred.

Act Feb. 14, 1903, c. 552, § 12, 32 Stat. 830.

Time of taking effect of act.

Sec. 13. That this Act shall take effect and be in force from and after its passage: Provided, however, That the provisions of this Act other than those of section twelve in relation to the transfer of any existing office, bureau, division, officer or other branch of the public

service or authority now conferred thereon, to the Department of Commerce and Labor shall take effect and be in force on the first day of July, nineteen hundred and three, and not before.

Act Feb. 14, 1903, c. 552, § 13, 32 Stat. 830.

ACT FEB. 27, 1906, c. 510, § 1. [H. R. 12320.]

Bureau of Manufactures; Assistant Chief of Bureau.

Bureau of Manufactures: For assistant chief of bureau, to be selected and appointed by the Secretary of Commerce and Labor, at the rate of two thousand five hundred dollars per annum, * *

Act Feb. 27, 1906, c. 510, § 1, 34 Stat. 42.

This is a provision of the urgent deficiency act for the fiscal year ending June 30, 1906, cited above, which made an appropriation for salary of the office during the balance of the fiscal year. Subsequent appropriations are made by the legislative, executive, and judicial appropriation acts for each year. The provision for the fiscal year ending June 30, 1912, is by Act March 4, 1911, c. 237, § 1, 36 Stat. 1227.

ACT JUNE 29, 1906, c. 3592, §§ 1, 2. [H. R. 15442.]

Bureau of Immigration and Naturalization; naturalization of aliens; registry of aliens; certificates of registry.

Be it enacted, &c., That the designation of the Bureau of Immigration in the Department of Commerce and Labor is hereby changed to the "Bureau of Immigration and Naturalization," which said Bureau, under the direction and control of the Secretary of Commerce and Labor, in addition to the duties now provided by law, shall have charge of all matters concerning the naturalization of aliens. That it shall be the duty of the said Bureau to provide, for use at the various immigration stations throughout the United States, books of record, wherein the commissioners of immigration shall cause a registry to be made in the case of each alien arriving in the United States from and after the passage of this Act of the name, age, occupation, personal description (including height, complexion, color of hair and eyes), the place of birth, the last residence, the intended place of residence in the United States, and the date of arrival of said alien, and, if entered through a port, the name of the vessel in which he comes. And it shall be the duty of said commissioners of immigration to cause to be granted to such alien a certificate of such registry, with the particulars thereof.

Act June 29, 1906, c. 3592, § 1, 34 Stat. 596.

Additional offices, clerks, employés, etc., for Bureau.

Sec. 2. That the Secretary of Commerce and Labor shall provide the said Bureau with such additional furnished offices within the city of Washington, such books of record and facilities, and such additional assistants, clerks, stenographers, typewriters, and other employees as may be necessary for the proper discharge of the duties imposed by this Act upon such Bureau, fixing the compensation of such additional employees until July first, nineteen hundred and seven, within the appropriations made for that purpose.

Act June 29, 1906, c. 3592, § 2, 34 Stat. 596.

The remaining sections of this act, relating to naturalization of aliens, are set forth post, under Title XXX, "Naturalization."

A Division of Information in the Bureau is authorized and its duties prescribed by Act Feb. 20, 1907, c. 1134, § 40, set forth post, under

Title XXIX, "Immigration," subtitle "Regulation and Restriction of Immigration in General."

Provisions for the punishment of the transportation in interstate or foreign commerce of women or girls for the purpose of prostitution or debauchery or other immoral purpose, and designating the Commissioner-General of Immigration as the authority of the United States to receive and centralize information concerning the procuration of alien woman and girls with a view to their debauchery, and prescribing his duties in that regard, in pursuance of the international agreement for the suppression of the white-slave traffic, are contained in the "White-Slave Traffic Act," Act June 25, 1910, c. 395, § 6, set forth post, under Title LVI A, "Regulation of Interstate and Foreign Commerce," c. 2, "Regulation of Means of Transportation."

The Commissioner-General of Immigration is designated as the authority of the United States to receive and centralize information concerning the procuration of alien women and girls with a view to their debauchery, and his duties in that regard are prescribed, in pursuance of the international agreement for the suppression of the white-slave traffic, by provisions of the "White-Slave Traffic Act," Act June 25, 1910, c. 395, § 6, set forth post, under Title LVI A, "Regulation of Interstate and Foreign Commerce," c. 2, "Regulation of Means of Transportation."

Annual appropriations for the Bureau, and for carrying into effect the provisions of this act for the Division of Naturalization, and for the Division of Information, are made by the legislative, executive, and judicial appropriation acts. These provisions for the fiscal year ending June 30, 1912, are by Act March 4, 1911, c. 237, § 1, 36 Stat. 1230.

Annual appropriations for all expenses of enforcement of the laws regulating the immigration of aliens, and for miscellaneous expenses of the Division of Naturalization, are made by the sundry civil appropriation acts. The provisions for the fiscal year ending June 30, 1912, are by Act March 4, 1911, c. 285, § 1, 36 Stat. 1442.

ACT MARCH 4, 1907, c. 2918, § 1. [H. R. 25745.]

Bureau of Immigration and Naturalization; Division of Information; estimates for appropriations.

For additional assistants, clerical and otherwise, necessary to establish and maintain a division of information in the Bureau of Immigration and Naturalization, Department of Commerce and Labor, until June thirtieth, nineteen hundred and eight, fifty thousand dollars, which shall be paid from the permanent appropriation for expenses of regulating immigration: Provided, That detailed estimates shall be submitted in the manner required by law for appropriations required to meet this object during the fiscal year nineteen hundred and nine and thereafter.

Act March 4, 1907, c. 2918, § 1, 34 Stat. 1329.

This is a provision of the sundry civil appropriation act for the fiscal year ending June 30, 1908, cited above.

The Division of Information, mentioned in this provision, is authorized by Act Feb. 20, 1907, c. 1134, § 40, set forth post, under Title XXIX, "Immigration," subtitle "Regulation and Restriction of Immigration in General."

Subsequent appropriations for the Division of Information are included with the appropriations for the Bureau, referred to in the notes under Act June 29, 1906, c. 3592, § 2, set forth above.

ACT MARCH 4, 1909, c. 299, § 1. [H. R. 28245.]

Bureau of Immigration and Naturalization; Division of Naturalization; compensation and expenses of examiners, interpreters, clerks, etc.; report of expenditures.

Special examiners, Division of Naturalization: For compensation, to be fixed by the Secretary of Commerce and Labor, of examiners, interpreters, clerks, and stenographers, for the purpose of carrying on the work of the Division of Naturalization, Bureau of Immigra-

tion and Naturalization, provided for by the Act of Congress approved June twenty-ninth, nineteen hundred and six, entitled "An Act to establish a Bureau of Immigration and Naturalization and to provide for a uniform rule for the naturalization of aliens throughout the United States," and for their actual necessary traveling expenses while absent from their official stations, subject to such rules and regulations as the Secretary of Commerce and Labor may prescribe; and for the actual necessary traveling expenses of the officers and employees of the Division of Naturalization in Washington while absent on official duty outside of the District of Columbia, one hundred and twenty-five thousand dollars. A detailed report of the expenditures under the appropriations for this service shall be annually submitted to Congress at the beginning of each regular session thereof.

Act March 4, 1909, c. 299, § 1, 35 Stat. 982.

This is a provision of the sundry civil appropriation act for the fiscal year ending June 30, 1910, cited above. While the particular appropriation is for that year only, the provision for an annual report may be regarded as permanent. Subsequent similar appropriations specify additional objects. The provision for the fiscal year ending June 30, 1912, is under the head "Miscellaneous Expenses, Division of Naturalization," in Act March 4, 1911, c. 285, 36 Stat. 1442.

ACT JUNE 17, 1910, c. 297, § 1. [H. R. 22643.]

Assignments of salaries by officers and employés while employed in the field.

* * That the Secretary of Commerce and Labor is hereby authorized, under such regulations as he may prescribe, to permit officers and employees of the several bureaus and divisions of the Department of Commerce and Labor to assign their salaries while absent from Washington, District of Columbia, and employed in the field.

Act June 17, 1910, c. 297, § 1, 36 Stat. 524.

This is a proviso annexed to an appropriation for compensation of commercial agents in the legislative, executive, and judicial appropriation act for the fiscal year ending June 30, 1911, cited above.

ACT JUNE 17, 1910, c. 301, § 4. [H. R. 24877.]

Bureau of Light-Houses; Commissioner of Light-Houses; deputy commissioner, chief clerk, inspectors, etc.; chief constructing engineer and superintendent of naval construction; annual report; adjustment of claims for damages from collisions.

Sec. 4. That hereafter there shall be in the Department of Commerce and Labor a bureau of light-houses and a commissioner of light-houses, who shall be the head of said bureau, to be appointed by the President, who shall receive a salary of five thousand dollars per annum. There shall also be in the bureau a deputy commissioner, to be appointed by the President, who shall receive a salary of four thousand dollars per annum, and a chief clerk, who shall perform the duties of chief clerk and such other duties as may be assigned to him by the Secretary of Commerce and Labor or by the commissioner. There shall also be in the bureau such inspectors, clerical assistants, and other employees as may from time to time be authorized by Congress, and there shall also be employed one chief constructing engineer at a salary of four thousand dollars per annum and one superintendent of naval construction at a salary of three thousand dollars per annum, both to be appointed by the President. The commissioner of light-houses shall make an annual report to the Secretary

of Commerce and Labor, who shall transmit the same to Congress at the beginning of each regular session thereof; and such commissioner, subject to the approval of the Secretary of Commerce and Labor, is hereby authorized to consider, ascertain, adjust, and determine all claims for damages, where the amount of the claim does not exceed the sum of five hundred dollars, hereafter occasioned by collisions, for which collisions vessels of the Light-House Service shall be found to be responsible, and report the amounts so ascertained and determined to be due the claimants to Congress at each session thereof through the Treasury Department for payment as legal claims out of appropriations that may be made by Congress therefor.

Act June 17, 1910, c. 301, § 4, 36 Stat. 537.

This section is part of an act to authorize additional aids to navigation in the Light House Establishment, and to provide for a Bureau of Light-Houses in the Department of Commerce and Labor, etc., other sections of which are set forth post, under Title LV, "Lights and Buoys."

ACT JUNE 25, 1910, c. 385. [H. R. 26730.]

Immigration Commission; papers, records, and files to become part of files of Department, on expiration of Commission.

The papers, records, and files then remaining of the commission commonly known as the Immigration Commission provided for in section thirty-nine of the Act of February twentieth, nineteen hundred and seven, shall be turned over to and become a part of the files of the Department of Commerce and Labor on the expiration of the existence of said commission, as now provided for by law.

Act June 25, 1910, c. 385, 36 Stat. 800.

This is a provision of the deficiency appropriation act for the fiscal year 1910, cited above.

The Immigration Commission created by Act Feb. 20, 1907, c. 1134, § 39, 34 Stat. 909, mentioned in this provision, ceased on the first Monday of December, 1910, by a provision of Act Feb. 25, 1910, c. 62, 36 Stat. 215.

ACT MARCH 4, 1911, c. 237, § 1. [H. R. 29360.]

Commercial agents to investigate trade conditions.

For compensation at not more than ten dollars per day and actual necessary traveling expenses of commercial agents to investigate trade conditions abroad and in the United States, including the insular possessions, with the object of promoting the foreign commerce of the United States, sixty thousand dollars; and the results of such investigations shall be reported to Congress.

Act March 4, 1911, c. 237, § 1, 36 Stat. 1226.

This is a provision of the legislative, executive, and judicial appropriation act for the fiscal year ending June 30, 1912, cited above. A provision similar to some extent was contained in the appropriation acts for previous years.

Bureau of Standards; designation of officer to perform duties of Director during his absence.

Hereafter in the case of the absence of the Director of the Bureau of Standards the Secretary of Commerce and Labor may designate some officer of said bureau to perform the duties of the director during his absence.

Act March 4, 1911, c. 237, § 1, 36 Stat. 1231.

This is a further provision of the legislative, executive, and judicial appropriation act for the fiscal year ending June 30, 1912, cited above.

[TITLE XII B.]

[THE JUDICIAL CODE.]

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Under this Title is included the Judicial Code, as enacted by Act March 3, 1911, c. 231. In chapter 5 thereof, which contains provisions applicable to particular States, the two sections of Act June 20, 1910, c. 310, the enabling act for the admission into the Union of New Mexico and Arizona, which relate to the judicial districts to be constituted by those States when admitted, are inserted, each in its place in the alphabetical arrangement of the names of the States, and designated by the number of the preceding section of the Code with an added letter.

Many sections of Title XIII of the Revised Statutes, "The Judiciary," and subsequent acts and parts of acts relating to the subjects thereof, are incorporated in the Judicial Code and repealed or superseded thereby. Such repeals, etc., are indicated specifically, post, under the several chapters of said Title XIII affected thereby.

Acts and parts of acts subsequent to the Compiled Statutes of 1901, relating to subjects included in Title XIII of the Revised Statutes, but not within the scope of the Judicial Code, are set forth, post, under the several chapters of said Title XIII.

ACT MARCH 3, 1911, c. 231. [S. 7031.]

An Act to Codify, Revise, and Amend the Laws Relating to the Judiciary. (36 Stat. 1087.)

Be it enacted, &c., That the laws relating to the judiciary be, and they hereby are, codified, revised, and amended, with title, chapters, head-notes, and sections, entitled, numbered, and to read as follows:

TITLE.

THE JUDICIARY.

CHAPTER ONE.

District Courts—Organization.

Sec.		Sec.	
1.	District courts established; appointment and residence of judges.	4.	Deputy clerks.
2.	Salaries of district judges.	5.	Criers and bailiffs.
3.	Clerks.	6.	Records; where kept.
		7.	Effect of altering terms.

Sec.
8. Trials not discontinued by new term.
9. Court always open as courts of admiralty and equity.
10. Monthly adjournments for trial of criminal causes.
11. Special terms.
12. Adjournment in case of nonattendance of judge.
13. Designation of another judge in case of disability of judge.
14. Designation of another judge in case of an accumulation of business.
15. When designation to be made by Chief Justice.
16. New appointment and revocation.
17. Designation of district judge in aid of another judge.
18. When circuit judge may be designated to hold district court.
19. Duty of district and circuit judge in such cases.
20. When district judge is interested or related to parties.
21. When affidavit of personal bias or prejudice of judge is filed.
22. Continuance in case of vacancy in office.
23. Districts having more than one judge; division of business.

District courts established; appointment and residence of judges.

Sec. 1. In each of the districts described in chapter five, there shall be a court called a district court, for which there shall be appointed one judge, to be called a district judge; except that in the northern district of California, the northern district of Illinois, the district of Maryland, the district of Minnesota, the district of Nebraska, the district of New Jersey, the eastern district of New York, the northern and southern districts of Ohio, the district of Oregon, the eastern and western districts of Pennsylvania, and the western district of Washington, there shall be an additional district judge in each, and in the southern district of New York, three additional district judges: *Provided,* That whenever a vacancy shall occur in the office of the district judge for the district of Maryland, senior in commission, such vacancy shall not be filled, and thereafter there shall be but one district judge in said district: *Provided further,* That there shall be one judge for the eastern and western districts of South Carolina, one judge for the eastern and middle districts of Tennessee, and one judge for the northern and southern districts of Mississippi: *Provided further,* That the district judge for the middle district of Alabama shall continue as heretofore to be a district judge for the northern district thereof. Every district judge shall reside in the district or one of the districts for which he is appointed, and for offending against this provision shall be deemed guilty of a high misdemeanor.

Act March 3, 1911, c. 231, § 1, 36 Stat. 1087.

See Rev. St. §§ 551, 552, Comp. St. 1901, pp. 446, 447; Act Aug. 2, 1886, c. 842, Comp. St. 1901, p. 449; Act Dec. 19, 1900, c. 3, 31 Stat. 726; Act Feb. 4, 1903, c. 402, 32 Stat. 795; Act Feb. 9, 1903, c. 527, 32 Stat. 805; Act April 1, 1904, c. 857, 33 Stat. 155; Act March 3, 1905, c. 1418, 33 Stat. 987; Act March 3, 1905, c. 1427, § 2, 33 Stat. 993; Act May 26, 1906, c. 2557, 34 Stat. 202; Act Feb. 25, 1907, c. 1189, 34 Stat. 928; Act Feb. 25, 1907, c. 1198, 34 Stat. 931; Act Feb. 27, 1907, c. 2073, 34 Stat. 997; Act March 2, 1907, c. 2575, 34 Stat. 1253; Act Feb. 26, 1909, c. 215, 35 Stat. 656; Act March 2, 1909, c. 242, 35 Stat. 685; Act March 2, 1909, c. 243, 35 Stat. 686; Act Feb. 24, 1910, c. 56, 36 Stat. 201; Act Feb. 24, 1910, c. 57, 36 Stat. 202; Act June 25, 1910, c. 410, 36 Stat. 838.

Salaries of district judges.

Sec. 2. Each of the district judges shall receive a salary of six thousand dollars a year, to be paid in monthly installments.

Act March 3, 1911, c. 231, § 2, 36 Stat. 1087.

See Act Feb. 12, 1903, c. 547, 32 Stat. 825.

Clerks.

Sec. 3. A clerk shall be appointed for each district court by the judge thereof, except in cases otherwise provided for by law.

Act March 3, 1911, c. 231, § 3, 36 Stat. 1087.
See Rev. St. § 555, Comp. St. 1901, p. 451.

Deputy clerks.

Sec. 4. Except as otherwise specially provided by law, the clerk of the district court for each district may, with the approval of the district judge thereof, appoint such number of deputy clerks as may be deemed necessary by such judge, who may be designated to reside and maintain offices at such places of holding court as the judge may determine. Such deputies may be removed at the pleasure of the clerk appointing them, with the concurrence of the district judge. In case of the death of the clerk, his deputy or deputies shall, unless removed, continue in office and perform the duties of the clerk, in his name, until a clerk is appointed and qualified; and for the default or misfeasances in office of any such deputy, whether in the lifetime of the clerk or after his death, the clerk and his estate and the sureties on his official bond shall be liable; and his executor or administrator shall have such remedy for any such default or misfeasances committed after his death as the clerk would be entitled to if the same had occurred in his lifetime.

Act March 3, 1911, c. 231, § 4, 36 Stat. 1087.
See Rev. St. § 588, Comp. St. 1901, p. 452.

Criers and bailiffs.

Sec. 5. The district court for each district may appoint a crier for the court; and the marshal may appoint such number of persons, not exceeding five, as the judge may determine, to wait upon the grand and other juries, and for other necessary purposes.

Act March 3, 1911, c. 231, § 5, 36 Stat. 1088.
See Rev. St. § 715, Comp. St. 1901, p. 579.

Records; where kept.

Sec. 6. The records of a district court shall be kept at the place where the court is held. When it is held at more than one place in any district and the place of keeping the records is not specially provided by law, they shall be kept at either of the places of holding the court which may be designated by the district judge.

Act March 3, 1911, c. 231, § 6, 36 Stat. 1088.
See Rev. St. § 562, Comp. St. 1901, p. 454.

Effect of altering terms.

Sec. 7. No action, suit, proceeding, or process in any district court shall abate or be rendered invalid by reason of any act changing the time of holding such court, but the same shall be deemed to be returnable to, pending, and triable in the terms established next after the return day thereof.

Act March 3, 1911, c. 231, § 7, 36 Stat. 1088.
See Rev. St. § 573, Comp. St. 1901, p. 475.

Trials not discontinued by new term.

Sec. 8. When the trial or hearing of any cause, civil or criminal, in a district court has been commenced and is in progress before a jury or the court, it shall not be stayed or discontinued by the arrival of the time fixed by law for another session of said court; but the court

may proceed therein and bring it to a conclusion in the same manner and with the same effect as if another stated term of the court had not intervened.

Act March 3, 1911, c. 231, § 8, 36 Stat. 1088.
See Rev. St. § 746, Comp. St. 1901, p. 590.

Courts always open as courts of admiralty and equity.

Sec. 9. The district courts, as courts of admiralty and as courts of equity, shall be deemed always open for the purpose of filing any pleading, of issuing and returning mesne and final process, and of making and directing all interlocutory motions, orders, rules, and other proceedings preparatory to the hearing, upon their merits, of all causes pending therein. Any district judge may, upon reasonable notice to the parties, make, direct, and award, at chambers or in the clerk's office, and in vacation as well as in term, all such process, commissions, orders, rules, and other proceedings, whenever the same are not grantable of course, according to the rules and practice of the court.

Act March 3, 1911, c. 231, § 9, 36 Stat. 1088.
See Rev. St. § 574, Comp. St. 1901, p. 475.

Monthly adjournments for trial of criminal causes.

Sec. 10. District courts shall hold monthly adjournments of their regular terms, for the trial of criminal causes, when their business requires it to be done, in order to prevent undue expenses and delays in such cases.

Act March 3, 1911, c. 231, § 10, 36 Stat. 1088.
See Rev. St. § 578, Comp. St. 1901, p. 476.

Special terms.

Sec. 11. A special term of any district court may be held at the same place where any regular term is held, or at such other place in the district as the nature of the business may require, and at such time and upon such notice as may be ordered by the district judge. Any business may be transacted at such special term which might be transacted at a regular term.

Act March 3, 1911, c. 231, § 11, 36 Stat. 1088.
See Rev. St. § 581, Comp. St. 1901, p. 477.

Adjournment in case of nonattendance of judge.

Sec. 12. If the judge of any district court is unable to attend at the commencement of any regular, adjourned, or special term, or any time during such term, the court may be adjourned by the marshal, or clerk, by virtue of a written order directed to him by the judge, to the next regular term, or to any earlier day, as the order may direct.

Act March 3, 1911, c. 231, § 12, 36 Stat. 1088.
See Rev. St. § 583, Comp. St. 1901, p. 478.

Designation of another judge in case of disability of judge.

Sec. 13. When any district judge is prevented, by any disability, from holding any stated or appointed term of his district court, and that fact is made to appear by the certificate of the clerk, under the seal of the court, to any circuit judge of the circuit in which the district lies, or, in the absence of all the circuit judges, to the circuit justice of the circuit in which the district lies, any such circuit judge or justice may, if in his judgment the public interests so require, designate and appoint the judge of any other district in the same

circuit to hold said court, and to discharge all the judicial duties of the judge so disabled, during such disability. Whenever it shall be certified by any such circuit judge or, in his absence, by the circuit justice of the circuit in which the district lies, that for any sufficient reason it is impracticable to designate and appoint a judge of another district within the circuit to perform the duties of such disabled judge, the chief justice may, if in his judgment the public interests so require, designate and appoint the judge of any district in another circuit to hold said court and to discharge all the judicial duties of the judge so disabled, during such disability. Such appointment shall be filed in the clerk's office, and entered on the minutes of the said district court, and a certified copy thereof, under the seal of the court, shall be transmitted by the clerk to the judge so designated and appointed.

Act March 3, 1911, c. 231, § 13, 36 Stat. 1089.
See Rev. St. § 591, Comp. St. 1901, p. 480; Act March 4, 1907, c. 2940, 34 Stat. 1417.

Designation of another judge in case of an accumulation of business.

Sec. 14. When, from the accumulation or urgency of business in any district court, the public interests require the designation and appointment hereinafter provided, and the fact is made to appear, by the certificate of the clerk, under the seal of the court, to any circuit judge of the circuit in which the district lies, or, in the absence of all the circuit judges, to the circuit justice of the circuit in which the district lies, such circuit judge or justice may designate and appoint the judge of any other district in the same circuit to have and exercise within the district first named the same powers that are vested in the judge thereof. Each of the said district judges may, in case of such appointment, hold separately at the same time a district court in such district, and discharge all the judicial duties of the district judge therein.

Act March 3, 1911, c. 231, § 14, 36 Stat. 1089.
See Rev. St. § 592, Comp. St. 1901, p. 481.

When designation to be made by Chief Justice.

Sec. 15. If all the circuit judges and the circuit justice are absent from the circuit, or are unable to execute the provisions of either of the two preceding sections, or if the district judge so designated is disabled or neglects to hold the court and transact the business for which he is designated, the clerk of the district court shall certify the fact to the Chief Justice of the United States, who may thereupon designate and appoint in the manner aforesaid the judge of any district within such circuit or within any other circuit; and said appointment shall be transmitted to the clerk and be acted upon by him as directed in the preceding section.

Act March 3, 1911, c. 231, § 15, 36 Stat. 1089.
See Rev. St. § 593, Comp. St. 1901, p. 481.

New appointment and revocation.

Sec. 16. Any such circuit judge, or circuit justice, or the Chief Justice, as the case may be, may, from time to time, if in his judgment the public interests so require, make a new designation and appointment of any other district judge, in the manner, for the duties,

and with the powers mentioned in the three preceding sections, and revoke any previous designation and appointment.

Act March 3, 1911, c. 231, § 16, 36 Stat. 1089.
See Rev. St. § 594, Comp. St. 1901, p. 481.

Designation of district judge in aid of another judge.

Sec. 17. It shall be the duty of the senior circuit judge then present in the circuit, whenever in his judgment the public interest so requires, to designate and appoint, in the manner and with the powers provided in section fourteen, the district judge of any judicial district within his circuit to hold a district court in the place or in aid of any other district judge within the same circuit.

Act March 3, 1911, c. 231, § 17, 36 Stat. 1089.
See Rev. St. § 596, Comp. St. 1901, p. 482; Act March 3, 1881, c. 133, 21 Stat. 454.

When circuit judge may be designated to hold district court.

Sec. 18. Whenever, in the judgment of the senior circuit judge of the circuit in which the district lies, or of the circuit justice assigned to such circuit, or of the Chief Justice, the public interest shall require, the said judge, or associate justice, or Chief Justice, shall designate and appoint any circuit judge of the circuit to hold said district court.

Act March 3, 1911, c. 231, § 18, 36 Stat. 1089.

Duty of district and circuit judge in such cases.

Sec. 19. It shall be the duty of the district or circuit judge who is designated and appointed under either of the six preceding sections, to discharge all the judicial duties for which he is so appointed, during the time for which he is so appointed; and all the acts and proceedings in the courts held by him, or by or before him, in pursuance of said provisions, shall have the same effect and validity as if done by or before the district judge of the said district.

Act March 3, 1911, c. 231, § 19, 36 Stat. 1090.
See Rev. St. § 595, Comp. St. 1901, p. 482.

When district judge is interested or related to parties.

Sec. 20. Whenever it appears that the judge of any district court is in any way concerned in interest in any suit pending therein, or has been of counsel or is a material witness for either party, or is so related to or connected with either party as to render it improper, in his opinion, for him to sit on the trial, it shall be his duty, on application by either party, to cause the fact to be entered on the records of the court; and also an order that an authenticated copy thereof shall be forthwith certified to the senior circuit judge for said circuit then present in the circuit; and thereupon such proceedings shall be had as are provided in section fourteen.

Act March 3, 1911, c. 231, § 20, 36 Stat. 1090.
See Rev. St. § 601, Comp. St. 1901, p. 484.

When affidavit of personal bias or prejudice of judge is filed.

Sec. 21. Whenever a party to any action or proceeding, civil or criminal, shall make and file an affidavit that the judge before whom the action or proceeding is to be tried or heard has a personal bias or prejudice either against him or in favor of any opposite party to the suit, such judge shall proceed no further therein, but another judge

shall be designated in the manner prescribed in the section last preceding, or chosen in the manner prescribed in section twenty-three, to hear such matter. Every such affidavit shall state the facts and the reasons for the belief that such bias or prejudice exists, and shall be filed not less than ten days before the beginning of the term of the court, or good cause shall be shown for the failure to file it within such time. No party shall be entitled in any case to file more than one such affidavit; and no such affidavit shall be filed unless accompanied by a certificate of counsel of record that such affidavit and application are made in good faith. The same proceedings shall be had when the presiding judge shall file with the clerk of the court a certificate that he deems himself unable for any reason to preside with absolute impartiality in the pending suit or action.

Act March 3, 1911, c. 231, § 21, 36 Stat. 1090.

Continuance in case of vacancy in office.

Sec. 22. When the office of judge of any district court becomes vacant, all process, pleadings, and proceedings pending before such court shall, if necessary, be continued by the clerk thereof until such times as a judge shall be appointed, or designated to hold such court; and the judge so designated, while holding such court, shall possess the powers conferred by, and be subject to the provisions contained in, section nineteen.

Act March 3, 1911, c. 231, § 22, 36 Stat. 1090.
See Rev. St. §§ 602, 603. Comp. St. 1901, p. 484.

Districts having more than one judge; division of business.

Sec. 23. In districts having more than one district judge, the judges may agree upon the division of business and assignment of cases for trial in said district; but in case they do not so agree, the senior circuit judge of the circuit in which the district lies, shall make all necessary orders for the division of business and the assignment of cases for trial in said district.

Act March 3, 1911, c. 231, § 23, 36 Stat. 1090.

CHAPTER TWO.

District Courts—Jurisdiction.

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17. Of suits by aliens for torts.
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20. Of suits against the United States.
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22. Of suits under immigration and contract-labor laws.
23. Of suits against trusts, monopolies, and unlawful combinations.
24. Of suits concerning allotments of land to Indians.
25. Of partition suits where United States is joint tenant.
25. Appellate jurisdiction under Chinese-exclusion laws.
26. Appellate jurisdiction over Yellowstone National Park.
27. Jurisdiction of crimes on Indian reservations in South Dakota.

Original jurisdiction.

Sec. 24. The district courts shall have original jurisdiction as follows:

Where the United States are plaintiffs; and of civil suits at common law or in equity.

First. Of all suits of a civil nature, at common law or in equity, brought by the United States, or by any officer thereof authorized by law to sue, or between citizens of the same State claiming lands under grants from different States; or, where the matter in controversy exceeds, exclusive of interest and costs, the sum or value of three thousand dollars, and (a) arises under the Constitution or laws of the United States, or treaties made, or which shall be made, under their authority, or (b) is between citizens of different States, or (c) is between citizens of a State and foreign States, citizens, or subjects. No district court shall have cognizance of any suit (except upon foreign bills of exchange) to recover upon any promissory note or other chose in action in favor of any assignee, or of any subsequent holder if such instrument be payable to bearer and be not made by any corporation, unless such suit might have been prosecuted in such court to recover upon said note or other chose in action if no assignment had been made: Provided, however, That the foregoing provision as to the sum or value of the matter in controversy shall not be construed to apply to any of the cases mentioned in the succeeding paragraphs of this section.

Act March 3, 1911, c. 231, § 24, 36 Stat. 1091.

*See Rev. St. §§ 563, 629, Comp. St. 1901, pp. 455, 503; Act March 3, 1875, c. 137, § 1, 18 Stat. 470; Act March 3, 1887, c. 373, § 1, 24 Stat. 552; Act Aug. 13, 1888, c. 866, § 1, 25 Stat. 433, Comp. St. 1901, p. 508.

Of crimes and offenses.

Second. Of all crimes and offenses cognizable under the authority of the United States.

Act March 3, 1911, c. 231, § 24, par. 2, 36 Stat. 1091.

See Rev. St. §§ 563, 629, pars. 1, 20, Comp. St. 1901, pp. 455, 507; Act March 3, 1875, c. 137, § 1, 18 Stat. 470; Act March 3, 1887, c. 373, § 1, 24 Stat. 552; Act Aug. 13, 1888, c. 866, § 1, 25 Stat. 433, Comp. St. 1901, p. 508.

Of admiralty causes, seizures, and prizes.

Third. Of all civil causes of admiralty and maritime jurisdiction, saving to suitors in all cases the right of a common-law remedy where the common law is competent to give it; of all seizures on land or waters not within admiralty and maritime jurisdiction; of all prizes brought into the United States; and of all proceedings for the condemnation of property taken as prize.

Act March 3, 1911, c. 231, § 24, par. 3, 36 Stat. 1091.
See Rev. St. § 563, pars. 8, 9, § 629, par. 6, Comp. St. 1901, pp. 457, 504.

Of suits under any law relating to the slave trade.

Fourth. Of all suits arising under any law relating to the slave trade.

Act March 3, 1911, c. 231, § 24, par. 4, 36 Stat. 1092.
See Rev. St. § 629, par. 7, Comp. St. 1901, p. 504.

Of cases under internal revenue, customs, and tonnage laws.

Fifth. Of all cases arising under any law providing for internal revenue, or from revenue from imports or tonnage, except those cases arising under any law providing revenue from imports, jurisdiction of which has been conferred upon the Court of Customs Appeals.

Act March 3, 1911, c. 231, § 24, par. 5, 36 Stat. 1092.
See Rev. St. § 563, par. 5, § 629, par. 4, Comp. St. 1901, pp. 456, 503.

Of suits under postal laws.

Sixth. Of all case arising under the postal laws.

Act March 3, 1911, c. 231, § 24, par. 6, 36 Stat. 1092.
See Rev. St. § 563, par. 7, § 629, par. 4, Comp. St. 1901, pp. 457, 503.

Of suits under the patent, the copyright, and the trade-mark laws.

Seventh. Of all suits at law or in equity arising under the patent, the copyright, and the trade-mark laws.

Act March 3, 1911, c. 231, § 24, par. 7, 36 Stat. 1092.
See Rev. St. § 629, par. 9, Comp. St. 1901, p. 504.

Of suits for violation of interstate commerce laws.

Eighth. Of all suits and proceedings arising under any law regulating commerce, except those suits and proceedings exclusive jurisdiction of which has been conferred upon the Commerce Court.

Act March 3, 1911, c. 231, § 24, par. 8, 36 Stat. 1092.

Of penalties and forfeitures.

Ninth. Of all suits and proceedings for the enforcement of penalties and forfeitures incurred under any law of the United States.

Act March 3, 1911, c. 231, § 24, par. 9, 36 Stat. 1092.
See Rev. St. § 563, pars. 3, 6, § 629, par. 5, Comp. St. 1901, pp. 456, 504.

Of suits on debentures.

Tenth. Of all suits by the assignee of any debenture for drawback of duties, issued under any law for the collection of duties, against the person to whom such debenture was originally granted, or against any indorser thereof, to recover the amount of such debenture.

Act March 3, 1911, c. 231, § 24, par. 10, 36 Stat. 1092.
See Rev. St. § 563, par. 10, § 629, par. 8, Comp. St. 1901, pp. 458, 504.

Of suits for injuries on account of acts done under laws of the United States.

Eleventh. Of all suits brought by any person to recover damages for any injury to his person or property on account of any act done by him, under any law of the United States, for the protection or collection of any of the revenues thereof, or to enforce the right of citizens of the United States to vote in the several States.

Act March 3, 1911, c. 231, § 24, par. 11, 36 Stat. 1092.
See Rev. St. § 629, par. 12, Comp. St. 1901, p. 505.

Of suits concerning civil rights.

Twelfth. Of all suits authorized by law to be brought by any person for the recovery of damages on account of any injury to his person or property, or of the deprivation of any right or privilege of a citizen of the United States, by any act done in furtherance of any conspiracy mentioned in section nineteen hundred and eighty, Revised Statutes.

Act March 3, 1911, c. 231, § 24, par. 12, 36 Stat. 1092.
See Rev. St. § 563, par. 11, § 629, par. 17, Comp. St. 1901, pp. 458, 507.

Of suits against persons having knowledge of conspiracy, etc.

Thirteenth. Of all suits authorized by law to be brought against any person who, having knowledge that any of the wrongs mentioned in section nineteen hundred and eighty, Revised Statutes, are about to be done, and, having power to prevent or aid in preventing the same, neglects or refuses so to do, to recover damages for any such wrongful act.

Act March 3, 1911, c. 231, § 24, par. 13, 36 Stat. 1092.
See Rev. St. § 629, par. 18, Comp. St. 1901, p. 507.

Of suits to redress the deprivation, under color of law, of civil rights.

Fourteenth. Of all suits at law or in equity authorized by law to be brought by any person to redress the deprivation, under color of any law, statute, ordinance, regulation, custom, or usage, of any State, of any right, privilege, or immunity, secured by the Constitution of the United States, or of any right secured by any law of the United States providing for equal rights of citizens of the United States, or of all persons within the jurisdiction of the United States.

Act March 3, 1911, c. 231, § 24, par. 14, 36 Stat. 1092.
See Rev. St. § 563, par. 12, § 629, par. 16, Comp. St. 1901, pp. 458, 506.

Of suits to recover certain offices.

Fifteenth. Of all suits to recover possession of any office, except that of elector of President or Vice President, Representative in or Delegate to Congress, or member of a State legislature, authorized by law to be brought, wherein it appears that the sole question touching the title to such office arises out of the denial of the right to vote to any citizen offering to vote, on account of race, color, or previous condition of servitude: Provided, That such jurisdiction shall extend only so far as to determine the rights of the parties to such office by reason of the denial of the right guaranteed by the Constitution of the United States, and secured by any law, to enforce the right of citizens of the United States to vote in all the States.

Act March 3, 1911, c. 231, § 24, par. 15, 36 Stat. 1092.
See Rev. St. § 563, par. 13, § 629, par. 13, Comp. St. 1901, pp. 458, 505.

Of suits against national-banking associations.

Sixteenth. Of all cases commenced by the United States, or by direction of any officer thereof, against any national banking association, and cases for winding up the affairs of any such bank; and of all suits brought by any banking association established in the district for which the court is held, under the provisions of title "National Banks," Revised Statutes, to enjoin the Comptroller of the Currency, or any receiver acting under his direction, as provided by said title. And all national banking associations established under the laws of the United States shall, for the purposes of all other actions by or against them, real, personal, or mixed, and all suits in equity, be deemed citizens of the States in which they are respectively located.

Act March 3, 1911, c. 231, § 24, par. 16, 36 Stat. 1092.
See Rev. St. § 563, par. 15, § 629, pars. 10, 11, Comp. St. 1901, pp. 459, 505.

Of suits by aliens for torts.

Seventeenth. Of all suits brought by any alien for a tort only, in violation of the laws of nations or of a treaty of the United States.

Act March 3, 1911, c. 231, § 24, par. 17, 36 Stat. 1093.
See Rev. St. § 563, p. 16, Comp. St. 1901, p. 459.

Of suits against consuls and vice consuls.

Eighteenth. Of all suits against consuls and vice consuls.

Act March 3, 1911, c. 231, § 24, par. 18, 36 Stat. 1093.
See Rev. St. § 563, par. 17, Comp. St. 1901, p. 459.

Of suits and proceedings in bankruptcy.

Ninteenth. Of all matters and proceedings in bankruptcy.

Act March 3, 1911, c. 231, § 24, par. 19, 36 Stat. 1093.
See Rev. St. § 563, par. 18, Comp. St. 1901, p. 459; Act July 1, 1898, c. 541, §§ 2, 23, Comp. St. 1901, pp. 3420, 3431.

Of suits against the United States.

Twentieth. Concurrent with the Court of Claims, of all claims not exceeding ten thousand dollars founded upon the Constitution of the United States or any law of Congress, or upon any regulation of an Executive Department, or upon any contract, express or implied, with the Government of the United States, or for damages, liquidated or unliquidated, in cases not sounding in tort, in respect to which claims the party would be entitled to redress against the United States, either in a court of law, equity, or admiralty, if the United States were suable, and of all set-offs, counterclaims, claims for damages, whether liquidated or unliquidated, or other demands whatsoever on the part of the Government of the United States against any claimant against the Government in said court: Provided, however, That nothing in this paragraph shall be construed as giving to either the district courts or the Court of Claims jurisdiction to hear and determine claims growing out of the late Civil War, and commonly known as "war claims," or to hear and determine other claims which had been rejected or reported on adversely prior to the third day of March, eighteen hundred and eighty-seven, by any court, department, or commission authorized to hear and determine the same, or to hear and determine claims for pensions; or as giving to the district courts jurisdiction of cases brought to recover fees, salary, or com-

pensation for official services of officers of the United States or brought for such purpose by persons claiming as such officers or as assignees or legal representatives thereof; but no suit pending on the twenty-seventh day of June, eighteen hundred and ninety-eight, shall abate or be affected by this provision: And provided further, That no suit against the Government of the United States shall be allowed under this paragraph unless the same shall have been brought within six years after the right accrued for which the claim is made: Provided, That the claims of married women, first accrued during marriage, of persons under the age of twenty-one years, first accrued during minority, and of idiots, lunatics, insane persons, and persons beyond the seas at the time the claim accrued, entitled to the claim, shall not be barred if the suit be brought within three years after the disability has ceased; but no other disability than those enumerated shall prevent any claim from being barred, nor shall any of the said disabilities operate cumulatively. All suits brought and tried under the provisions of this paragraph shall be tried by the court without a jury.

Act March 3, 1911, c. 231, § 24, par. 20, 36 Stat. 1093.

See Act March 3, 1887, c. 359, § 1; Act June 27, 1898, c. 503, § 1; Act July 1, 1898, c. 546, § 3; Act Feb. 26, 1900, c. 25, Comp. St. 1900, pp. 752, 758.

Of suits for the unlawful inclosure of public lands.

Twenty-first. Of proceedings in equity, by writ of injunction, to restrain violations of the provisions of laws of the United States to prevent the unlawful inclosure of public lands; and it shall be sufficient to give the court jurisdiction if service of original process be had in any civil proceeding on any agent or employee having charge or control of the inclosure.

Act March 3, 1911, c. 231, § 24, par. 21, 36 Stat. 1093.

See Act Feb. 25, 1885, c. 149, § 2, Comp. St. 1901, p. 1524.

Of suits under immigration and contract-labor laws.

Twenty-second. Of all suits and proceedings arising under any law regulating the immigration of aliens, or under the contract labor laws.

Act March 3, 1911, c. 231, § 24, par. 22, 36 Stat. 1093.

Of suits against trusts, monopolies, and unlawful combinations.

Twenty-third. Of all suits and proceedings arising under any law to protect trade and commerce against restraints and monopolies.

Act March 3, 1911, c. 231, § 24, par. 23, 36 Stat. 1093.

Of suits concerning allotments of land to Indians.

Twenty-fourth. Of all actions, suits, or proceedings involving the right of any person, in whole or in part of Indian blood or descent, to any allotment of land under any law or treaty.

Act March 3, 1911, c. 231, § 24, par. 24, 36 Stat. 1094.

Of partition suits where United States is joint tenant.

Twenty-fifth. Of suits in equity brought by any tenant in common or joint tenant for the partition of lands in cases where the United States is one of such tenants in common or joint tenants, such suits to be brought in the district in which such land is situate.

Act March 3, 1911, c. 231, § 24, par. 25, 36 Stat. 1904.

See Act May 17, 1898, c. 339, § 1, Comp. St. 1901, p. 516.

Appellate jurisdiction under Chinese-exclusion laws.

Sec. 25. The district courts shall have appellate jurisdiction of the judgments and orders of United States commissioners in cases arising under the Chinese exclusion laws.

Act March 3, 1911, c. 231, § 25, 36 Stat. 1094.
See Act Sept. 13, 1888, c. 1015, § 13, Comp. St. 1901, p. 1317.

Appellate jurisdiction over Yellowstone National Park.

Sec. 26. The district court for the district of Wyoming shall have jurisdiction of all felonies committed within the Yellowstone National Park and appellate jurisdiction of judgments in cases of conviction before the commissioner authorized to be appointed under section five of an Act entitled "An Act to protect the birds and animals in Yellowstone National Park, and to punish crimes in said Park, and for other purposes," approved May seventh, eighteen hundred and ninety-four.

Act March 3, 1911, c. 231, § 26, 36 Stat. 1094.
See Act May 7, 1894, c. 72, § 5, Comp. St. 1901, p. 1563.

Jurisdiction of crimes on Indian reservations in South Dakota.

Sec. 27. The district court of the United States for the district of South Dakota shall have jurisdiction to hear, try, and determine all actions and proceedings in which any person shall be charged with the crime of murder, manslaughter, rape, assault with intent to kill, arson, burglary, larceny, or assault with a dangerous weapon, committed within the limits of any Indian reservation in the State of South Dakota.

Act March 3, 1911, c. 231, § 27, 36 Stat. 1094.
See Act Feb. 2, 1903, c. 351, 32 Stat. 793; Act March 4, 1909, c. 321, § 329, 35 Stat. 1151.

CHAPTER THREE.

District Courts—Removal of Causes.

Sec.
28. Removal of suits from State to United States district courts.
29. Procedure for removal.
30. Suits under grants of land from different States.
31. Removal of causes against persons denied any civil rights, etc.
32. When petitioner is in actual custody of State court.
33. Suits and prosecutions against revenue officers, etc.
34. Removal of suits by aliens.
35. When copies of records are refused by clerk of State court.
36. Previous attachment bonds, orders, etc., remain valid.
37. Suits improperly in district court may be dismissed or remanded.
38. Proceedings in suits removed.
39. Time for filing record; return of record, how enforced.

Removal of suits from State to United States district courts.

Sec. 28. Any suit of a civil nature, at law or in equity, arising under the Constitution or laws of the United States, or treaties made, or which shall be made, under their authority, of which the district courts of the United States are given original jurisdiction by this title, which may now be pending or which may hereafter be brought, in any State court, may be removed by the defendant or defendants therein to the district court of the United States for the proper district. Any other

suit of a civil nature, at law or in equity, of which the district courts of the United States are given jurisdiction by this title, and which are now pending or which may hereafter be brought, in any State court, may be removed into the district court of the United States for the proper district by the defendant or defendants therein, being nonresidents of that State. And when in any suit mentioned in this section there shall be a controversy which is wholly between citizens of different States, and which can be fully determined as between them, then either one or more of the defendants actually interested in such controversy may remove said suit into the district court of the United States for the proper district. And where a suit is now pending, or may hereafter be brought, in any State court, in which there is a controversy between a citizen of the State in which the suit is brought and a citizen of another State, any defendant, being such citizen of another State, may remove such suit into the district court of the United States for the proper district, at any time before the trial thereof, when it shall be made to appear to said district court that from prejudice or local influence he will not be able to obtain justice in such State court, or in any other State court to which the said defendant may, under the laws of the State, have the right, on account of such prejudice or local influence, to remove said cause: Provided, That if it further appear that said suit can be fully and justly determined as to the other defendants in the State court, without being affected by such prejudice or local influence, and that no party to the suit will be prejudiced by a separation of the parties, said district court may direct the suit to be remanded, so far as relates to such other defendants, to the State court, to be proceeded with therein. At any time before the trial of any suit which is now pending in any district court, or may hereafter be entered therein, and which has been removed to said court from a State court on the affidavit of any party plaintiff that he had reason to believe and did believe that, from prejudice or local influence, he was unable to obtain justice in said State court, the district court shall, on application of the other party, examine into the truth of said affidavit and the grounds thereof, and, unless it shall appear to the satisfaction of said court that said party will not be able to obtain justice in said State court, it shall cause the same to be remanded thereto. Whenever any cause shall be removed from any State court into any district court of the United States, and the district court shall decide that the cause was improperly removed, and order the same to be remanded to the State court from whence it came, such remand shall be immediately carried into execution, and no appeal or writ of error from the decision of the district court so remanding such cause shall be allowed: Provided, That no case arising under an Act entitled "An Act relating to the liability of common carriers by railroad to their employees in certain cases," approved April twenty-second, nineteen hundred and eight, or any amendment thereto, and brought in any State court of competent jurisdiction shall be removed to any court of the United States.

Act March 3, 1911, c. 231, § 28, 36 Stat. 1094.

See Act March 3, 1875, c. 137, § 2, 18 Stat. 470; Act March 3, 1887, c. 373, § 1, 24 Stat. 552; Act Aug. 13, 1888, c. 866, 25 Stat. 433, Comp. St. 1901, p. 509.

Procedure for removal.

Sec. 29. Whenever any party entitled to remove any suit mentioned in the last preceding section, except suits removable on the ground of prejudice or local influence, may desire to remove such suit from a State court to the district court of the United States, he may make and file a petition, duly verified, in such suit in such State court at the time, or any time before the defendant is required by the laws of the State or the rule of the State court in which such suit is brought to answer or plead to the declaration or complaint of the plaintiff, for the removal of such suit into the district court to be held in the district where such suit is pending, and shall make and file therewith a bond, with good and sufficient surety, for his or their entering in such district court, within thirty days from the date of filing said petition, a certified copy of the record in such suit, and for paying all costs that may be awarded by the said district court if said district court shall hold that such suit was wrongfully or improperly removed thereto, and also for their appearing and entering special bail in such suit if special bail was originally requisite therein. It shall then be the duty of the State court to accept said petition and bond and proceed no further in such suit. Written notice of said petition and bond for removal shall be given the adverse party or parties prior to filing the same. The said copy being entered within said thirty days as aforesaid in said district court of the United States, the parties so removing the said cause shall, within thirty days thereafter, plead, answer, or demur to the declaration or complaint in said cause, and the cause shall then proceed in the same manner as if it had been originally commenced in the said district court.

Act March 3, 1911, c. 231, § 29, 36 Stat. 1095.

See Act March 3, 1875, c. 137, § 3, 18 Stat. 470; Act March 3, 1887, c. 373, § 1, 24 Stat. 552; Act Aug. 13, 1888, c. 866, § 1, 25 Stat. 433, Comp. St. 1901, p. 510.

Suits under grants of land from different States.

Sec. 30. If in any action commenced in a State court the title of land be concerned, and the parties are citizens of the same State and the matter in dispute exceeds the sum or value of three thousand dollars, exclusive of interest and costs, the sum or value being made to appear, one or more of the plaintiffs or defendants, before the trial, may state to the court, and make affidavit if the court require it, that he or they claim, and shall rely upon, a right or title to the land under a grant from a State, and produce the original grant, or an exemplification of it, except where the loss of public records shall put it out of his or their power, and shall move that any one or more of the adverse party inform the court whether he or they claim a right or title to the land under a grant from some other State, the party or parties so required shall give such information, or otherwise not be allowed to plead such grant or give it in evidence upon the trial. If he or they inform the court that he or they do claim under such grant, any one or more of the party moving for such information may then, on petition and bond, as hereinbefore mentioned in this chapter, remove the cause for trial to the district court of the United States next to be holden in such district; and any one of either party removing the cause shall not be allowed to plead or give evidence of any other title

than that by him or them stated as aforesaid as the ground of his or their claim.

Act March 3, 1911, c. 231, § 30, 36 Stat. 1096.
See Rev. St. § 647, Comp. St. 1901, p. 524; Act March 3, 1875, c. 137, § 3, 18 Stat. 470; Act March 3, 1887, c. 373, § 1, 24 Stat. 552; Act Aug. 13, 1888, c. 866, § 1, 25 Stat. 433, Comp. St. 1901, p. 510.

Removal of causes against persons denied any civil rights, etc.

Sec. 31. When any civil suit or criminal prosecution is commenced in any State court, for any cause whatsoever, against any person who is denied or can not enforce in the judicial tribunals of the State, or in the part of the State where such suit or prosecution is pending, any right secured to him by any law providing for the equal civil rights of citizens of the United States, or of all persons within the jurisdiction of the United States, or against any officer, civil or military, or other person, for any arrest or imprisonment or other trespasses or wrongs made or committed by virtue of or under color of authority derived from any law providing for equal rights as aforesaid, or for refusing to do any act on the ground that it would be inconsistent with such law, such suit or prosecution may, upon the petition of such defendant, filed in said State court at any time before the trial or final hearing of the cause, stating the facts and verified by oath, be removed for trial into the next district court to be held in the district where it is pending. Upon the filing of such petition all further proceedings in the State courts shall cease, and shall not be resumed except as hereinafter provided. But all bail and other security given in such suit or prosecution shall continue in like force and effect as if the same had proceeded to final judgment and execution in the State court. It shall be the duty of the clerk of the State court to furnish such defendant, petitioning for a removal, copies of said process against him, and of all pleadings, depositions, testimony, and other proceedings in the case. If such copies are filed by said petitioner in the district court on the first day of its session, the cause shall proceed therein in the same manner as if it had been brought there by original process; and if the said clerk refuses or neglects to furnish such copies, the petitioner may thereupon docket the case in the district court, and the said court shall then have jurisdiction therein, and may, upon proof of such refusal or neglect of said clerk, and upon reasonable notice to the plaintiff, require the plaintiff to file a declaration, petition, or complaint in the cause; and, in case of his default, may order a nonsuit, and dismiss the case at the costs of the plaintiff, and such dismissal shall be a bar to any further suit touching the matter in controversy. But if, without such refusal or neglect of said clerk to furnish such copies and proof thereof, the petitioner for removal fails to file copies in the district court, as herein provided, a certificate, under the seal of the district court, stating such failure, shall be given, and upon the production thereof in said State court the cause shall proceed therein as if no petition for removal had been filed.

Act March 3, 1911, c. 231, § 31, 36 Stat. 1096.
See Rev. St. § 641, Comp. St. 1901, p. 520.

When petitioner is in actual custody of State court.

Sec. 32. When all the acts necessary for the removal of any suit or prosecution, as provided in the preceding section, have been performed, and the defendant petitioning for such removal is in actual

custody on process issued by said State court, it shall be the duty of the clerk of said district court to issue a writ of habeas corpus cum causa, and of the marshal, by virtue of said writ, to take the body of the defendant into his custody, to be dealt with in said district court according to law and the orders of said court, or, in vacation, of any judge thereof; and the marshal shall file with or deliver to the clerk of said State court a duplicate copy of said writ.

Act March 3, 1911, c. 231, § 32. 36 Stat. 1097.
See Rev. St. § 642, Comp. St. 1901, p. 521.

Suits and prosecutions against revenue officers, etc.

Sec. 33. When any civil suit or criminal prosecution is commenced in any court of a State against any officer appointed under or acting by authority of any revenue law of the United States now or hereafter enacted, or against any person acting under or by authority of any such officer, on account of any act done under color of his office or of any such law, or on account of any right, title, or authority claimed by such officer or other person under any such law; or is commenced against any person holding property or estate by title derived from any such officer, and affects the validity of any such revenue law; or when any suit is commenced against any person for on account of anything done by him while an officer of either House of Congress in the discharge of his official duty, in executing any order of such House, the said suit or prosecution may, at any time before the trial or final hearing thereof, be removed for trial into the district court next to be holden in the district where the same is pending, upon the petition of such defendant to said district court, and in the following manner: Said petition shall set forth the nature of the suit or prosecution and be verified by affidavit, and, together with a certificate signed by an attorney or counselor at law of some court of record of the State where such suit or prosecution is commenced, or of the United States, stating that, as counsel for the petitioner, he has examined the proceedings against him and carefully inquired into all the matters set forth in the petition, and that he believes them to be true, shall be presented to the said district court, if in session, or if it be not, to the clerk thereof at his office, and shall be filed in said office. The cause shall thereupon be entered on the docket of the district court, and shall proceed as a cause originally commenced in that court; but all bail and other security given upon such suit or prosecution shall continue in like force and effect as if the same had proceeded to final judgment and execution in the State court. When the suit is commenced in the State court by summons, subpœna, petition, or other process except capias, the clerk of the district court shall issue a writ of certiorari to the State court, requiring it to send to the district court the record and proceedings in the cause. When it is commenced by capias or by any other similar form or proceeding by which a personal arrest is ordered, he shall issue a writ of habeas corpus cum causa, a duplicate of which shall be delivered to the clerk of the State court, or left at his office, by the marshal of the district or his deputy, or by some person duly authorized thereto; and thereupon it shall be the duty of the State court to stay all further proceedings in the cause, and the suit or prosecution, upon delivery of such process, or leaving the same as aforesaid, shall be held to be removed to

the district court, and any further proceedings, trial, or judgment therein in the State court shall be void. If the defendant in the suit or prosecution be in actual custody on mesne process therein, it shall be the duty of the marshal, by virtue of the writ of habeas corpus cum causa, to take the body of the defendant into his custody, to be dealt with in the cause according to law and the order of the district court, or, in vacation, of any judge thereof; and if, upon the removal of such suit or prosecution, it is made to appear to the district court that no copy of the record and proceedings therein in the State court can be obtained, the district court may allow and require the plaintiff to proceed de novo and to file a declaration of his cause of action, and the parties may thereupon proceed as in actions originally brought in said district court. On failure of the plaintiff so to proceed, judgment of non prosequitur may be rendered against him, with costs for the defendant.

Act March 3, 1911, c. 231, § 33, 36 Stat. 1097.
See Rev. St. § 643; Act March 3, 1875, c. 130, § 8, 18 Stat. 401; Act Feb. 8, 1894, c. 25, § 1, 28 Stat. 36, Comp. St. 1901, p. 521.

Removal of suits by aliens.

Sec. 34. Whenever a personal action has been or shall be brought in any State court by an alien against any citizen of a State who is, or at the time the alleged action accrued was, a civil officer of the United States, being a non-resident of that State wherein jurisdiction is obtained by the State court, by personal service of process, such action may be removed into the district court of the United States in and for the district in which the defendant shall have been served with the process, in the same manner as now provided for the removal of an action brought in a State court by the provisions of the preceding section.

Act March 3, 1911, c. 231, § 34, 36 Stat. 1098.
See Rev. St. § 644, Comp. St. 1901, p. 523.

When copies of records are refused by clerk of State court.

Sec. 35. In any case where a party is entitled to copies of the records and proceedings in any suit or prosecution in a State court, to be used in any court of the United States, if the clerk of said State court, upon demand, and the payment or tender of the legal fees, refuses or neglects to deliver to him certified copies of such records and proceedings, the court of the United States in which such records and proceedings are needed may, on proof by affidavit that the clerk of said State court has refused or neglected to deliver copies thereof, on demand as aforesaid, direct such record to be supplied by affidavit or otherwise, as the circumstances of the case may require and allow; and thereupon such proceeding, trial, and judgment may be had in the said court of the United States, and all such processes awarded, as if certified copies of such records and proceedings had been regularly before the said court.

Act March 3, 1911, c. 231, § 35, 36 Stat. 1098.
See Rev. St. § 645, Comp. St. 1901, p. 523.

Previous attachment bonds, orders, etc., remain valid.

Sec. 36. When any suit shall be removed from a State court to a district court of the United States, any attachment or sequestration

of the goods or estate of the defendant had in such suit in the State court shall hold the goods or estate so attached or sequestered to answer the final judgment or decree in the same manner as by law they would have been held to answer final judgment or decree had it been rendered by the court in which said suit was commenced. All bonds, undertakings, or security given by either party in such suit prior to its removal shall remain valid and effectual notwithstanding said removal; and all injunctions, orders, and other proceedings had in such suit prior to its removal shall remain in full force and effect until dissolved or modified by the court to which such suit shall be removed.

Act March 3, 1911, c. 231, § 36, 36 Stat. 1098.

See Rev. St. § 646, Comp. St. 1901, p. 523; Act March 3, 1875, c. 137, § 4, Comp. St. 1901, p. 511.

Suits improperly in district court may be dismissed or remanded.

Sec. 37. If in any suit commenced in a district court, or removed from a State court to a district court of the United States, it shall appear to the satisfaction of the said district court, at any time after such suit has been brought or removed thereto, that such suit does not really and substantially involve a dispute or controversy properly within the jurisdiction of said district court, or that the parties to said suit have been improperly or collusively made or joined, either as plaintiffs or defendants, for the purpose of creating a case cognizable or removable under this chapter, the said district court shall proceed no further therein, but shall dismiss the suit or remand it to the court from which it was removed, as justice may require, and shall make such order as to costs as shall be just.

Act March 3, 1911, c. 231, § 37, 36 Stat. 1098.

See Act March 3, 1875, c. 137, § 5, 18 Stat. 472; Act March 3, 1887, c. 373, § 6, 24 Stat. 555; Act Aug. 13, 1888, c. 866, § 6, 25 Stat. 436, Comp. St. 1901, p. 511.

Proceedings in suits removed.

Sec. 38. The district court of the United States shall, in all suits removed under the provisions of this chapter, proceed therein as if the suit had been originally commenced in said district court, and the same proceedings had been taken in such suit in said district court as shall have been had therein in said State court prior to its removal.

Act March 3, 1911, c. 231, § 38, 36 Stat. 1098.

See Act March 3, 1875, c. 137, § 6, Comp. St. 1901, p. 512.

Time for filing record; return of record, how enforced.

Sec. 39. In all causes removable under this chapter, if the clerk of the State court in which any such cause shall be pending shall refuse to any one or more of the parties or persons applying to remove the same, a copy of the record therein, after tender of legal fees for such copy, said clerk so offending shall, on conviction thereof in the district court of the United States to which said action or proceeding was removed, be fined not more than one thousand dollars, or imprisoned not more than one year, or both. The district court to which any cause shall be removable under this chapter shall have power to issue a writ of certiorari to said State court commanding said State court to make return of the record in any such cause removed as afore-

said, or in which any one or more of the plaintiffs or defendants have complied with the provisions of this chapter for the removal of the same, and enforce said writ according to law. If it shall be impossible for the parties or persons removing any cause under this chapter, or complying with the provisions for the removal thereof, to obtain such copy, for the reason that the clerk of said State court refuses to furnish a copy, on payment of legal fees, or for any other reason, the district court shall make an order requiring the prosecutor in any such action or proceeding to enforce forfeiture or recover penalty, as aforesaid, to file a copy of the paper or proceeding by which the same was commenced, within such time as the court may determine; and in default thereof the court shall dismiss the said action or proceeding; but if said order shall be complied with, then said district court shall require the other party to plead, and said action or proceeding shall proceed to final judgment. The said district court may make an order requiring the parties thereto to plead de novo; and the bond given, conditioned as aforesaid, shall be discharged so far as it requires copy of the record to be filed as aforesaid.

Act March 3, 1911, c. 231, § 39, 36 Stat. 1099.
See Act March 3, 1875, c. 137, § 7, Comp. St. 1901, p. 512.

CHAPTER FOUR.

District Courts—Miscellaneous Provisions.

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Capital cases; where triable.

Sec. 40. The trial of offenses punishable with death shall be had in the county where the offense was committed, where that can be done without great inconvenience.

Act March 3, 1911, c. 231, § 40, 36 Stat. 1100.
See Rev. St. § 729, Comp. St. 1901, p. 585.

Offenses on the high seas, etc., where triable.

Sec. 41. The trial of all offenses committed upon the high seas, or elsewhere out of the jurisdiction of any particular State or district, shall be in the district where the offender is found, or into which he is first brought.

Act March 3, 1911, c. 231, § 41, 36 Stat. 1100.
See Rev. St. § 730, Comp. St. 1901, p. 585.

Offenses begun in one district and completed in another.

Sec. 42. When any offense against the United States is begun in one judicial district and completed in another, it shall be deemed to have been committed in either, and may be dealt with, inquired of, tried, determined, and punished in either district, in the same manner as if it had been actually and wholly committed therein.

Act March 3, 1911, c. 231, § 42, 36 Stat. 1100.
See Rev. St. § 731, Comp. St. 1901, p. 585.

Suits for penalties and forfeitures, where brought.

Sec. 43. All pecuniary penalties and forfeitures may be sued for and recovered either in the district where they accrue or in the district where the offender is found.

Act March 3, 1911, c. 231, § 43, 36 Stat. 1100.
See Rev. St. § 732, Comp. St. 1901, p. 585.

Suits for internal-revenue taxes, where brought.

Sec. 44. Taxes accruing under any law providing internal revenue may be sued for and recovered either in the district where the liability for such tax occurs or in the district where the delinquent resides.

Act March 3, 1911, c. 231, § 44, 36 Stat. 1100.
See Rev. St. § 733, Comp. St. 1901, p. 586.

Seizures, where cognizable.

Sec. 45. Proceedings on seizures made on the high seas, for forfeiture under any law of the United States, may be prosecuted in any district into which the property so seized is brought and proceedings instituted. Proceedings on such seizures made within any district shall be prosecuted in the district where the seizure is made, except in cases where it is otherwise provided.

Act March 3, 1911, c. 231, § 45, 36 Stat. 1100.
See Rev. St. § 734, Comp. St. 1901, p. 586.

Capture of insurrectionary property, where cognizable.

Sec. 46. Proceedings for the condemnation of any property captured, whether on the high seas or elsewhere out of the limits of any judicial district, or within any district, on account of its being purchased or acquired, sold or given, with intent to use or employ the same, or to suffer it to be used or employed, in aiding, abetting, or promoting any insurrection against the Government of the United States, or knowingly so used or employed by the owner thereof, or

with his consent, may be prosecuted in any district where the same may be seized, or into which it may be taken and proceedings first instituted.

Act March 3, 1911, c. 231, § 46, 36 Stat. 1100.
See Rev. St. § 735, Comp. St. 1901, p. 586.

Certain seizures cognizable in any district into which the property is taken.

Sec. 47. Proceedings on seizures for forfeiture of any vessel or cargo entering any port of entry which has been closed by the President in pursuance of law, or of goods and chattels coming from a State or section declared by proclamation of the President to be in insurrection into other parts of the United States, or of any vessel or vehicle conveying such property, or conveying persons to or from such State or section, or of any vessel belonging, in whole or in part, to any inhabitant of such State or section, may be prosecuted in any district into which the property so seized may be taken and proceedings instituted; and the district court thereof shall have as full jurisdiction over such proceedings as if the seizure was made in that district.

Act March 3, 1911, c. 231, § 47, 36 Stat. 1100.
See Rev. St. § 564, Comp. St. 1901, p. 460.

Jurisdiction in patent cases.

Sec. 48. In suits brought for the infringement of letters patent the district courts of the United States shall have jurisdiction, in law or in equity, in the district of which the defendant is an inhabitant, or in any district in which the defendant, whether a person, partnership, or corporation, shall have committed acts of infringement and have a regular and established place of business. If such suit is brought in a district of which the defendant is not an inhabitant, but in which such defendant has a regular and established place of business, service of process, summons, or subpœna upon the defendant may be made by service upon the agent or agents engaged in conducting such business in the district in which suit is brought.

Act March 3, 1911, c. 231, § 48, 36 Stat. 1100.
See Act March 3, 1897, c. 395, Comp. St. 1901, p. 588.

Proceedings to enjoin Comptroller of the Currency.

Sec. 49. All proceedings by any national banking association to enjoin the Comptroller of the Currency, under the provisions of any law relating to national banking associations, shall be had in the district where such association is located.

Act March 3, 1911, c. 231, § 49, 36 Stat. 1100.
See Rev. St. § 736, Comp. St. 1901, p. 586.

When a part of several defendants can not be served.

Sec. 50. When there are several defendants in any suit at law or in equity, and one or more of them are neither inhabitants of nor found within the district in which the suit is brought, and do not voluntarily appear, the court may entertain jurisdiction, and proceed to the trial and adjudication of the suit between the parties who are properly before it; but the judgment or decree rendered therein shall not conclude or prejudice other parties not regularly served with process nor voluntarily appearing to answer; and non-joinder of parties who are not inhabitants of nor found within the district, as

aforesaid, shall not constitute matter of abatement or objection to the suit.

Act March 3, 1911, c. 231, § 50, 36 Stat. 1101.
See Rev. St. § 737, Comp. St. 1901, p. 587.

Civil suits; where to be brought.

Sec. 51. Except as provided in the five succeeding sections, no person shall be arrested in one district for trial in another, in any civil action before a district court; and, except as provided in the six succeeding sections, no civil suit shall be brought in any district court against any person by any original process or proceeding in any other district than that whereof he is an inhabitant; but where the jurisdiction is founded only on the fact that the action is between citizens of different States, suit shall be brought only in the district of the residence of either the plaintiff or the defendant.

Act March 3, 1911, c. 231, § 51, 36 Stat. 1101.
See Rev. St. § 739; Act March 3, 1875, c. 137, § 1, 18 Stat. 470; Act March 3, 1887, c. 373, § 1, 24 Stat. 552; Act Aug. 13, 1888, c. 886, § 1, 25 Stat. 433, Comp. St. 1901, p. 508.

Suits in States containing more than one district.

Sec. 52. When a State contains more than one district, every suit not of a local nature, in the district court thereof, against a single defendant, inhabitant of such State, must be brought in the district where he resides; but if there are two or more defendants, residing in different districts of the State, it may be brought in either district, and a duplicate writ may be issued against the defendants, directed to the marshal of any other district in which any defendant resides. The clerk issuing the duplicate writ shall indorse thereon that it is a true copy of a writ sued out of the court of the proper district; and such original and duplicate writs, when executed and returned into the office from which they issue, shall constitute and be proceeded on as one suit; and upon any judgment or decree rendered therein, execution may be issued, directed to the marshal of any district in the same State.

Act March 3, 1911, c. 231, § 52, 36 Stat. 1101.
See Rev. St. § 740, Comp. St. 1901, p. 587.

Districts containing more than one division; where suit to be brought; transfer of criminal cases.

Sec. 53. When a district contains more than one division, every suit not of a local nature against a single defendant must be brought in the division where he resides; but if there are two or more defendants residing in different divisions of the district it may be brought in either division. All mesne and final process subject to the provisions of this section may be served and executed in any or all of the divisions of the district, or if the State contains more than one district, then in any of such districts, as provided in the preceding section. All prosecutions for crimes or offenses shall be had within the division of such districts where the same were committed, unless the court, or the judge thereof, upon the application of the defendant, shall order the cause to be transferred for prosecution to another division of the district. When a transfer is ordered by the court or judge, all the papers in the case, or certified copies thereof, shall be transmitted by the clerk, under the seal of the court, to the division to which the cause is so ordered transferred; and thereupon the cause

shall be proceeded with in said division in the same manner as if the offense had been committed therein. In all cases of the removal of suits from the courts of a State to the district court of the United States such removal shall be to the United States district court in the division in which the county is situated from which the removal is made; and the time within which the removal shall be perfected, in so far as it refers to or is regulated by the terms of United States courts, shall be deemed to refer to the terms of the United States district court in such division.

Act March 3, 1911, c. 231, § 53, 36 Stat. 1101.
See Act June 2, 1906, c. 2569, § 2, 34 Stat. 207; Act March 5, 1910, c. 82, 36 Stat. 233.

Suits of a local nature, where to be brought.

Sec. 54. In suits of a local nature, where the defendant resides in a different district, in the same State, from that in which the suit is brought, the plaintiff may have original and final process against him, directed to the marshal of the district in which he resides.

Act March 3, 1911, c. 231, § 54, 36 Stat. 1102.
See Rev. St. § 741, Comp. St. 1901, p. 588.

When property lies in different districts in same State.

Sec. 55. Any suit of a local nature, at law or in equity, where the land or other subject-matter of a fixed character lies partly in one district and partly in another, within the same State, may be brought in the district court of either district; and the court in which it is brought shall have jurisdiction to hear and decide it, and to cause mesne or final process to be issued and executed, as fully as if the said subject-matter were wholly within the district for which such court is constituted.

Act March 3, 1911, c. 231, § 55, 36 Stat. 1102.
See Rev. St. § 742, Comp. St. 1901, p. 588.

When property lies in different States in same circuit; jurisdiction of receiver.

Sec. 56. Where in any suit in which a receiver shall be appointed the land or other property of a fixed character, the subject of the suit, lies within different States in the same judicial circuit, the receiver so appointed shall, upon giving bond as required by the court, immediately be vested with full jurisdiction and control over all the property, the subject of the suit, lying or being within such circuit; subject, however, to the disapproval of such order, within thirty days thereafter, by the circuit court of appeals for such circuit, or by a circuit judge thereof, after reasonable notice to adverse parties and an opportunity to be heard upon the motion for such disapproval; and subject, also, to the filing and entering in the district court for each district of the circuit in which any portion of the property may lie or be, within ten days thereafter, of a duly certified copy of the bill and of the order of appointment. The disapproval of such appointment within such thirty days, or the failure to file such certified copy of the bill and order of appointment within ten days, as herein required, shall divest such receiver of jurisdiction over all such property except that portion thereof lying or being within the State in which the suit is brought. In any case coming within the provisions of this section, in which a receiver shall be appointed,

process may issue and be executed within any district of the circuit in the same manner and to the same extent as if the property were wholly within the same district; but orders affecting such property shall be entered of record in each district in which the property affected may lie or be.

Act March 3, 1911, c. 231, § 56, 36 Stat. 1102.

Absent defendants in suits to enforce liens, remove clouds on titles, etc.

Sec. 57. When in any suit commenced in any district court of the United States to enforce any legal or equitable lien upon or claim to, or to remove any incumbrance or lien or cloud upon the title to real or personal property within the district where such suit is brought, one or more of the defendants therein shall not be an inhabitant of or found within the said district, or shall not voluntarily appear thereto, it shall be lawful for the court to make an order directing such absent defendant or defendants to appear, plead, answer, or demur by a day certain to be designated, which order shall be served on such absent defendant or defendants, if practicable, wherever found, and also upon the person or persons in possession or charge of said property, if any there be; or where such personal service upon such absent defendant or defendants is not practicable, such order shall be published in such manner as the court may direct, not less than once a week for six consecutive weeks. In case such absent defendant shall not appear, plead, answer, or demur within the time so limited, or within some further time, to be allowed by the court, in its discretion, and upon proof of the service or publication of said order and of the performance of the directions contained in the same, it shall be lawful for the court to entertain jurisdiction, and proceed to the hearing and adjudication of such suit in the same manner as if such absent defendant had been served with process within the said district; but said adjudication shall, as regards said absent defendant or defendants without appearance, affect only the property which shall have been the subject of the suit and under the jurisdiction of the court therein, within such district; and when a part of the said real or personal property against which such proceedings shall be taken shall be within another district, but within the same State, such suit may be brought in either district in said State: Provided, however, That any defendant or defendants not actually personally notified as above provided may, at any time within one year after final judgment in any suit mentioned in this section, enter his appearance in said suit in said district court, and thereupon the said court shall make an order setting aside the judgment therein and permitting said defendant or defendants to plead therein on payment by him or them of such costs as the court shall deem just; and thereupon said suit shall be proceeded with to final judgment according to law.

Act March 3, 1911, c. 231, § 57, 36 Stat. 1102.

See Rev. St. §§ 738, 742, Comp. St. 1901, p. 588; Act March 3, 1875, c. 137, § 8, Comp. St. 1901, p. 513.

Civil causes may be transferred to another division of district by agreement.

Sec. 58. Any civil cause, at law or in equity, may, on written stipulation of the parties or of their attorneys of record signed and

filed with the papers in the case, in vacation or in term, and on the written order of the judge signed and filed in the case in vacation or on the order of the court duly entered of record in term, be transferred to the court of any other division of the same district, without regard to the residence of the defendants, for trial. When a cause shall be ordered to be transferred to a court in any other division, it shall be the duty of the clerk of the court from which the transfer is made to carefully transmit to the clerk of the court to which the transfer is made the entire file of papers in the cause and all documents and deposits in his court pertaining thereto, together with a certified transcript of the records of all orders, interlocutory decrees, or other entries in the cause; and he shall certify, under the seal of the court, that the papers sent are all which are on file in said court belonging to the cause; for the performance of which duties said clerk so transmitting and certifying shall receive the same fees as are now allowed by law for similar services, to be taxed in the bill of costs, and regularly collected with the other costs in the cause; and such transcript, when so certified and received, shall henceforth constitute a part of the record of the cause in the court to which the transfer shall be made. The clerk receiving such transcript and original papers shall file the same and the case shall then proceed to final disposition as other cases of a like nature.

Act March 3, 1911, c. 231, § 58, 36 Stat. 1103.

See Act Feb. 28, 1887, c. 271, § 4, 24 Stat. 425; Act June 6, 1906, c. 2569, § 1, 34 Stat. 206.

Upon creation of new district or division, where prosecution to be instituted or action brought.

Sec. 59. Whenever any new district or division has been or shall be established, or any county or territory has been or shall be transferred from one district or division to another district or division, prosecutions for crimes and offenses committed within such district, division, county, or territory prior to such transfer, shall be commenced and proceeded with the same as if such new district or division had not been created, or such county or territory had not been transferred, unless the court, upon the application of the defendant, shall order the cause to be removed to the new district or division for trial. Civil actions pending at the time of the creation of any such district or division, or the transfer of any such county or territory, and arising within the district or division so created or the county or territory so transferred, shall be tried in the district or division as it existed at the time of the institution of the action, or in the district or division so created, or to which the county or territory is or shall be so transferred, as may be agreed upon by the parties, or as the court shall direct. The transfer of such prosecutions and actions shall be made in the manner provided in the section last preceding.

Act March 3, 1911, c. 231, § 59, 36 Stat. 1103.

Creation of new district, or transfer of territory not to divest lien; how lien to be enforced.

Sec. 60. The creation of a new district or division, or the transfer of any county or territory from one district or division to another district or division, shall not affect or divest any lien theretofore acquired in the circuit or district court by virtue of a decree, judgment,

execution, attachment, seizure, or otherwise, upon property situated or being within the district or division so created, or the county or territory so transferred. To enforce any such lien, the clerk of the court in which the same is acquired, upon the request and at the cost of the party desiring the same, shall make a true and certified copy of the record thereof, which, when so made and certified, and filed in the proper court of the district or division in which such property is situated or shall be, after such transfer, shall constitute the record of such lien in such court, and shall be evidence in all courts and places equally with the original thereof; and thereafter like proceedings shall be had thereon, and with the same effect, as though the cause or proceeding had been originally instituted in such court. The provisions of this section shall apply not only in all cases where a district or division is created, or a county or any territory is transferred by this or any future Act, but also in all cases where a district or division has been created, or a county or any territory has been transferred by any law heretofore enacted.

Act March 3, 1911, c. 231, § 60, 36 Stat. 1103.

See Act Aug. 5, 1886, c. 928, § 7, 24 Stat. 309; Act March 2, 1901, c. 801, § 7, 31 Stat. 881.

Commissioners to administer oaths to appraisers.

Sec. 61. Any district judge may appoint commissioners, before whom appraisers of vessels or goods and merchandise seized for breaches of any law of the United States, may be sworn; and such oaths, so taken, shall be as effectual as if taken before the judge in open court.

Act March 3, 1911, c. 231, § 61, 36 Stat. 1104.

See Rev. St. § 570, Comp. St. 1901, p. 463.

Transfer of records to district court when a Territory becomes a State.

Sec. 62. When any Territory is admitted as a State, and a district court is established therein, all the records of the proceedings in the several cases pending in the highest court of said Territory at the time of such admission, and all records of the proceedings in the several cases in which judgments or decrees had been rendered in said territorial court before that time, and from which writs of error could have been sued out or appeals could have been taken, or from which writs of error had been sued out or appeals had been taken and prosecuted to the Supreme Court or to the circuit court of appeals, shall be transferred to and deposited in the district court for the said State.

Act March 3, 1911, c. 231, § 62, 36 Stat. 1104.

See Rev. St. § 567, Comp. St. 1901, p. 462.

District judge shall demand and compel delivery of records of territorial court.

Sec. 63. It shall be the duty of the district judge, in the case provided in the preceding section, to demand of the clerk, or other person having possession or custody of the records therein mentioned, the delivery thereof, to be deposited in said district court; and in case of the refusal of such clerk or person to comply with such demand, the said district judge shall compel the delivery of such records by attachment or otherwise, according to law.

Act March 3, 1911, c. 231, § 63, 36 Stat. 1104.

See Rev. St. § 568, Comp. St. 1901, p. 462.

Jurisdiction of district courts in cases transferred from territorial courts.

Sec. 64. When any Territory is admitted as a State, and a district court is established therein, the said district court shall take cognizance of all cases which were pending and undetermined in the trial courts of such Territory, from the judgments or decrees to be rendered in which writs of error could have been sued out or appeals taken to the Supreme Court or to the circuit court of appeals, and shall proceed to hear and determine the same.

Act March 3, 1911, c. 231, § 64, 36 Stat. 1104.
See Rev. St. § 569, Comp. St. 1901, p. 462.

Receivers to manage property according to State laws.

Sec. 65. Whenever in any cause pending in any court of the United States there shall be a receiver or manager in possession of any property, such receiver or manager shall manage and operate such property according to the requirements of the valid laws of the State in which such property shall be situated, in the same manner that the owner or possessor thereof would be bound to do if in possession thereof. Any receiver or manager who shall willfully violate any provision of this section shall be fined not more than three thousand dollars, or imprisoned not more than one year, or both.

Act March 3, 1911, c. 231, § 65, 36 Stat. 1104.
See Act March 3, 1887, c. 373, § 2, Comp. St. 1901, p. 582.

Suits against receiver.

Sec. 66. Every receiver or manager of any property appointed by any court of the United States may be sued in respect of any act or transaction of his in carrying on the business connected with such property, without the previous leave of the court in which such receiver or manager was appointed; but such suit shall be subject to the general equity jurisdiction of the court in which such manager or receiver was appointed so far as the same may be necessary to the ends of justice.

Act March 3, 1911, c. 231, § 66, 36 Stat. 1104.
See Act March 3, 1887, c. 373, § 3, Comp. St. 1901, p. 582.

Certain persons not to be appointed or employed as officers of courts.

Sec. 67. No person shall be appointed to or employed in any office or duty in any court who is related by affinity or consanguinity within the degree of first cousin to the judge of such court.

Act March 3, 1911, c. 231, § 67, 36 Stat. 1105.
See Act March 3, 1887, c. 373, § 7, 24 Stat. 555; Act Aug. 13, 1888, c. 866, § 7, 25 Stat. 437, Comp. St. 1901, p. 579.

Certain persons not to be masters or receivers.

Sec. 68. No clerk of a district court of the United States or his deputy shall be appointed a receiver or master in any case, except where the judge of said court shall determine that special reasons exist therefor, to be assigned in the order of appointment.

Act March 3, 1911, c. 231, § 68, 36 Stat. 1105.
See Act March 3, 1879, c. 183, Comp. St. 1901, p. 591.

CHAPTER FIVE.

District Courts — Districts, and Provisions Applicable to Particular States.

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Judicial districts.

Sec. 69. The United States are divided into judicial districts as follows:

Act March 3, 1911, c. 231, § 69, 36 Stat. 1105.
See Rev. St. § 530, Comp. St. 1901, p. 1105.

Alabama.

Sec. 70. The State of Alabama is divided into three judicial districts, to be known as the northern, middle, and southern districts of Alabama. The northern district shall include the territory embraced on the first day of July, nineteen hundred and ten, in the counties of Cullman, Jackson, Lawrence, Limestone, Madison, and Morgan, which shall constitute the northeastern division of said district; also the territory embraced on the date last mentioned in the counties of Colbert, Franklin, and Lauderdale, which shall constitute the northwestern division of said district; also the territory embraced on the date last mentioned in the counties of Cherokee, De Kalb, Etowah, Marshall, and Saint Clair, which shall constitute the middle division of said district; also the territory embraced on the date last mentioned in the counties of Blount, Jefferson, and Shelby, which shall constitute the southern division of said district; also the territory embraced on the date last mentioned in the counties of Walker, Winston, Marion, Fayette, and Lamar, which shall constitute the Jasper division of said district; also the territory embraced on the date last mentioned in the counties of Calhoun, Clay, Cleburne, and Talladega, which shall constitute the eastern

division of said district; also the territory embraced on the date last mentioned in the counties of Bibb, Greene, Pickens, Sumter, and Tuscaloosa, which shall constitute the western division of said district. Terms of the district court for the northeastern division shall be held at Huntsville on the first Tuesday in April and the second Tuesday in October; for the northwestern division, at Florence on the second Tuesday in February and the third Tuesday in October: Provided, That suitable rooms and accommodations for holding court at Florence shall be furnished free of expense to the Government; for the middle division, at Gadsden on the first Tuesdays in February and August: Provided, That suitable rooms and accommodations for the holding court at Gadsden shall be furnished free of expense to the Government; for the southern division, at Birmingham on the first Mondays in March and September, which courts shall remain in session for the transaction of business at least six months in each calendar year; for the Jasper division, at Jasper on the second Tuesdays in January and June: Provided, That suitable rooms and accommodations for holding court at Jasper shall be furnished free of expense to the Government; for the eastern division, at Anniston on the first Mondays in May and November; and for the western division, at Tuscaloosa on the first Tuesdays in January and June. The clerk of the court for the northern district shall maintain an office in charge of himself or a deputy at Anniston, at Florence, at Jasper, and at Gadsden, which shall be kept open at all times for the transaction of the business of said court. The district judge for the northern district shall reside at Birmingham. The middle district shall include the territory embraced on the first day of July, nineteen hundred and ten, in the counties of Autauga, Barbour, Bullock, Butler, Chilton, Chambers, Coosa, Covington, Crenshaw, Elmore, Lee, Lowndes, Macon, Montgomery, Pike, Randolph, Russell, and Tallapoosa, which shall constitute the northern division of said district; also the territory embraced on the date last mentioned in the counties of Coffee, Dale, Geneva, Henry, and Houston, which shall constitute the southern division of said district. Terms of the district court for the northern division shall be held at Montgomery on the first Tuesdays in May and December; and for the southern division, at Dothan on the first Mondays in June and December. The clerk for the middle district shall maintain an office, in charge of himself or a deputy, at Dothan, which shall be open at all times for the transaction of the business of said division. The southern district shall include the territory embraced on the first day of July, nineteen hundred and ten, in the counties of Baldwin, Choctaw, Clarke, Conecuh, Escambia, Mobile, Monroe, and Washington, which shall constitute the southern division of said district; also the territory embraced on the date last mentioned in the counties of Dallas, Hale, Marengo, Perry, and Wilcox, which shall constitute the northern division of said district. Terms of the district court for the southern division shall be held at Mobile on the fourth Mondays in May and November; and for the northern division, at Selma on the first Mondays in May and November.

Act March 3, 1911, c. 231, § 70, 36 Stat. 1105.
See Rev. St. § 532, Comp. St. 1901, p. 317.

[Arizona.]

Sec. [70a] 31. That the said State, when admitted as aforesaid, shall constitute one judicial district, and the circuit and district courts of said district shall be held at the capital of said State, and the said district shall, for judicial purposes, be attached to the ninth judicial circuit. There shall be appointed for said district one district judge, one United States attorney, and one United States marshal. The judge of said district shall receive a yearly salary the same as other similar judges of the United States, payable as provided for by law, and shall reside in the district to which he is appointed. There shall be appointed clerks of said courts, who shall keep their offices at the capital of said State. The regular terms of said courts shall be held on the first Monday in April and the first Monday in October of each year. The circuit and district courts for said district, and the judges thereof, respectively, shall possess the same powers and jurisdiction and perform the same duties required to be performed by the other circuit and district courts and judges of the United States, and shall be governed by the same laws and regulations. The marshal, district attorney, and the clerks of the circuit and district courts of said district, and all other officers and persons performing duties in the administration of justice therein, shall severally possess the powers and perform the duties lawfully possessed and required to be performed by similar officers in other districts of the United States, and shall, for the services they perform, receive the fees and compensation now allowed by law to officers performing similar services for the United States in the Territory of Arizona.

Act June 20, 1910, c. 310, § 31, 36 Stat. 576.

This section is part of the act to enable the people of New Mexico, and the people of Arizona, respectively, to form a constitution and state government and be admitted into the Union, cited above. Its provisions are not incorporated in and it is not specifically repealed by the Judicial Code.

Sections 32 and 33 of said act provide for the disposition and determination of cases pending in the courts at the time of the admission of the State, and for the prosecution of civil causes of action and criminal offenses arising or committed prior to such admission, and as to which no suit, action, or prosecution is then pending.

Arkansas.

Sec. 71. The State of Arkansas is divided into two districts, to be known as the eastern and western districts of Arkansas. The western district shall include the territory embraced on the first day of July, nineteen hundred and ten, in the counties of Sevier, Howard, Little River, Pike, Hempstead, Miller, Lafayette, Columbia, Nevada, Ouachita, Union, and Calhoun, which shall constitute the Texarkana division of said district; also the territory embraced on the date last mentioned in the counties of Polk, Scott, Yell, Logan, Sebastian, Franklin, Crawford, Washington, Benton, and Johnson, which shall constitute the Fort Smith division of said district; also the territory embraced on the date last mentioned in the counties of Baxter, Boone, Carroll, Madison, Marion, Newton, and Searcy, which shall constitute the Harrison division of said district. Terms of the district court for the Texarkana division shall be held at Texarkana on the second Mondays in May and November; for the Fort Smith division, at Fort Smith on the second Mondays in January and June;

and for the Harrison division, at Harrison on the second Mondays in April and October. The eastern district shall include the territory embraced on the first day of July, nineteen hundred and ten, in the counties of Lee, Phillips, Saint Francis, Cross, Monroe, and Woodruff, which shall constitute the eastern division of said district; also the territory embraced on the date last mentioned in the counties of Independence, Cleburne, Stone, Izard, Sharp, and Jackson, which shall constitute the northern division of said district; also the territory embraced on the date last mentioned in the counties of Crittenden, Clay, Craighead, Greene, Mississippi, Poinsett, Fulton, Randolph, and Lawrence, which shall constitute the Jonesboro division of said district; and also the territory embraced on the date last mentioned in the counties of Arkansas, Ashley, Bradley, Chicot, Clark, Cleveland, Conway, Dallas, Desha, Drew, Faulkner, Garland, Grant, Hot Spring, Jefferson, Lincoln, Lonoke, Montgomery, Perry, Pope, Prairie, Pulaski, Saline, Van Buren, and White, which shall constitute the western division of said district. Terms of the district court for the eastern division shall be held at Helena on the second Monday in March and the first Monday in October; for the northern division, at Batesville on the fourth Monday in May and the second Monday in December; for the Jonesboro division, at Jonesboro on the second Mondays in May and November; and for the western division, at Little Rock on the first Monday in April and the third Monday in October. The clerk of the court for the eastern district shall maintain an office in charge of himself or a deputy at Little Rock, at Helena, at Jonesboro, and at Batesville, which shall be kept open at all times for the transaction of the business of the court. And the clerk of the court for the western district shall maintain an office in charge of himself or a deputy at Fort Smith, at Harrison, and at Texarkana, which shall be kept open at all times for the transaction of the business of the court.

Act March 3, 1911, c. 231, § 71, 36 Stat. 1106.
See Rev. St. § 533, Comp. St. 1901, p. 319.

California.

Sec. 72. The State of California is divided into two districts, to be known as the northern and southern districts of California. The southern district shall include the territory embraced on the first day of July, nineteen hundred and ten, in the counties of Fresno, Inyo, Kern, Kings, Madera, Mariposa, Merced, and Tulare, which shall constitute the northern division of said district; also the territory embraced on the date last mentioned in the counties of Imperial, Los Angeles, Orange, Riverside, San Bernardino, San Diego, San Luis Obispo, Santa Barbara, and Ventura, which shall constitute the southern division of said district. Terms of the district court for the northern division shall be held at Fresno on the first Monday in May and the second Monday in November; and for the southern division, at Los Angeles, on the second Monday in January and the second Monday in July, and at San Diego on the second Mondays in March and September. The northern district shall include the territory embraced on the first day of July, nineteen hundred and ten, in the counties of Alameda, Alpine, Amador, Butte, Calaveras, Colusa, Contra Costa, Del Norte, El Dorado, Glenn, Humboldt, Lake, Lassen, Marin, Mendocino, Modoc, Mono, Monterey, Napa, Nevada, Placer,

Plumas, Sacramento, San Benito, San Francisco, San Joaquin, San Mateo, Santa Clara, Santa Cruz, Shasta, Sierra, Siskiyou, Solano, Sonoma, Stanislaus, Sutter, Tehama, Trinity, Tuolumne, Yolo, and Yuba. Terms of the district court for the northern district shall be held at San Francisco on the first Monday in March, the second Monday in July, and the first Monday in November; at Sacramento on the second Monday in April; and at Eureka on the third Monday in July.

Act March 3, 1911, c. 231, § 72, 36 Stat. 1107.
See Act Aug. 5, 1886, c. 928, Comp. St. 1901, p. 324.

Colorado.

Sec. 73. The State of Colorado shall constitute one judicial district, to be known as the district of Colorado. Terms of the district court shall be held at Denver on the first Tuesdays in May and November; at Pueblo on the first Tuesday in April; and at Montrose on the second Tuesday in September.

Act March 3, 1911, c. 231, § 73, 36 Stat. 1108.
See Act June 29, 1876, c. 147, Comp. St. 1901, p. 328.

Connecticut.

Sec. 74. The State of Connecticut shall constitute one judicial district, to be known as the district of Connecticut. Terms of the district court shall be held at New Haven on the fourth Tuesdays in February and September, and at Hartford on the fourth Tuesday in May and the first Tuesday in December.

Act March 3, 1911, c. 231, § 74, 36 Stat. 1108.
See Rev. St. § 531, Comp. St. 1901, p. 316.

Delaware.

Sec. 75. The State of Delaware shall constitute one judicial district, to be known as the district of Delaware. Terms of the district court shall be held at Wilmington on the second Tuesdays in March, June, September, and December.

Act March 3, 1911, c. 231, § 75, 36 Stat. 1108.
See Rev. St. § 531, Comp. St. 1901, p. 316.

Florida.

Sec. 76. The State of Florida is divided into two districts, to be known as the northern and southern districts of Florida. The southern district shall include the territory embraced on the first day of July, nineteen hundred and ten, in the counties of Baker, Bradford, Brevard, Citrus, Clay, Columbia, Dade, De Soto, Duval, Hamilton, Hernando, Hillsboro, Lake, Lee, Madison, Manatee, Marion, Monroe, Nassau, Orange, Osceola, Palm Beach, Pasco, Polk, Putnam, Saint John, Sumter, Suwanee, Saint Lucie, and Volusia. Terms of the district court for the southern district shall be held at Ocala on the third Monday in January; at Tampa on the second Monday in February; at Key West on the first Mondays in May and November; at Jacksonville on the first Monday in December; at Fernandina on the first Monday in April; and at Miami on the fourth Monday in April. The district court for the southern district shall be open at all times for the purpose of hearing and deciding causes of admiralty and maritime jurisdiction. The northern district shall include the territory embraced on the first day of July, nineteen hundred and ten, in the counties of Alachua, Calhoun, Escambia, Franklin, Gadsden,

Holmes, Jackson, Jefferson, Lafayette, Leon, Levy, Liberty, Santa Rosa, Taylor, Wakulla, Walton, and Washington. Terms of the district court for the northern district shall be held at Tallahassee on the second Monday in January; at Pensacola on the first Mondays in May and November; at Marianna on the first Monday in April; and at Gainesville on the second Mondays in June and December.

Act March 3, 1911, c. 231, § 76, 36 Stat. 1108.
See Rev. St. § 534, Comp. St. 1901, p. 331.

Georgia.

Sec. 77. The State of Georgia is divided into two districts, to be known as the northern and southern districts of Georgia. The northern district shall include the territory embraced on the first day of July, nineteen hundred and ten, in the counties of Campbell, Carroll, Clayton, Cobb, Coweta, Cherokee, Dekalb, Douglas, Dawson, Fannin, Fayette, Fulton, Forsyth, Gilmer, Gwinnett, Hall, Henry, Lumpkin, Milton, Newton, Pickens, Rockdale, Spalding, Towns, and Union, which shall constitute the northern division of said district; also the territory embraced on the date last mentioned in the counties of Banks, Clarke, Elbert, Franklin, Greene, Habersham, Hart, Jackson, Morgan, Madison, Oglethorpe, Oconee, Rabun, Stephens, Walton, and White, which shall constitute the eastern division of said district; also the territory embraced on the date last mentioned in the counties of Chattahoochee, Clay, Early, Harris, Heard, Meriwether, Marion, Muscogee, Quitman, Randolph, Schley, Stewart, Talbot, Taylor, Terrell, Troup, and Webster, which shall constitute the western division of said district; also the territory embraced on the date last mentioned in the counties of Bartow, Chattooga, Catoosa, Dade, Floyd, Gordon, Haralson, Murray, Paulding, Polk, Walker, and Whitfield, which shall constitute the northwestern division of said district. Terms of the district court for northern division of said district shall be held at Atlanta on the second Monday in March and the first Monday in October; for the eastern division, at Athens on the second Monday in April and the first Monday in November; for the western division, at Columbus on the first Mondays in May and December; and for the northwestern division, at Rome on the third Mondays in May and November. The clerk of the court for the northern district shall maintain an office in charge of himself or a deputy at Athens, at Columbus, and at Rome, which shall be kept open at all times for the transaction of the business of the court. The Southern district shall include the territory embraced on the said first day of July, nineteen hundred and ten, in the counties of Appling, Bulloch, Bryan, Camden, Chatham, Emanuel, Effingham, Glynn, Jeff Davis, Liberty, Montgomery, McIntosh, Screven, Tatnall, Toombs, and Wayne, which shall constitute the eastern division of said district; also the territory embraced on the date last mentioned in the counties of Baldwin, Bibb, Butts, Crawford, Dodge, Dooly, Hancock, Houston, Jasper, Jones, Laurens, Macon, Monroe, Pike, Pulaski, Putnam, Sumter, Telfair, Twiggs, Upson, Wilcox, and Wilkinson, which shall constitute the western division; also the territory embraced on the date last mentioned in the counties of Burke, Columbia, Glascock, Jefferson, Jenkins, Johnson, Lincoln, Mc-

Duffie, Richmond, Taliaferro, Washington, Wilkes, and Warren, which shall constitute the northeastern division; also the territory embraced on the date last mentioned in the counties of Berrien, Brooks, Charlton, Clinch, Coffee, Decatur, Echols, Grady, Irwin, Lowndes, Pierce, and Ware, which shall constitute the southwestern division; and also the territory embraced on the date last mentioned in the counties of Baker, Ben Hill, Calhoun, Crisp, Colquitt, Dougherty, Lee, Miller, Mitchell, Thomas, Tift, Turner, and Worth, which shall constitute the Albany division. Terms of the district court for the western division shall be held at Macon on the first Mondays in May and October; for the eastern division, at Savannah on the second Tuesdays in February, May, August, and November; for the northeastern division, at Augusta on the first Monday in April and the third Monday in November; for the southwestern division, at Valdosta on the second Mondays in June and December; and for the Albany division, at Albany on the third Mondays in June and December.

Act March 3, 1911, c. 231, § 77, 36 Stat. 1108.
See Rev. St. § 535, Comp. St. 1901, p. 333.

Idaho.

Sec. 78. The State of Idaho shall constitute one judicial district, to be known as the district of Idaho. It is divided into four divisions, to be known as the northern, central, southern, and eastern divisions. The territory embraced on the first day of July, nineteen hundred and ten, in the counties of Bonner, Kootenai, and Shoshone, shall constitute the northern division of said district; and the territory embraced on the date last mentioned in the counties of Idaho, Latah, and Nez Perce, shall constitute the central division of said district; and the territory embraced on the date last mentioned in the counties of Ada, Boise, Blaine, Cassia, Twin Falls, Canyon, Elmore, Lincoln, Owyhee, and Washington, shall constitute the southern division of said district; and the territory embraced on the date last mentioned in the counties of Bannock, Bear Lake, Bingham, Custer, Fremont, Lemhi, and Oneida, shall constitute the eastern division of said district. Terms of the district court for the northern division of said district shall be held at Coeur d'Alene City on the fourth Monday in May and the third Monday in November; for the central division, at Moscow on the second Monday in May and the first Monday in November; for the southern division, at Boise City on the second Mondays in February and September; and for the eastern division, at Pocatello on the second Mondays in March and October. The clerk of the court shall maintain an office in charge of himself or a deputy at Coeur d'Alene City, at Moscow, at Boise City, and at Pocatello, which shall be open at all times for the transaction of the business of the court.

Act March 3, 1911, c. 231, § 78, 36 Stat. 1109.

See Act July 3, 1890, c. 656, § 16, 26 Stat. 217; Act July 5, 1892, c. 145, 27 Stat. 72; Act Nov. 3, 1893, c. 9, 28 Stat. 5; Act June 1, 1898, c. 369, 30 Stat. 423, Comp. St. 1901, p. 342; Act Feb. 23, 1911, c. 148, 36 Stat. 927.

Act Feb. 23, 1911, c. 148, last cited above, amending Act June 1, 1898, c. 369, which amended Act July 5, 1892, c. 145, although enacted after Feb. 1, 1911, and therefore not included among the similar acts expressly repealed by section 297 of the Judicial Code, is incorporated in said Code and superseded by it.

Illinois.

Sec. 79. The State of Illinois is divided into three districts, to be known as the northern, southern, and eastern districts of Illinois. The northern district shall include the territory embraced on the first day of July, nineteen hundred and ten, in the counties of Cook, Dekalb, Dupage, Grundy, Kane, Kendall, Lake, Lasalle, McHenry, and Will, which shall constitute the eastern division; also the territory embraced on the date last mentioned in the counties of Boone, Carroll, Jo Daviess, Lee, Ogle, Stephenson, Whiteside, and Winnebago, which shall constitute the western division. Terms of the district court for the eastern division shall be held at Chicago on the first Mondays in February, March, April, May, June, July, September, October, and November, and the third Monday in December; and for the western division, at Freeport on the third Mondays in April and October. The clerk of the court for the northern district shall maintain an office in charge of himself or a deputy at Chicago and at Freeport, which shall be kept open at all times for the transaction of the business of the court. The marshal for the northern district shall maintain an office in the division in which he himself does not reside and shall appoint at least one deputy who shall reside therein. The southern district shall include the territory embraced on the first day of July, nineteen hundred and ten, in the counties of Bureau, Fulton, Henderson, Henry, Knox, Livingston, McDonough, Marshall, Mercer, Putnam, Peoria, Rock Island, Stark, Tazewell, Warren, and Woodford, which shall constitute the northern division; also the territory embraced on the date last mentioned in the counties of Adams, Bond, Brown, Calhoun, Cass, Christian, Dewitt, Greene, Hancock, Jersey, Logan, McLean, Macon, Macoupin, Madison, Mason, Menard, Montgomery, Morgan, Pike, Sangamon, Schuyler, and Scott, which shall constitute the southern division. Terms of the district court for the northern division shall be held at Peoria on the third Mondays in April and October; for the southern division, at Springfield on the first Mondays in January and June, and at Quincy on the first Mondays in March and September. The clerk of the court for the southern district shall maintain an office in charge of himself or a deputy at Peoria, at Springfield, and at Quincy, which shall be kept open at all times for the transaction of the business of the court. The marshal for said southern district shall appoint at least one deputy residing in the said northern division, who shall maintain an office at Peoria. The eastern district shall include the territory embraced on the first day of July, nineteen hundred and ten, in the counties of Alexander, Champaign, Clark, Clay, Clinton, Coles, Crawford, Cumberland, Douglas, Edgar, Edwards, Effingham, Fayette, Ford, Franklin, Gallatin, Hamilton, Hardin, Iroquois, Jackson, Jasper, Jefferson, Johnson, Kankakee, Lawrence, Marion, Massac, Monroe, Moultrie, Perry, Piatt, Pope, Pulaski, Randolph, Richland, Saint Clair, Saline, Shelby, Union, Vermilion, Wabash, Washington, Wayne, White, and Williamson. Terms of the district court for the eastern district shall be held at Danville on the first Mondays in March and September; at Cairo on the first Mondays in April and October; and at East Saint Louis on the first Mondays in May and November. The clerk of the court for the eastern district shall maintain an office in charge of himself or a deputy at Dan-

ville, at Cairo, and at East Saint Louis, which shall be kept open at all times for the transaction of the business of the court, and shall there keep the records, files, and documents pertaining to the court at that place.

Act March 3, 1911, c. 231, § 79, 36 Stat. 1110.
See Rev. St. § 536, Comp. St. 1901, p. 344.

Indiana.

Sec. 80. The State of Indiana shall constitute one judicial district, to be known as the district of Indiana. Terms of the district court shall be held at Indianapolis on the first Tuesdays in May and November; at New Albany on the first Mondays in January and July; at Evansville on the first Mondays in April and October; at Fort Wayne on the second Tuesdays in June and December; and at Hammond on the third Tuesdays in April and October. The clerk of the court shall appoint four deputy clerks, one of whom shall reside and keep his office at New Albany, one at Evansville, one at Fort Wayne, and one at Hammond. Each deputy shall keep in his office full records of all actions and proceedings of the district court held at that place.

Act March 3, 1911, c. 231, § 80, 36 Stat. 1110.
See Rev. St. § 531, Comp. St. 1901, p. 316.

Iowa.

Sec. 81. The State of Iowa is divided into two judicial districts, to be known as the northern and southern districts of Iowa. The northern district shall include the territory embraced on the first day of July, nineteen hundred and ten, in the counties of Allamakee, Dubuque, Buchanan, Clayton, Delaware, Fayette, Winneshiek, Howard, Chickasaw, Bremer, Blackhawk, Floyd, Mitchell, and Jackson, which shall constitute the eastern division of said district; also the territory embraced on the date last mentioned in the counties of Jones, Cedar, Linn, Johnson, Iowa, Benton, Tama, Grundy, and Hardin, which shall constitute the Cedar Rapids division; also the territory embraced on the date last mentioned in the counties of Emmet, Palo Alto, Pocahontas, Calhoun, Kossuth, Humboldt, Webster, Winnebago, Hancock, Wright, Hamilton, Worth, Cerro Gordo, Franklin, and Butler, which shall constitute the central division; also the territory embraced on the date last mentioned in the counties of Dickinson, Clay, Buena Vista, Sac, Osceola, O'Brien, Cherokee, Ida, Lyon, Sioux, Plymouth, Woodbury, and Monona, which shall constitute the western division. Terms of the district court for the eastern division shall be held at Dubuque on the fourth Tuesday in April and the first Tuesday in December, and at Waterloo on the second Tuesdays in May and September; for the Cedar Rapids division, at Cedar Rapids on the first Tuesday in April and the fourth Tuesday in September; for the central division, at Fort Dodge on the second Tuesdays in June and November; and for the western division, at Sioux City on the fourth Tuesday in May and the third Tuesday in October. The southern district shall include the territory embraced on the first day of July, nineteen hundred and ten, in the counties of Louisa, Henry, Des Moines, Lee, and Van Buren, which shall constitute the eastern division of said district; also the territory embraced on the date last mentioned in the counties of Marshall, Story, Boone, Greene, Guthrie, Dallas, Polk, Jasper, Poweshiek, Marion, Warren, and Madison,

which shall constitute the central division of said district; also the territory embraced on the date last mentioned in the counties of Carroll, Crawford, Harrison, Shelby, Audubon, Cass, Pottawattamie, Mills, and Montgomery, which shall constitute the western division of said district; also the territory embraced on the date last mentioned in the counties of Adair, Adams, Clarke, Decatur, Fremont, Lucas, Page, Ringgold, Taylor, Union, and Wayne, which shall constitute the southern division of said district; also the territory embraced on the date last mentioned in the counties of Scott, Muscatine, Washington, and Clinton, which shall constitute the Davenport division of said district; also the territory embraced on the date last mentioned in the counties of Davis, Appanoose, Mahaska, Keokuk, Jefferson, Monroe, and Wapello, which shall constitute the Ottumwa division of said district. Terms of the district court for the eastern division shall be held at Keokuk on the second Tuesday in April and the third Tuesday in October; for the central division, at Des Moines on the second Tuesday in May and the third Tuesday in November; for the western division, at Council Bluffs on the second Tuesday in March and the third Tuesday in September; for the southern division, at Creston on the fourth Tuesday in March and the first Tuesday in November; for the Davenport division, at Davenport on the fourth Tuesday in April and the first Tuesday in October; and for the Ottumwa division, at Ottumwa on the first Monday after the fourth Tuesday in March, and the first Monday after the third Tuesday in October. The clerk of the court for said district shall maintain an office in charge of himself or a deputy at Davenport and at Ottumwa, for the transaction of the business of said divisions.

Act March 3, 1911, c. 231, § 81, 36 Stat. 1111.
See Rev. St. § 537, Comp. St. 1901, p. 349.

Kansas.

Sec. 82. The State of Kansas shall constitute one judicial district, to be known as the district of Kansas. It is divided into three divisions, to be known as the first, second, and third divisions of the district of Kansas. The first division shall include the territory embraced on the first day of July, nineteen hundred and ten, in the counties of Atchison, Brown, Chase, Cheyenne, Clay, Cloud, Decatur, Dickinson, Doniphan, Douglas, Ellis, Franklin, Geary, Gove, Graham, Jackson, Jefferson, Jewell, Johnson, Leavenworth, Lincoln, Logan, Lyon, Marion, Marshall, Mitchell, Morris, Nemaha, Norton, Osage, Osborne, Ottawa, Phillips, Pottawatomie, Rawlins, Republic, Riley, Rooks, Russell, Saline, Shawnee, Sheridan, Sherman, Smith, Thomas, Trego, Wabaunsee, Wallace, Washington, and Wyandotte. The second division shall include the territory embraced on the date last mentioned in the counties of Barber, Barton, Butler, Clark, Comanche, Cowley, Edwards, Ellsworth, Finney, Ford, Grant, Gray, Greeley, Hamilton, Harper, Harvey, Hodgeman, Haskell, Kingman, Kiowa, Kearny, Lane, McPherson, Morton, Meade, Ness, Pratt, Pawnee, Reno, Rice, Rush, Scott, Sedgwick, Stafford, Stevens, Seward, Sumner, Stanton, and Wichita. The third division shall include the territory embraced on the said date last mentioned in the counties of Allen, Anderson, Bourbon, Cherokee, Coffey, Chautauqua, Crawford, Elk, Greenwood, Labette, Linn, Miami, Montgomery, Neosho, Wil-

son, and Woodson. Terms of the district court for the first division shall be held at Leavenworth on the second Monday in October; at Topeka on the second Monday in April; at Kansas City on the second Monday in January and the first Monday in October; and at Salina on the second Monday in May; but no cause, action, or proceeding shall be tried or considered at any term held at Salina unless by consent of all the parties thereto, or by order of the court for cause. Terms of the district court for the second division shall be held at Wichita on the second Mondays in March and September; and for the third division, at Fort Scott on the first Monday in May and the second Monday in November. The clerk of the district court shall appoint two deputies, one of whom shall reside and keep his office at Fort Scott, and the other at Wichita; and the marshal shall appoint a deputy who shall reside and keep his office at Fort Scott.

Act March 3, 1911, c. 231, § 82, 36 Stat. 1112.
See Rev. St. § 531, Comp. St. 1901, p. 316.

Kentucky.

Sec. 83. The State of Kentucky is divided into two districts, to be known as the eastern and western districts of Kentucky. The eastern district shall include the territory embraced on the first day of July, nineteen hundred and ten, in the counties of Carroll, Trimble, Henry, Shelby, Anderson, Mercer, Boyle, Gallatin, Boone, Kenton, Campbell, Pendleton, Grant, Owen, Franklin, Bourbon, Scott, Woodford, Fayette, Jessamine, Garrard, Madison, Lincoln, Rockcastle, Pulaski, Wayne, Whitley, Bell, Knox, Harlan, Laurel, Clay, Leslie, Letcher, Perry, Owsley, Jackson, Estill, Lee, Breathitt, Knott, Pike, Floyd, Magoffin, Martin, Johnson, Lawrence, Boyd, Greenup, Carter, Elliott, Morgan, Wolfe, Powell, Menifee, Clark, Montgomery, Bath, Rowan, Lewis, Fleming, Mason, Bracken, Robertson, Nicholas, and Harrison, with the waters thereof. Terms of the district court for the eastern district shall be held at Frankfort on the second Monday in March and the fourth Monday in September; at Covington on the first Monday in April and the third Monday in October; at Richmond on the fourth Monday in April and the second Monday in November; at London on the second Monday in May and the fourth Monday in November; at Catlettsburg on the fourth Monday in May and the second Monday in December; and at Jackson on the first Monday in March and the third Monday in September: Provided, That suitable rooms and accommodations are furnished for holding court at Jackson free of expense to the Government until such time as a public building shall be erected there. The western district shall include the territory embraced on the first day of July, nineteen hundred and ten, in the counties of Oldham, Jefferson, Spencer, Bullitt, Nelson, Washington, Marion, Larue, Taylor, Casey, Green, Adair, Russell, Clinton, Cumberland, Monroe, Metcalfe, Allen, Barren, Simpson, Logan, Warren, Butler, Hart, Edmonson, Grayson, Hardin, Meade, Breckinridge, Hancock, Daviess, Ohio, McLean, Muhlenberg, Todd, Christian, Trigg, Lyon, Caldwell, Livingston, Crittenden, Hopkins, Webster, Henderson, Union, Marshall, Calloway, McCracken, Graves, Ballard, Carlisle, Hickman, and Fulton, with the waters thereof. Terms of the district court for the western district shall be held at Louisville on the second Mondays in March and October; at Owensboro on the first Monday in May and the fourth Monday in

November; at Paducah on the third Mondays in April and November; and at Bowling Green on the third Monday in May and the second Monday in December. The clerk of the court for the eastern district shall maintain an office in charge of himself or a deputy at Frankfort, at Covington, at Richmond, at London, at Catlettsburg, and at Jackson; and the clerk for the western district shall maintain an office in charge of himself or a deputy at Louisville, at Owensboro, at Paducah, and at Bowling Green, each of which offices shall be kept open at all times for the transaction of the business of said court. The clerks of the courts for the eastern and western districts, upon issuing original process in a civil action, shall make it returnable to the court nearest to the county of the residence of the defendant, or of that defendant whose county is nearest to a court, and shall, immediately upon payment by the plaintiff of his fees accrued, send the papers filed to the clerk of the court to which the process is made returnable; and whenever the process is not thus made returnable, any defendant may, upon motion, on or before the calling of the cause, have it transferred to the court to which it should have been sent had the clerk known the residence of the defendant when the action was brought.

Act March 3, 1911, c. 231, § 83, 36 Stat. 1112.
See Act Feb. 12, 1901, c. 355, Comp. St. 1901, p. 360.

Louisiana.

Sec. 84. The State of Louisiana is divided into two judicial districts, to be known as the eastern and western districts of Louisiana. The eastern district shall include the territory embraced on the first day of July, nineteen hundred and ten, in the parishes of Assumption, Iberia, Jefferson, Lafourche, Orleans, Plaquemines, Saint Bernard, Saint Charles, Saint James, Saint John the Baptist, Saint Mary, Saint Tammany, Tangipahoa, Terrebonne, and Washington, which shall constitute the New Orleans division; also the territory embraced on the date last mentioned in the parishes of Ascension, East Baton Rouge, East Feliciana, Livingston, Pointe Coupee, Saint Helena, West Baton Rouge, Iberville, and West Feliciana, which shall constitute the Baton Rouge division of said district. Terms of the district court for the New Orleans division shall be held at New Orleans on the third Mondays in February, May, and November; and for the Baton Rouge division, at Baton Rouge on the second Mondays in April and November. The clerk of the court for the eastern district shall maintain an office in charge of himself or a deputy at New Orleans and at Baton Rouge which shall be kept open at all times for the transaction of the business of the court. The western district shall include the territory embraced on the first day of July, nineteen hundred and ten, in the parishes of Saint Landry, Evangeline, Saint Martin, Lafayette, and Vermilion, which shall constitute the Opelousas division of said district; also the territory embraced on the date last mentioned in the parishes of Rapides, Avoyelles, Catahoula, La Salle, Grant, and Winn, which shall constitute the Alexandria division of said district; also the territory embraced on the said date last mentioned in the parishes of Caddo, De Soto, Bossier, Webster, Claiborne, Bienville, Natchitoches, Sabine, and Red River, which shall constitute the Shreveport division of said district; also the territory embraced on the date last mentioned in the parishes of Ouachita, Frank-

lin, Richland, Morehouse, East Carroll, West Carroll, Madison, Tensas, Concordia, Union, Caldwell, Jackson, and Lincoln, which shall constitute the Monroe division of said district; also the territory embraced on the date last mentioned in the parishes of Acadia, Calcasieu, Cameron, and Vernon, which shall constitute the Lake Charles division of said district. Terms of the district court for the Opelousas division shall be held at Opelousas on the first Mondays in January and June; for the Alexandria division, at Alexandria on the fourth Mondays in January and June; for the Shreveport division, at Shreveport on the third Mondays in February and October; for the Monroe division, at Monroe on the first Mondays in April and October; and for the Lake Charles division, at Lake Charles on the third Mondays in May and December. The clerk of the court for the western district shall maintain an office in charge of himself or a deputy at Opelousas, at Alexandria, at Shreveport, at Monroe, and at Lake Charles, which shall be kept open at all times for the transaction of the business of the court.

Act March 3, 1911, c. 231, § 84, 36 Stat. 1113.
See Act March 3, 1881, c. 144, Comp. St. 1901, p. 363.

Maine.

Sec. 85. The State of Maine shall constitute one judicial district, to be known as the district of Maine. Terms of the district court shall be held at Portland on the first Tuesdays in February and December; at Bangor on the first Tuesday in June; and at Bath on the first Tuesday in September.

Act March 3, 1911, c. 231, § 85, 36 Stat. 1114.
See Rev. St. § 531, Comp. St. 1901, p. 1114.

Maryland.

Sec. 86. The State of Maryland shall constitute one judicial district, to be known as the district of Maryland. Terms of the district court shall be held at Baltimore on the first Tuesdays in March, June, September, and December; and at Cumberland on the second Monday in May and the last Monday in September. The clerk of the court shall appoint a deputy who shall reside and maintain an office at Cumberland, unless the clerk shall himself reside there; and the marshal shall also appoint a deputy, who shall reside and maintain an office at Cumberland, unless he shall himself reside there.

Act March 3, 1911, c. 231, § 86, 36 Stat. 1114.
See Rev. St. § 531, Comp. St. 1901, p. 1114.

Massachusetts.

Sec. 87. The State of Massachusetts shall constitute one judicial district, to be known as the district of Massachusetts. Terms of the district court shall be held at Boston on the third Tuesday in March, the fourth Tuesday in June, the second Tuesday in September, and the first Tuesday in December; and at Springfield, on the second Tuesdays in May and December: Provided, That suitable rooms and accommodations for holding court at Springfield shall be furnished free of expense to the Government until such time as a Federal building shall be erected there for that purpose. The marshal and the clerk for said district shall each appoint at least one deputy, to reside in Springfield and to maintain an office at that place.

Act March 3, 1911, c. 231, § 87, 36 Stat. 1114.
See Rev. St. § 531, Comp. St. 1901, p. 316.

Michigan.

Sec. 88. The State of Michigan is divided into two judicial districts, to be known as the eastern and western districts of Michigan. The eastern district shall include the territory embraced on the first day of July, nineteen hundred and ten, in the counties of Alcona, Alpena, Arenac, Bay, Cheboygan, Clare, Crawford, Genesee, Gladwin, Gratiot, Huron, Iosco, [illegible], Montmorency, Ogemaw, Oscoda, Otsego, Presque Isle, Roscommon, Saginaw, Shiawassee, and Tuscola, which shall constitute the northern division; also the territory embraced on the date last mentioned in the counties of Branch, Calhoun, Clinton, Hillsdale, Ingham, Jackson, Lapeer, Lenawee, Livingston, Macomb, Monroe, Oakland, St. Clair, Sanilac, Washtenaw, and Wayne, which shall constitute the southern division of said district. Terms of the district court for the southern division shall be held at Detroit on the first Tuesdays in March, June, and November; for the northern division, at Bay City on the first Tuesdays in May and October, and at Port Huron in the discretion of the judge of said court and at such times as he shall appoint therefor. There shall also be held a special or adjourned term of the district court at Bay City for the hearing of admiralty causes, beginning in the month of February in each year. The western district shall include the territory embraced on the first day of July, nineteen hundred and ten, in the counties of Alger, Baraga, Chippewa, Delta, Dickinson, Gogebic, Houghton, Iron, Keweenaw, Luce, Mackinac, Marquette, Menominee, Ontonagon, and Schoolcraft, which shall constitute the northern division; also the territory embraced on the said date last mentioned in the counties of Allegan, Antrim, Barry, Benzie, Berrien, Cass, Charlevoix, Eaton, Emmet, Grand Traverse, Ionia, Kalamazoo, Kalkaska, Kent, Lake, Leelanau, Manistee, Mason, Mecosta, Missaukee, Montcalm, Muskegon, Newaygo, Oceana, Osceola, Ottawa, St. Joseph, Van Buren, and Wexford, which shall constitute the southern division of said district. Terms of the district court for the southern division shall be held at Grand Rapids on the first Tuesdays in March and October; and for the northern division, at Marquette on the first Tuesdays in May and September. All issues of fact shall be tried at the terms held in the division where such suit shall be commenced. Actions in rem and admiralty may be brought in whichever division of the eastern district service can be had upon the res. Nothing herein contained shall prevent the district court of the western division from regulating, by general rule, the venue of transitory actions either at law or in equity, or from changing the same for cause. The clerk of the court for the western district shall reside and keep his office at Grand Rapids, and shall also appoint a deputy clerk for said court held at Marquette, who shall reside and keep his office at that place. The marshal for said western district shall keep an office and a deputy marshal at Marquette. The clerk of the court for the eastern district shall keep his office at the city of Detroit, and shall appoint a deputy for the court held at Bay City, who shall reside and keep his office at that place. The marshal for said district shall keep an office and a deputy marshal at Bay City, and mileage on service of process in said northern division shall be computed from Bay City.

Act March 3, 1911, c. 231, § 88, 36 Stat. 1114.
See Rev. St. § 538, Comp. St. 1901, p. 368.

Minnesota.

Sec. 89. The State of Minnesota shall constitute one judicial district, to be known as the district of Minnesota. It is divided into six divisions, to be known as the first, second, third, fourth, fifth, and sixth divisions. The first division shall include the territory embraced on the first day of July, nineteen hundred and ten, in the counties of Winona, Wabasha, Olmsted, Dodge, Steele, Mower, Fillmore, and Houston. The second division shall include the territory embraced on the date last mentioned in the counties of Freeborn, Faribault, Martin, Jackson, Nobles, Rock, Pipestone, Murray, Cottonwood, Watonwan, Blue Earth, Waseca, Lesueur, Nicollet, Brown, Redwood, Lyon, Lincoln, Yellow Medicine, Sibley, and Lac qui Parle. The third division shall include the territory embraced on the date last mentioned in the counties of Chisago, Washington, Ramsey, Dakota, Goodhue, Rice, and Scott. The fourth division shall include the territory embraced on the date last mentioned in the counties of Hennepin, Wright, Meeker, Kandiyohi, Swift, Chippewa, Renville, McLeod, Carver, Anoka, Sherburne, and Isanti. The fifth division shall include the territory embraced on the date last mentioned in the counties of Cook, Lake, Saint Louis, Itasca, Koochiching, Cass, Crow Wing, Aitkin, Carlton, Pine, Kanabec, Mille Lacs, Morrison, and Benton. The sixth division shall include the territory embraced on the date last mentioned in the counties of Stearns, Pope, Stevens, Bigstone, Traverse, Grant, Douglas, Todd, Ottertail, Roseau, Wilkin, Clay, Becker, Wadena, Norman, Polk, Red Lake, Marshall, Kittson, Beltrami, Clearwater, Mahnomen, and Hubbard. Terms of the district court for the first division shall be held at Winona on the third Tuesdays in May and November; for the second division, at Mankato on the fourth Tuesdays in April and October; for the third division, at Saint Paul on the first Tuesdays in June and December; for the fourth division, at Minneapolis on the first Tuesdays in April and October; for the fifth division, at Duluth on the second Tuesdays in January and July; and for the sixth division, at Fergus Falls on the first Tuesday in May and second Tuesday in November. The clerk of the court shall appoint a deputy clerk at each place where the court is now required to be held at which the clerk shall not himself reside, who shall keep his office and reside at the place appointed for the holding of said court.

Act March 3, 1911, c. 231, § 89, 36 Stat. 1115.
See Rev. St. § 531, Comp. St. 1901, p. 316.

Mississippi.

Sec. 90. The State of Mississippi is divided into two judicial districts, to be known as the northern and southern districts of Mississippi. The northern district shall include the territory embraced on the first day of July, nineteen hundred and ten, in the counties of Alcorn, Attala, Chickasaw, Choctaw, Clay, Itawamba, Lee, Lowndes, Monroe, Oktibbeha, Pontotoc, Prentiss, Tishomingo, and Winston, which shall constitute the eastern division of said district; also the territory embraced on the date last mentioned in the counties of Benton, Coahoma, Calhoun, Carroll, De Soto, Grenada, Lafayette, Marshall, Montgomery, Panola, Quitman, Tallahatchie, Tate, Tippah, Tunica, Union, Webster, and Yalobusha, which shall constitute the western division of said district. Terms of the district

court for the eastern division shall be held at Aberdeen on the first Mondays in April and October; and for the western division, at Oxford on the first Mondays in June and December, and at Clarksdale on the third Mondays in June and December: Provided, That suitable rooms and accommodations for holding court at Clarksdale are furnished free of expense to the United States. The southern district shall include the territory embraced on the first day of July, nineteen hundred and ten, in the counties of Adams, Amite, Copiah, Covington, Franklin, Hinds, Holmes, Jefferson, Jefferson Davis, Lawrence, Lincoln, Leflore, Madison, Pike, Rankin, Simpson, Smith, Scott, Wilkinson, and Yazoo, which shall constitute the Jackson division; also the territory embraced on the date last mentioned in the counties of Bolivar, Claiborne, Issaquena, Sharkey, Sunflower, Warren, and Washington, which shall constitute the western division; also the territory embraced on the date last mentioned in the counties of Clarke, Jones, Jasper, Kemper, Lauderdale, Leake, Neshoba, Newton, Noxubee, and Wayne, which shall constitute the eastern division; also the territory embraced on the date last mentioned in the counties of Forest, Greene, Hancock, Harrison, Jackson, Lamar, Marion, Perry, and Pearl River, which constitutes the southern division of said district. Terms of the district court for the Jackson division shall be held at Jackson on the first Mondays in May and November; for the western division, at Vicksburg on the first Mondays in January and July; for the eastern division, at Meridian on the second Mondays in March and September; and for the southern division, at Biloxi on the third Mondays in February and August. The clerk of the court for each district shall maintain an office in charge of himself or a deputy at each place in his district at which court is now required to be held, at which he shall not himself reside, which shall be kept open at all times for the transaction of the business of the court. The marshal for each of said districts shall maintain an office in charge of himself or a deputy at each place of holding court in his district.

Act March 3, 1911, c. 231, § 90, 36 Stat. 1116.

See Rev. St. § 539, Comp. St. 1901, p. 377.

Act Feb. 24, 1911, c. 160, 36 Stat. 932, which provided for sittings of the courts for the northern district at Clarksdale, on the second Monday in June and the second Monday in December of each year, is superseded by the provision of this section for terms at Clarksdale on the third Mondays in June and December.

Missouri.

Sec. 91. The State of Missouri is divided into two judicial districts, to be known as the eastern and western districts of Missouri. The eastern district shall include the territory embraced on the first day of July, nineteen hundred and ten, in the city of Saint Louis and the counties of Audrain, Crawford, Dent, Franklin, Gasconade, Iron, Jefferson, Lincoln, Maries, Montgomery, Phelps, Saint Charles, Saint Francois, Sainte Genevieve, Saint Louis, Warren, and Washington, which shall constitute the eastern division of said district; also the territory embraced on the date last mentioned in the counties of Adair, Chariton, Clark, Knox, Lewis, Linn, Macon, Marion, Monroe, Pike, Ralls, Randolph, Schuyler, Scotland, and Shelby, which shall constitute the northern division of said district; also the territory embraced on the date last mentioned in the counties of Bollinger,

Butler, Cape Girardeau, Carter, Dunklin, Madison, Mississippi, New Madrid, Pemiscot, Perry, Reynolds, Ripley, Scott, Shannon, Stoddard, and Wayne, which shall constitute the southeastern division of said district. Terms of the district court for the eastern division shall be held at Saint Louis on the first Mondays in May and November, and at Rolla on the second Mondays in January and June: Provided, That suitable rooms and accommodations for holding court at Rolla are furnished free of expense to the United States; for the northern division, at Hannibal on the fourth Monday in May and the first Monday in December; and for the southeastern division, at Cape Girardeau on the second Mondays in April and October. The western district shall include the territory embraced on the first day of July, nineteen hundred and ten, in the counties of Bates, Caldwell, Carroll, Cass, Clay, Grundy, Henry, Jackson, Johnson, Lafayette, Livingston, Mercer, Putnam, Ray, Saint Clair, Saline, and Sullivan, which shall constitute the western division; also the territory embraced on the date last mentioned in the counties of Barton, Barry, Jasper, Lawrence, McDonald, Newton, Stone, and Vernon, which shall constitute the southwestern division; also the territory embraced on the date last mentioned in the counties of Andrew, Atchison, Buchanan, Clinton, Daviess, Dekalb, Gentry, Holt, Harrison, Nodaway, Platte, and Worth, which shall constitute the Saint Joseph division; also the territory embraced on the date last mentioned in the counties of Benton, Boone, Callaway, Cooper, Camden, Cole, Hickory, Howard, Miller, Moniteau, Morgan, Osage, and Pettis, which shall constitute the central division; also the territory embraced on the date last mentioned in the counties of Christian, Cedar, Dade, Dallas, Douglas, Greene, Howell, Laclede, Oregon, Ozark, Polk, Pulaski, Taney, Texas, Webster, and Wright, which constitutes the southern division. Terms of the district court for the western division shall be held at Kansas City on the fourth Monday in April and first Monday in November, and at Chillicothe on the fourth Monday in May and the first Monday in December: Provided, That suitable rooms and accommodations for holding court at Chillicothe are furnished free of expense to the United States; for the southwestern division, at Joplin on the second Mondays in June and January; for the Saint Joseph division, at Saint Joseph on the first Monday in March and third Monday in September; for the central division, at Jefferson City on the third Mondays in March and October; and for the southern division, at Springfield on the first Mondays in April and October. The clerk of the court for the western district shall maintain an office in charge of himself or a deputy at Kansas City, at Jefferson City, at Saint Joseph, at Chillicothe, at Joplin, and at Springfield, which shall be kept open at all times for the transaction of the business of the court. The marshal for each district shall also maintain an office in charge of himself or a deputy at each place at which court is now held in his district.

Act March 3, 1911, c. 231, § 91, 36 Stat. 1117.

See Rev. St. § 540, Comp. St. 1901, p. 384.

Act Feb. 7, 1911, c. 39, 36 Stat. 897, detaching Maries county from the western district and attaching it to the eastern division of the eastern district, is superseded by the provision of this section including said county in the eastern district, eastern division.

Montana.

Sec. 92. The State of Montana shall constitute one judicial district, to be known as the district of Montana. Terms of the district court shall be held at Helena on the first Mondays in April and November; at Butte on the first Tuesdays in February and September; at Great Falls on the first Mondays in May and October; at Missoula on the first Mondays in January and June; and at Billings on the first Mondays in March and August. Causes, civil and criminal, may be transferred by the court or judge thereof from Helena to Butte or from Butte to Helena, or from Helena or Butte to Great Falls, or from Great Falls to Helena or Butte, in said district, when the convenience of the parties or the ends of justice would be promoted by the transfer; and any interlocutory order may be made by the court or judge thereof in either place.

Act March 3, 1911, c. 231, § 92, 36 Stat. 1118.
See Act Feb. 22, 1889, c. 180, § 21, 25 Stat. 682.

Nebraska.

Sec. 93. The State of Nebraska shall constitute one judicial district to be known as the district of Nebraska. Said district is divided into eight divisions. The territory embraced on the first day of July, nineteen hundred and ten, in the counties of Douglas, Sarpy, Washington, Dodge, Colfax, Platte, Nance, Boone, Wheeler, Burt, Thurston, Dakota, Cuming, Cedar, and Dixon, shall constitute the Omaha division; the territory embraced on the date last mentioned in the counties of Madison, Antelope, Knox, Pierce, Stanton, Wayne, Holt, Boyd, Rock, Brown, and Keya Paha, shall constitute the Norfolk division; the territory embraced on the date last mentioned in the counties of Cherry, Sheridan, Dawes, Box Butte, and Sioux, shall constitute the Chadron division; the territory embraced on the date last mentioned in the counties of Hall, Merrick, Howard, Greeley, Garfield, Valley, Sherman, Buffalo, Custer, Loup, Blaine, Thomas, Hooker, and Grant, shall constitute the Grand Island division; the territory embraced on the date last mentioned in the counties of Lincoln, Dawson, Logan, McPherson, Keith, Deuel, Garden, Morrill, Cheyenne, Kimball, Banner, and Scott's Bluff, shall constitute the North Platte division; the territory embraced on the date last mentioned in the counties of Cass, Otoe, Johnson, Nemaha, Pawnee, Richardson, Gage, Lancaster, Saunders, Butler, Seward, Saline, Jefferson, Thayer, Fillmore, York, Polk, and Hamilton, shall constitute the Lincoln division; the territory embraced on the date last mentioned in the counties of Clay, Nuckolls, Webster, Adams, Kearney, Franklin, Harlan, and Phelps, shall constitute the Hastings division; and the territory embraced on the date last mentioned in the counties of Gosper, Furnas, Red Willow, Frontier, Hayes, Hitchcock, Dundy, Chase, and Perkins, shall constitute the McCook division. Terms of the district court for the Omaha division shall be held at Omaha on the first Monday in April and the fourth Monday in September; for the Norfolk division, at Norfolk on the third Monday in September; for the Chadron division, at Chadron on the second Monday in September; for the Grand Island division, at Grand Island on the second Monday in January; for the North Platte division, at North Platte on the second Monday in June; for the Lincoln division, at Lincoln on the second Monday in May and the first Monday in October; for the Hastings division, at Hast-

ings on the second Monday in March; and for the McCook division, at McCook on the first Monday in March: Provided, That where provision is made herein for holding court at places where there are no Federal buildings, a suitable room in which to hold court, together with light and heat, shall be provided by the city or county where such court is held, without any expense to the United States. The clerk of the court shall appoint a deputy for each division of the district in which he does not himself reside, who shall keep his office and reside at the place of holding court in the division for which he is appointed.

Act March 3, 1911, c. 231, § 93, 36 Stat. 1118.
See Rev. St. § 531, Comp. St. 1901, p. 316.

Nevada.

Sec. 94. The State of Nevada shall constitute one judicial district, to be known as the district of Nevada. Terms of the district court shall be held at Carson City on the first Mondays in February, May, and October.

Act March 3, 1911, c. 231, § 94, 36 Stat. 1118.
See Rev. St. § 531, Comp. St. 1901, p. 316.

New Hampshire.

Sec. 95. The State of New Hampshire shall constitute one judicial district, to be known as the district of New Hampshire. Terms of the district court shall be held at Portsmouth on the third Tuesdays in March and September; at Concord on the third Tuesdays in June and December; and at Littleton on the last Tuesday in August.

Act March 3, 1911, c. 231, § 95, 36 Stat. 1119.
See Rev. St. § 531, Comp. St. 1901, p. 316.

New Jersey.

Sec. 96. The State of New Jersey shall constitute one judicial district, to be known as the district of New Jersey. Terms of the district court shall be held at Trenton on the third Tuesdays in January, April, June, and September. At each term of the district court it shall be lawful for the judge holding such term, on consent of both parties, or on application therefor and good cause shown by either party to any civil cause set for trial or hearing at said term, to order such cause to be held or tried at the city of Newark, in said district, upon the day set for that purpose by said judge: Provided, That such application shall be made to said judge, either in vacation or term time, at least one week before the date set for trial of said cause, and on at least five days' notice to the opposite party or his or her attorney; and writs of subpœna to compel the attendance of witnesses at said city of Newark may issue, and jurors summoned to attend said term may be ordered by said judge to be in attendance upon said court in the city of Newark.

Act March 3, 1911, c. 231, § 96, 36 Stat. 1119.
See Rev. St. § 531, Comp. St. 1901, p. 316.

[New Mexico.]

Sec. [96a] 13. That the State, when admitted as aforesaid, shall constitute one judicial district, and the circuit and district courts of said district shall be held at the capital of said State, and the said district shall, for judicial purposes, be attached to the eighth judicial circuit. There shall be appointed for said district one district judge,

one United States attorney, and one United States marshal. The judge of said district shall receive a yearly salary the same as other similar judges of the United States, payable as provided for by law, and shall reside in the district to which he is appointed. There shall be appointed clerks of said courts, who shall keep their offices at the capital of said State. The regular terms of said courts shall be held on the first Monday in April and the first Monday in October of each year. The circuit and district courts for said district, and the judges thereof, respectively, shall possess the same powers and jurisdiction and perform the same duties required to be performed by the other circuit and district courts and judges of the United States, and shall be governed by the same laws and regulations. The marshal, district attorney, and the clerks of the circuit and district courts of said district, and all other officers and persons performing duties in the administration of justice therein, shall severally possess the powers and perform the duties lawfully possessed and required to be performed by similar officers in other districts of the United States, and shall, for the services they may perform, receive the fees and compensation now allowed by law to officers performing similar services for the United States in the Territory of New Mexico.

Act June 20, 1910, c. 310, § 13, 36 Stat. 565.

This section is part of the act to enable the people of New Mexico, and the people of Arizona, respectively, to form a constitution and State government and be admitted to the Union, cited above. Its provisions are not incorporated in and it is not specifically repealed by the Judicial Code.

Sections 14 and 15 of said act provide for the disposition and determination of cases pending in the courts at the time of the admission of the State, and for the prosecution of civil causes of action and criminal offenses arising or committed prior to such admission, and as to which no suit, action, or prosecution is then pending.

New York.

Sec. 97. The State of New York is divided into four judicial districts, to be known as the northern, eastern, southern, and western districts of New York. The northern district shall include the territory embraced on the first day of July, nineteen hundred and ten, in the counties of Albany, Broome, Cayuga, Chenango, Clinton, Cortland, Delaware, Essex, Franklin, Fulton, Hamilton, Herkimer, Jefferson, Lewis, Madison, Montgomery, Oneida, Onondaga, Oswego, Otsego, Rensselaer, Saint Lawrence, Saratoga, Schenectady, Schoharie, Tioga, Tompkins, Warren, and Washington, with the waters thereof. Terms of the district court for said district shall be held at Albany on the second Tuesday in February; at Utica on the first Tuesday in December; at Binghamton on the second Tuesday in June; at Auburn on the first Tuesday in October; at Syracuse on the first Tuesday in April; and, in the discretion of the judge of the court, one term annually at such time and place within the counties of Saratoga, Onondaga, Saint Lawrence, Clinton, Jefferson, Oswego, and Franklin, as he may from time to time appoint. Such appointment shall be made by notice of at least twenty days published in a newspaper published at the place where said court is to be held. The eastern district shall include the territory embraced on the first day of July, nineteen hundred and ten, in the counties of Richmond, Kings, Queens, Nassau, and Suffolk, with the waters thereof. Terms

of the district court for said district shall be held at Brooklyn on the first Wednesday in every month. The southern district shall include the territory embraced on the first day of July, nineteen hundred and ten, in the counties of Columbia, Dutchess, Greene, New York, Orange, Putnam, Rockland, Sullivan, Ulster, and Westchester, with the waters thereof. Terms of the district court for said district shall be held at New York City on the first Tuesday in each month. The district courts of the southern and eastern districts shall have concurrent jurisdiction over the waters within the counties of New York, Kings, Queens, Nassau, Richmond, and Suffolk, and over all seizures made and all matters done in such waters; all processes or orders issued within either of said courts or by any judge thereof shall run and be executed in any part of said waters. The western district shall include the territory embraced on the first day of July, nineteen hundred and ten, in the counties of Allegany, Cattaraugus, Chautauqua, Chemung, Erie, Genessee, Livingston, Monroe, Niagara, Ontario, Orleans, Schuyler, Seneca, Steuben, Wayne, Wyoming, and Yates, with the waters thereof. Terms of the district court for said district shall be held at Elmira on the second Tuesday in January; at Buffalo on the second Tuesdays in March and November; at Rochester on the second Tuesday in May; at Jamestown on the second Tuesday in July; at Lockport on the second Tuesday in October; and at Canandaigua on the second Tuesday in September. The regular sessions of the district court for the western district for the hearing of motions and for proceedings in bankruptcy and the trial of causes in admiralty, shall be held at Buffalo at least two weeks in each month of the year, except August, unless the business is sooner disposed of. The times for holding the same and such other special sessions as the court shall deem necessary shall be fixed by rules of the court. All process in admiralty causes and proceedings shall be made returnable at Buffalo. The judge of any district in the State of New York may perform the duties of the judge of any other district in such State upon the request of any resident judge entered in the minutes of his court; and in such cases such judge shall have the same powers as are vested in the resident judge.

Act March 3, 1911, c. 231, § 97, 36 Stat. 1119.

See Rev. St. §§ 541, 542, Comp. St. 1901, pp. 394, 397; Act May 12, 1900, c. 391, Comp. St. 1901, p. 395.

North Carolina.

Sec. 98. The State of North Carolina is divided into two districts, to be known as the eastern and western districts of North Carolina. The eastern district shall include the territory embraced on the first day of July, nineteen hundred and ten, in the counties of Beaufort, Bertie, Bladen, Brunswick, Camden, Chatham, Cumberland, Currituck, Craven, Columbus, Chowan, Carteret, Dare, Duplin, Durham, Edgecombe, Franklin, Gates, Granville, Greene, Halifax, Harnett, Hertford, Hyde, Johnston, Jones, Lenoir, Lee, Martin, Moore, Nash, New Hanover, Northampton, Onslow, Pamlico, Pasquotank, Pender, Perquimans, Person, Pitt, Robeson, Richmond, Sampson, Scotland, Tyrrell, Vance, Wake, Warren, Washington, Wayne, and Wilson. Terms of the district court for the eastern district shall be held at Elizabeth City on the second Mondays in April and October; at Washington on the third Mondays in April and October; at Newbern

on the fourth Mondays in April and October; at Wilmington on the second Monday after the fourth Mondays in April and October; and at Raleigh on the fourth Monday after the fourth Mondays in April and October: Provided, That the city of Washington shall provide and furnish at its own expense a suitable and convenient place for holding the district court at Washington until a courthouse shall be constructed by the United States. The clerk of the court for the eastern district shall maintain an office in charge of himself or a deputy at Raleigh, at Wilmington, at Newbern, at Elizabeth City, and at Washington, which shall be kept open at all times for the transaction of the business of the court. The western district shall include the territory embraced on the first day of July, nineteen hundred and ten, in the counties of Alamance, Alexander, Ashe, Alleghany, Anson, Buncombe, Burke, Caswell, Cabarrus, Catawba, Cleveland, Caldwell, Clay, Cherokee, Davidson, Davie, Forsyth, Guilford, Gaston, Graham, Henderson, Haywood, Iredell, Jackson, Lincoln, Montgomery, Mecklenburg, Mitchell, McDowell, Madison, Macon, Orange, Polk, Randolph, Rockingham, Rowan, Rutherford, Stanly, Stokes, Surry, Swain, Transylvania, Union, Wilkes, Watauga, Yadkin, and Yancey. Terms of the district court for the western district shall be held at Greensboro on the first Mondays in June and December; at Statesville on the third Mondays in April and October; at Salisbury on the fourth Mondays in April and October; at Asheville on the first Mondays in May and November; at Charlotte on the first Mondays in April and October; and at Wilkesboro on the fourth Mondays in May and November. The clerk of the court for the western district shall maintain an office in charge of himself or a deputy at Greensboro, at Asheville, at Statesville, and at Wilkesboro, which shall be kept open at all times for the transaction of the business of the court.

Act March 3, 1911, c. 231, § 98, 36 Stat. 1120.
See Rev. St. § 543, Comp. St. 1901, p. 397.

North Dakota.

Sec. 99. The State of North Dakota shall constitute one judicial district to be known as the district of North Dakota. The territory embraced on the first day of July, nineteen hundred and ten, in the counties of Burleigh, Stutsman, Logan, McIntosh, Emmons, Kidder, Foster, Wells, McLean, and Sheridan, and all the territory in said State lying west of the Missouri River and south of the twelfth standard parallel, shall constitute the southwestern division of said district; and the territory embraced on the date last mentioned in the counties of Cass, Richland, Barnes, Dickey, Sargent, Lamoure, Ransom, Griggs, and Steele, shall constitute the southeastern division; and the territory embraced on the date last mentioned in the counties of Grand Forks, Traill, Walsh, Pembina, Cavalier, and Nelson, shall constitute the northeastern division; and the territory embraced on the date last mentioned in the counties of Ramsey, Eddy, Benson, Towner, Rolette, Bottineau, Pierce, and McHenry, shall constitute the northwestern division; and the territory embraced on the date last mentioned in the counties of Ward, Williams, and Montraille, and all the territory in said State lying west of the Missouri River and north of the twelfth standard parallel, shall constitute the western di-

vision. The several Indian reservations and parts thereof within said State shall constitute a part of the several divisions within which they are respectively situated. Terms of the district court for the southwestern division shall be held at Bismarck on the first Tuesday in March; for the southeastern division, at Fargo on the third Tuesday in May; for the northeastern division, at Grand Forks on the second Tuesday in November; for the northwestern division, at Devils Lake on the first Tuesday in July; and for the western division, at Minot on the second Tuesday in October. The clerk of the court shall maintain an office in charge of himself or a deputy at each place at which court is now held in his district.

Act March 3, 1911, c. 231, § 99, 36 Stat. 1121.
See Act April 26, 1890, c. 161, Comp. St. 1901, p. 399.

Ohio.

Sec. 100. The State of Ohio is divided into two judicial districts, to be known as the northern and southern districts of Ohio. The northern district shall include the territory embraced on the first day of July, nineteen hundred and ten, in the counties of Ashland, Ashtabula, Cuyahoga, Carroll, Columbiana, Crawford, Geauga, Holmes, Lake, Lorain, Medina, Mahoning, Portage, Richland, Summit, Stark, Tuscarawas, Trumbull, and Wayne, which shall constitute the eastern division; also the territory embraced on the date last mentioned in the counties of Auglaize, Allen, Defiance, Erie, Fulton, Henry, Hancock, Hardin, Huron, Lucas, Mercer, Marion, Ottawa, Paulding, Putnam, Seneca, Sandusky, Van Wert, Williams, Wood, and Wyandotte, which shall constitute the western division of said district. Terms of the district court for the eastern division shall be held at Cleveland on the first Tuesdays in February, April, and October, and at Youngstown on the first Tuesday after the first Monday in March; and for the western division, at Toledo on the last Tuesdays in April and October. Grand and petit jurors summoned for service at a term of court to be held at Cleveland may, if in the opinion of the court the public convenience so requires, be directed to serve also at the term then being held or authorized to be held at Youngstown. Crimes and offenses committed in the eastern division shall be cognizable at the terms held at Cleveland, or at Youngstown, as the court may direct. Any suit brought in the eastern division may, in the discretion of the court, be tried at the term held at Youngstown. The southern district shall include the territory embraced on the first day of July, nineteen hundred and ten, in the counties of Adams, Brown, Butler, Champaign, Clark, Clermont, Clinton, Darke, Greene, Hamilton, Highland, Lawrence, Miami, Montgomery, Preble, Scioto, Shelby, and Warren, which shall constitute the western division; also the territory embraced on the date last mentioned in the counties of Athens, Belmont, Coshocton, Delaware, Fairfield, Fayette, Franklin, Gallia, Guernsey, Harrison, Hocking, Jackson, Jefferson, Knox, Licking, Logan, Madison, Meigs, Monroe, Morgan, Morrow, Muskingum, Noble, Perry, Pickaway, Pike, Ross, Union, Vinton, and Washington, which shall constitute the eastern division of said district. Terms of the district court for the western division shall be held at Cincinnati on the first Tuesdays in February, April, and October; and for the eastern division, at Columbus on the first Tuesdays in June and December: Provided, That terms of the district court for the southern

district shall be held at Dayton on the first Mondays in May and November. Prosecutions for crimes and offenses committed in any part of said district shall also be cognizable at the terms held at Dayton. All suits which may be brought within the southern district, or either division thereof, may be instituted, tried, and determined at the terms held at Dayton.

Act March 3, 1911, c. 231, § 100, 36 Stat. 1121.
See Rev. St. § 544, Comp. St. 1901, p. 401.

Oklahoma.

Sec. 101. The State of Oklahoma is divided into two judicial districts, to be known as the eastern and the western districts of Oklahoma. The eastern district shall include the territory embraced on the first day of July, nineteen hundred and ten, in the counties of Adair, Atoka, Bryan, Craig, Cherokee, Creek, Choctaw, Coal, Carter, Delaware, Garvin, Grady, Haskell, Hughes, Johnston, Jefferson, Latimer, Le Flore, Love, McClain, Mayes, Muskogee, McIntosh, McCurtain, Murray, Marshall, Nowata, Ottawa, Okmulgee, Ofuskee, Pittsburg, Pushmataha, Pontotoc, Rogers, Stephens, Sequoyah, Seminole, Tulsa, Washington, and Wagoner. Terms of the district court for the eastern district shall be held at Muskogee on the first Monday in January; at Vinita on the first Monday in March; at Tulsa on the first Monday in April; at South McAlester on the first Monday in June; at Ardmore on the first Monday in October; and at Chickasha on the first Monday in November in each year. The western district shall include the territory embraced on the first day of July, nineteen hundred and ten, in the counties of Alfalfa, Beaver, Beckham, Blaine, Caddo, Canadian, Cimarron, Cleveland, Comanche, Custer, Dewey, Ellis, Garfield, Grant, Greer, Harmon, Harper, Jackson, Kay, Kingfisher, Kiowa, Lincoln, Logan, Majors, Noble, Oklahoma, Osage, Pawnee, Payne, Pottawatomie, Roger Mills, Texas, Tillman, Washita, Woods, and Woodward. Terms of the district court for the western district shall be held at Guthrie on the first Monday in January; at Oklahoma City on the first Monday in March; at Enid on the first Monday in June; at Lawton on the first Monday in September; and at Woodward on the first Monday in November: Provided, That suitable rooms and accommodations for holding court at Woodward are furnished free of expense to the United States. The clerk of the district court for the eastern district shall keep his office at Muskogee, and the clerk for the western district at Guthrie, and shall maintain an office in charge of himself or a deputy at Oklahoma City.

Act March 3, 1911, c. 231, § 101, 36 Stat. 1122.
See Act June 16, 1906, c. 3335, §§ 13, 14, 34 Stat. 275.

Oregon.

Sec. 102. The State of Oregon shall constitute one judicial district, to be known as the district of Oregon. Terms of the district court shall be held at Portland on the first Mondays in March, July, and November; at Pendleton on the first Tuesday in April; and at Medford on the first Tuesday in October. The marshal and the clerk for said district shall each appoint, in the manner provided by law, at least one deputy at Pendleton and one at Medford, who shall reside and maintain an office at each of said places.

Act March 3, 1911, c. 231, § 102, 36 Stat. 1122.
See Rev. St. § 531, Comp. St. 1901, p. 316.

Pennsylvania.

Sec. 103. The State of Pennsylvania is divided into three judicial districts, to be known as the eastern, middle, and western districts of Pennsylvania. The eastern district shall include the territory embraced on the first day of July, nineteen hundred and ten, in the counties of Berks, Bucks, Chester, Delaware, Lancaster, Lehigh, Montgomery, Northampton, Philadelphia, and Schuylkill. Terms of the district court shall be held at Philadelphia on the second Mondays in March and June, the third Monday in September, and the second Monday in December, each term to continue until the succeeding term begins. The middle district shall include the territory embraced on the first day of July, nineteen hundred and ten, in the counties of Adams, Bradford, Cameron, Carbon, Center, Clinton, Columbia, Cumberland, Dauphin, Franklin, Fulton, Huntingdon, Juniata, Lackawanna, Lebanon, Luzerne, Lycoming, Mifflin, Monroe, Montour, Northumberland, Perry, Pike, Potter, Snyder, Sullivan, Susquehanna, Tioga, Union, Wayne, Wyoming, and York. Terms of the district court shall be held at Scranton on the fourth Monday in February and the third Monday in October; at Harrisburg on the first Mondays in May and December; and at Williamsport on the second Mondays in January and June. The clerk of the court for the middle district shall maintain an office in charge of himself or a deputy at Harrisburg; and civil suits instituted at that place shall be tried there, if either party resides nearest that place of holding court, unless by consent of parties they are removed to another place for trial. The western district shall include the territory embraced on the first day of July, nineteen hundred and ten, in the counties of Allegheny, Armstrong, Beaver, Bedford, Blair, Butler, Cambria, Clarion, Clearfield, Crawford, Elk, Erie, Fayette, Forest, Greene, Indiana, Jefferson, Lawrence, McKean, Mercer, Somerset, Venango, Warren, Washington, and Westmoreland. Terms of the district court shall be held at Pittsburg on the first Monday in May and the third Monday in October; and at Erie on the third Monday in July and the second Monday in January.

Act March 3, 1911, c. 231, § 103, 36 Stat. 1123.
See Rev. St. § 545, Comp. St. 1901, p. 405.

Rhode Island.

Sec. 104. The State of Rhode Island shall constitute one judicial district, to be known as the district of Rhode Island. Terms of the district court shall be held at Providence on the fourth Tuesday in May and the third Tuesday in November; and at Newport on the second Tuesday in May and the third Tuesday in October.

Act March 3, 1911, c. 231, § 104, 36 Stat. 1123.
See Rev. St. § 531, Comp. St. 1901, p. 316.

South Carolina.

Sec. 105. The State of South Carolina is divided into two districts, to be known as the eastern and western districts of South Carolina. The western district shall include the territory embraced on the first day of July, nineteen hundred and ten, in the counties of Abbeville, Anderson, Cherokee, Chester, Edgefield, Fairfield, Greenville, Greenwood, Lancaster, Laurens, Newberry, Oconee, Pickens, Saluda, Spartanburg, Union, and York. Terms of the district court for the west-

ern district shall be held at Greenville on the third Tuesdays in April and October. The eastern district shall include the territory embraced on the first day of July, nineteen hundred and ten, in the counties of Aiken, Bamberg, Barnwell, Beaufort, Berkeley, Calhoun, Charleston, Chesterfield, Clarendon, Colleton, Darlington, Dorchester, Florence, Georgetown, Hampton, Horry, Kershaw, Lee, Lexington, Marion, Marlboro, Orangeburg, Richland, Sumter, and Williamsburg. Terms of the district court for the eastern district shall be held at Charleston on the first Tuesdays in June and December; at Columbia on the third Tuesday in January and the first Tuesday in November, the latter term to be solely for the trial of civil cases; and at Florence on the first Tuesday in March. The offices of the clerk of the district court shall be at Greenville, and at Charleston; and the clerk shall reside in one of said cities and have a deputy in the other.

Act March 3, 1911, c. 231, § 105, 36 Stat. 1123.
See Rev. St. § 546, Comp. St. 1901, p. 407.

South Dakota.

Sec. 106. The State of South Dakota shall constitute one judicial district, to be known as the district of South Dakota. The territory embraced on the first day of July, nineteen hundred and ten, in the counties of Aurora, Beadle, Bon Homme, Brookings, Brule, Charles Mix, Clay, Davison, Douglas, Gregory, Hanson, Hutchinson, Kingsbury, Lake, Lincoln, McCook, Miner, Minnehaha, Moody, Sanborn, Turner, Union, and Yankton, and in the Yankton Indian reservation, shall constitute the southern division of said district; the territory embraced on the date last mentioned in the counties of Brown, Campbell, Clark, Codington, Corson, Day, Deuel, Edmunds, Grant, Hamlin, McPherson, Marshall, Roberts, Schnasse, Spink, and Walworth, and in the Sisseton and Wahpeton Indian reservation, and in that portion of the Standing Rock Indian reservation lying in South Dakota, shall constitute the northern division; the territory embraced on the date last mentioned in the counties of Armstrong, Buffalo, Dewey, Faulk, Hand, Hughes, Hyde, Jerauld, Lyman, Potter, Stanley, and Sully, and in the Cheyenne River, Lower Brule, and Crow Creek Indian reservations, shall constitute the central division; and the territory embraced on the date last mentioned in the counties of Bennett, Butte, Custer, Fall River, Harding, Lawrence, Meade, Mellette, Pennington, Perkins, Shannon, Todd, Tripp, Washabaugh, and Washington, and in the Rosebud and Pine Ridge Indian reservations, shall constitute the western division. Terms of the district court for the southern division shall be held at Sioux Falls on the first Tuesday in April and the third Tuesday in October; for the northern division, at Aberdeen on the first Tuesday in May and the second Tuesday in November; for the central division, at Pierre on the second Tuesday in June and the first Tuesday in October; and for the western division, at Deadwood on the third Tuesday in May and the first Tuesday in September. The clerk of the district court shall maintain an office in charge of himself or a deputy at Sioux Falls, at Pierre, at Aberdeen, and at Deadwood, which shall be kept open for the transaction of the business of the court.

Act March 3, 1911, c. 231, § 106, 36 Stat. 1123.
See Act Feb. 27, 1890, c. 21, Comp. St. 1901, p. 410.

Tennessee.

Sec. 107. The State of Tennessee is divided into three districts, to be known as the eastern, middle, and western districts of Tennessee. The eastern district shall include the territory embraced on the first day of July, nineteen hundred and ten, in the counties of Bledsoe, Bradley, Hamilton, James, McMinn, Marion, Meigs, Polk, Rhea, and Sequatchie, which shall constitute the southern division of said district; also the territory embraced on the date last mentioned in the counties of Anderson, Blount, Campbell, Claiborne, Grainger, Jefferson, Knox, Loudon, Monroe, Morgan, Roane, Sevier, Scott, and Union, which shall constitute the northern division of said district; also the territory embraced on the date last mentioned in the counties of Carter, Cocke, Greene, Hamblen, Hancock, Hawkins, Johnson, Sullivan, Unicoi, and Washington, which shall constitute the northeastern division of said district. Terms of the district court for the southern division of said district shall be held at Chattanooga on the fourth Mondays in May and November; for the northern division, at Knoxville on the first Mondays in January and July; and for the northeastern division, at Greeneville on the last Mondays in March and September. The middle district shall include the territory embraced on the first day of July, nineteen hundred and ten, in the counties of Bedford, Cannon, Cheatham, Coffee, Davidson, Dickson, Franklin, Giles, Grundy, Hickman, Humphreys, Houston, Lawrence, Lewis, Lincoln, Marshall, Maury, Montgomery, Moore, Robertson, Rutherford, Stewart, Sumner, Trousdale, Warren, Wayne, Williamson, and Wilson, which shall constitute the Nashville division of said district; also the territory embraced on the date last mentioned in the counties of Clay, Cumberland, De Kalb, Fentress, Jackson, Macon, Overton, Pickett, Putnam, Smith, Van Buren, and White, which shall constitute the northeastern division of said district. Terms of the district court for the Nashville division of said district shall be held at Nashville on the second Mondays in April and October; and for the northeastern division, at Cookeville on the second Mondays in May and November: Provided, That suitable accommodations for holding court at Cookeville shall be provided by the county or municipal authorities without expense to the United States. The western district shall include the territory embraced on the first day of July, nineteen hundred and ten, in the counties of Dyer, Fayette, Haywood, Lauderdale, Shelby, and Tipton, which shall constitute the western division of said district; also the territory embraced on the date last mentioned in the counties of Benton, Carroll, Chester, Crockett, Decatur, Gibson, Hardeman, Hardin, Henderson, Henry, Lake, McNairy, Madison, Obion, Perry, and Weakley, including the waters of the Tennessee River to low water mark on the eastern shore thereof wherever such river forms the boundary line between the western and middle districts of Tennessee, from the north line of the State of Alabama north to the point in Henry County, Tennessee, where the south boundary line of the State of Kentucky strikes the west bank of the river, which shall constitute the eastern division of said district. Terms of the district court for the western division of said district shall be held at Memphis on the fourth Mondays in May and November; and for the eastern division, at Jackson on the fourth Mondays in April and October. The clerk of the court for the western

district shall appoint a deputy who shall reside at Jackson. The marshal for the western district shall appoint a deputy who shall reside at Jackson. The marshal for the eastern district shall appoint a deputy who shall reside at Chattanooga. The clerk of the court for the eastern district shall maintain an office in charge of himself or a deputy at Knoxville, at Chattanooga, and at Greeneville, which shall be kept open at all times for the transaction of the business of the court.

Act March 3, 1911, c. 231, § 107, 36 Stat. 1124.
See Rev. St. § 547, Comp. St. 1901, p. 413.

Texas.

Sec. 108. The State of Texas is divided into four districts, to be known as the northern, eastern, western, and southern districts of Texas. The northern district shall include the territory embraced on the first day of July, nineteen hundred and ten, in the counties of Dallas, Ellis, Hunt, Johnson, Kaufman, Navarro, and Rockwall, which shall constitute the Dallas division; also the territory embraced on the date last mentioned in the counties of Archer, Baylor, Clay, Comanche, Erath, Foard, Hardeman, Hood, Jack, Palo Pinto, Parker, Tarrant, Wichita, Wilbarger, Wise, and Young, which shall constitute the Fort Worth division; also the territory embraced on the date last mentioned in the counties of Armstrong, Bailey, Briscoe, Carson, Castro, Childress, Cochran, Collingsworth, Cottle, Crosby, Dallam, Deaf Smith, Dickens, Donley, Floyd, Gray, Hale, Hall, Hansford, Hartley, Hemphill, Hockley, Hutchinson, King, Lamb, Lipscomb, Lubbock, Moore, Motley, Ochiltree, Oldham, Parmer, Potter, Randall, Roberts, Sherman, Swisher, and Wheeler, which shall constitute the Amarillo division; also the territory embraced on the date last mentioned in the counties of Andrews, Borden, Callahan, Dawson, Eastland, Fisher, Gaines, Garza, Haskell, Howard, Jones, Kent, Knox, Lynn, Martin, Midland, Mitchell, Nolan, Scurry, Shackelford, Stephens, Stonewall, Taylor, Terry, Throckmorton, and Yoakum, which shall constitute the Abilene division; also the territory embraced on the date last mentioned in the counties of Brown, Coke, Coleman, Concho, Crockett, Glasscock, Irion, Menard, Mills, Runnels, Schleicher, Sterling, Sutton, Tom Green, and Upton, which shall constitute the San Angelo division of the said district. Terms of the district court for the Dallas division shall be held at Dallas on the second Monday in January and the first Monday in May; for the Fort Worth division, at Fort Worth on the first Monday in November and the second Monday in March; for the Amarillo division, at Amarillo on the third Monday in April and the fourth Monday in September; for the Abilene division, at Abilene on the first Monday in October and the second Monday in April; and for the San Angelo division, at San Angelo on the third Monday in October and the fourth Monday in April. The clerk of the court for the northern district shall maintain an office in charge of himself or a deputy at Dallas, at Fort Worth, at Amarillo, at Abilene, and at San Angelo, which shall be kept open at all times for the transaction of the business of the court. The eastern district shall include the territory embraced on the first day of July, nineteen hundred and ten, in the counties of Anderson, Angelina, Cherokee, Gregg, Henderson, Houston, Nacogdoches, Panola, Rains, Rusk, Smith, Van Zandt, and Wood, which shall constitute the Tyler division; also the territory embraced on the date last mentioned in the

counties of Hardin, Jasper, Jefferson, Liberty, Newton, Orange, Sabine, San Augustine, Shelby, and Tyler, which shall constitute the Beaumont division; also the territory embraced on the date last mentioned in the counties of Collin, Cook, Denton, Grayson, and Montague, which shall constitute the Sherman division; also the territory embraced on the date last mentioned in the counties of Camp, Cass, Harrison, Hopkins, Marion, Morris, and Upshur, which shall constitute the Jefferson division; also the territory embraced on the date last mentioned in the counties of Delta, Fannin, Red River, and Lamar, which shall constitute the Paris division; also the territory embraced on the date last mentioned in the counties of Bowie, Franklin, and Titus, which shall constitute the Texarkana division. Terms of the district court for the Tyler division shall be held at Tyler on the fourth Mondays in January and April; for the Jefferson division, at Jefferson on the first Monday in October and the third Monday in February; for the Beaumont division, at Beaumont on the third Monday in November and the first Monday in April; for the Sherman division, at Sherman on the first Monday in January and the third Monday in May; for the Paris division, at Paris on the third Monday in October and the first Monday in March; and for the Texarkana division at Texarkana on the third Monday in March and the first Monday in November. The clerk of the court for the eastern district shall maintain an office in charge of himself or a deputy at Sherman, at Beaumont, and at Texarkana, which shall be kept open at all times for the transaction of the business of said court. The western district shall include the territory embraced on the first day of July, nineteen hundred and ten, in the counties of Bastrop, Blanco, Burleson, Burnet, Caldwell, Gillespie, Hays, Kimble, Lampasas, Lee, Llano, Mason, McCulloch, San Saba, Travis, Washington, and Williamson, which shall constitute the Austin division; also the territory embraced on the date last mentioned in the counties of Atascosa, Bandera, Bexar, Comal, Dimmit, Edwards, Frio, Gonzales, Guadalupe, Karnes, Kendall, Kerr, Medina, and Wilson, which shall constitute the San Antonio division; also the territory embraced on the date last mentioned in the counties of Brewster, Crane, Ector, El Paso, Jeff Davis, Loving, Reeves, Presidio, Ward, and Winkler, which shall constitute the El Paso division; also the territory embraced on the date last mentioned in the counties of Bell, Bosque, Coryell, Falls, Hamilton, Freestone, Hill, Leon, Limestone, McLennan, Milam, Robertson, and Somervell, which shall constitute the Waco division; also the territory embraced on the date last mentioned in the counties of Kinney, Maverick, Pecos, Terrell, Uvalde, Valverde, and Zavalla, which shall constitute the Del Rio division. Terms of the district court for the Austin division shall be held at Austin on the fourth Monday in January and the second Monday in June; for the Waco division, at Waco on the fourth Monday in February and the second Monday in November; for the San Antonio division, at San Antonio on the first Monday in May and the third Monday in December; for the El Paso division, at El Paso on the first Monday in April and the first Monday in October; and for the Del Rio division, at Del Rio on the third Monday in March and the fourth Monday in October. The clerk of the court for the western district shall maintain an office in charge of himself or a deputy at Austin, at El Paso, and at Del Rio, which

shall be kept open at all times for the transaction of business. The southern district shall include the territory embraced on the first of July, nineteen hundred and ten, in the counties of Duval, La Salle, McMullen, Nueces, Webb, and Zapata, which shall constitute the Laredo division; also the territory embraced on the date last mentioned in the counties of Cameron, Hidalgo, and Starr, which shall constitute the Brownsville division; also the territory embraced on the date last mentioned in the counties of Austin, Brazoria, Chambers, Galveston, Fort Bend, Matagorda, and Wharton, which shall constitute the Galveston division; also the territory embraced on the date last mentioned, in the counties of Brazos, Colorado, Fayette, Grimes, Harris, Lavaca, Madison, Montgomery, Polk, San Jacinto, Trinity, Walker, and Waller, which shall constitute the Houston division; also the territory embraced on the date last mentioned, in the counties of Bee, Calhoun, Dewitt, Goliad, Jackson, Live Oak, Refugio, Aransas, San Patricio, and Victoria, which shall constitute the Victoria division. Terms of the district court for the Galveston division shall be held at Galveston on the second Monday in January and the first Monday in June; for the Houston division, at Houston on the fourth Mondays in February and September; for the Laredo division, at Laredo on the third Monday in April and the second Monday in November; for the Brownsville division, at Brownsville on the second Monday in May and the first Monday in December; and for the Victoria division, at Victoria on the first Monday in May and the fourth Monday in November. The clerk of the court for the southern district shall maintain an office in charge of himself or a deputy at each of the places now designated for holding court in said district.

Act March 3, 1911, c. 231, § 108, 36 Stat. 1125.
See Act March 11, 1902, c. 183, 32 Stat. 64.

Utah.

Sec. 109. The State of Utah shall constitute one judicial district, to be known as the district of Utah. It is divided into two divisions, to be known as the northern and central divisions. The northern division shall include the territory embraced on the first day of July, nineteen hundred and ten, in the counties of Boxelder, Cache, Davis, Morgan, Rich, and Weber. The central division shall include the territory embraced on the date last mentioned in the counties of Beaver, Carbon, Emery, Garfield, Grand, Iron, Juab, Kane, Millard, Piute, Salt Lake, San Juan, San Pete, Sevier, Summit Tooele, Uinta, Utah, Wasatch, Washington, and Wayne. Terms of the district court for the northern division shall be held at Ogden on the second Mondays in March and September; and for the central division, at Salt Lake City on the second Mondays in April and November. The clerk of the court for said district shall maintain an office in charge of himself or a deputy at each of the places where the court is now required to be held in the district.

Act March 3, 1911, c. 231, § 109, 36 Stat. 1127.
See Act July 16, 1894, c. 138, §§ 14–16, 28 Stat. 110.

Vermont.

Sec. 110. The State of Vermont shall constitute one judicial district, to be known as the district of Vermont. Terms of the district court shall be held at Burlington on the fourth Tuesday in February; at Windsor on the third Tuesday in May; and at Rutland on the first

Tuesday in October. In each year one of the stated terms of the district court may, when adjourned, be adjourned to meet at Montpelier, and one at Newport.

Act March 3, 1911, c. 231, § 110, 36 Stat. 1127.
See Rev. St. § 531, Comp. St. 1910, p. 316.

Virginia.

Sec. 111. The State of Virginia is divided into two districts, to be known as the eastern and western districts of Virginia. The eastern district shall include the territory embraced on the first day of July, nineteen hundred and ten, in the counties of Accomac, Alexandria, Amelia, Brunswick, Caroline, Charles City, Chesterfield, Culpeper, Dinwiddie, Elizabeth City, Essex, Fairfax, Fauquier, Gloucester, Goochland, Greensville, Hanover, Henrico, Isle of Wight, James City, King and Queen, King George, King William, Lancaster, Loudoun, Louisa, Lunenburg, Mathews, Mecklenburg, Middlesex, Nansemond, New Kent, Norfolk, Northampton, Northumberland, Nottoway, Orange, Powhatan, Prince Edward, Prince George, Prince William, Princess Anne, Richmond, Southampton, Spottsylvania, Stafford, Surry, Sussex, Warwick, Westmoreland, and York. Terms of the district court shall be held at Richmond on the first Mondays in April and October; at Norfolk on the first Mondays in May and November; and at Alexandria on the first Mondays in January and July. The western district shall include the territory embraced on the first day of July, nineteen hundred and ten, in the counties of Alleghany, Albemarle, Amherst, Appomattox, Augusta, Bath, Bedford, Bland, Botetourt, Buchanan, Buckingham, Campbell, Carroll, Charlotte, Clarke, Craig, Cumberland, Dickenson, Floyd, Fluvanna, Franklin, Frederick, Giles, Grayson, Greene, Halifax, Henry, Highland, Lee, Madison, Montgomery, Nelson, Page, Patrick, Pulaski, Pittsylvania, Rappahannock, Roanoke, Rockbridge, Rockingham, Russell, Scott, Shenandoah, Smyth, Tazewell, Warren, Washington, Wise, and Wythe. Terms of the district court shall be held at Lynchburg on the Tuesdays after the second Mondays in March and September; at Danville on the Tuesdays after the second Mondays in April and November; at Abingdon on the Tuesdays after the first Mondays in May and October; at Harrisonburg on the Tuesdays after the first Mondays in June and December; at Charlottesville on the second Monday in January and the first Monday in July; at Roanoke on the third Monday in February and the third Monday in June; and at Big Stone Gap on the fourth Monday in January and the second Monday in August. The clerk of the court for the western district shall maintain an office in charge of himself or a deputy at Lynchburg, at Danville, at Charlottesville, at Roanoke, at Abingdon, and at Big Stone Gap, which shall be kept open at all times for the transaction of the business of the court.

Act March 3, 1911, c. 231, § 111, 36 Stat. 1127.
See Rev. St. § 549, Comp. St. 1901, p. 437.

Washington.

Sec. 112. The State of Washington is divided into two districts, to be known as the eastern and western districts of Washington. The eastern district shall include the territory embraced on the first day of July, nineteen hundred and ten, in the counties of Spokane, Stev-

ens, Ferry, Okanogan, Chelan, Grant, Douglas, Lincoln, and Adams, with the waters thereof, including all Indian reservations within said counties, which shall constitute the northern division; also the territory embraced on the date last mentioned in the counties of Asotin, Garfield, Whitman, Columbia, Franklin, Walla Walla, Benton, Klickitat, Kittitas, and Yakima, with the waters thereof, including all Indian reservations within said counties, which shall constitute the southern division of said district. Terms of the district court for the northern division shall be held at Spokane on the first Tuesdays in April and September; for the southern division, at Walla Walla on the first Tuesdays in June and December, and at North Yakima on the first Tuesdays in May and October. The western district shall include the territory embraced on the first day of July, nineteen hundred and ten, in the counties of Whatcom, Skagit, Snohomish, King, San Juan, Island, Kitsap, Clallam, and Jefferson, with the waters thereof, including all Indian reservations within said counties, which shall constitute the northern division; also the territory embraced on the date last mentioned in the counties of Pierce, Mason, Thurston, Chehalis, Pacific, Lewis, Wahkiakum, Cowlitz, Clarke, and Skamania, with the waters thereof, including all Indian reservations within said counties, which shall constitute the southern division of said district. Terms of the district court for the northern division shall be held at Bellingham on the first Tuesdays in April and October; at Seattle on the first Tuesdays in May and November; and for the southern division, at Tacoma on the first Tuesdays in February and July. The clerks of the courts for the eastern and western districts shall maintain an office in charge of himself or a deputy at each place in their respective districts where terms of court are now required to be held.

Act March 3, 1911, c. 231, § 112. 36 Stat. 1128.
See Act March 2, 1905, c. 1305, 33 Stat. 824.

West Virginia.

Sec. 113. The State of West Virginia is divided into two districts, to be known as the northern and southern districts of West Virginia. The northern district shall include the territory embraced on the first day of July, nineteen hundred and ten, in the counties of Hancock, Brooke, Ohio, Marshall, Tyler, Pleasants, Wood, Wirt, Ritchie, Doddridge, Wetzel, Monongalia, Marion, Harrison, Lewis, Gilmer, Calhoun, Upshur, Barbour, Taylor, Preston, Tucker, Randolph, Pendleton, Hardy, Grant, Mineral, Hampshire, Morgan, Berkeley, and Jefferson, with the waters thereof. Terms of the district court for the northern district shall be held at Martinsburg, the first Tuesday of April and the third Tuesday of September; at Clarksburg, the second Tuesday of April and the first Tuesday of October; at Wheeling, the first Tuesday of May and the third Tuesday of October; at Philippi, the fourth Tuesday of May and first Tuesday of November; at Parkersburg, the second Tuesday of January and second Tuesday of June: Provided, That a place for holding court at Philippi shall be furnished the Government free of cost by Barbour County until other provision is made therefor by law. The southern district shall include the territory embraced on the first day of July, nineteen hundred and ten, in the counties of Jackson, Roane, Clay, Braxton, Webster, Nicholas, Pocahontas, Greenbrier, Fayette, Boone, Kanawha,

Putnam, Mason, Cabell, Wayne, Lincoln, Logan, Mingo, Raleigh, Wyoming, McDowell, Mercer, Summers, and Monroe, with the waters thereof. Terms of the district court for the southern district shall be held at Charleston on the first Tuesday in June and the third Tuesday in November; at Huntington, on the first Tuesday in April and the first Tuesday after the third Monday in September; at Bluefield on the first Tuesday in May and the third Tuesday in October; at Addison on the first Monday in September; and at Lewisburg on the second Tuesday in February: Provided, That accommodations for holding court at Addison shall be furnished without cost to the United States.

Act March 3, 1911, c. 231, § 113, 36 Stat. 1129.
See Act Jan. 22, 1901, c. 105, Comp. St. 1901, p. 440.
Act March 2, 1911, c. 197, 36 Stat. 1013, amending Act Feb. 11, 1907, c. 920, 34 Stat. 890, fixing the times for holding terms of the courts for the northern district, is superseded by this section, which provides for terms of the district court at the same times and places, except that the terms at Philippi, which by said act were to be held on the fourth Tuesday of May and second Tuesday of November, are by this section to be held on the fourth Tuesday of May and first Tuesday of November.

Wisconsin.

Sec. 114. The State of Wisconsin is divided into two districts, to be known as the eastern and western districts of Wisconsin. The eastern district shall include the territory embraced on the first day of July, nineteen hundred and ten, in the counties of Brown, Calumet, Dodge, Door, Florence, Fond du Lac, Forest, Green Lake, Kenosha, Kewaunee, Langlade, Manitowoc, Marinette, Marquette, Milwaukee, Oconto, Outagamie, Ozaukee, Racine, Shawano, Sheboygan, Walworth, Washington, Waukesha, Waupaca, Waushara, and Winnebago. Terms of the district court for said district shall be held at Milwaukee on the first Mondays in January and October; at Oshkosh on the second Tuesday in June; and at Green Bay on the first Tuesday in April. The western district shall include the territory embraced on the first day of July, nineteen hundred and ten, in the counties of Adams, Ashland, Barron, Bayfield, Buffalo, Burnett, Chippewa, Clark, Columbia, Crawford, Dane, Dunn, Douglas, Eau Claire, Grant, Green, Iowa, Iron, Jackson, Jefferson, Juneau, La Crosse, Lafayette, Lincoln, Marathon, Monroe, Oneida, Pepin, Pierce, Polk, Portage, Price, Richland, Rock, Rusk, Saint Croix, Sauk, Sawyer, Taylor, Trempealeau, Vernon, Vilas, Washburn, and Wood. Terms of the district court for said district shall be held at Madison on the first Tuesday in December; at Eau Claire on the first Tuesday in June; at La Crosse on the third Tuesday in September; and at Superior on the fourth Tuesday in January and the second Tuesday in July. The district court for each of said districts shall be open at all times for the purpose of hearing and deciding causes of admiralty and maritime jurisdiction, so far as the same can be done without a jury. The clerk of the court for the western district shall maintain an office in charge of himself or a deputy at Madison, at La Crosse, and at Superior, which shall be kept open at all times for the transaction of the business of the court. The marshal for the western district shall appoint a deputy marshal who shall reside and keep his office at Superior. All writs and other process, except criminal warrants, issued at Superior,

may be made returnable at Superior; and the clerk at that place shall keep in his office the original records of all actions, prosecutions, and special proceedings so commenced and pending therein. Criminal warrants may be returned at any place within the district where court is held. Whenever warrants issued at Superior shall be returned at any other place, the clerk of the court wherein the warrant is returned, shall certify the same, under the seal of the court, together with the plea and other proceedings had thereon, and the determination of the court upon such plea or proceedings, with all papers and orders filed in reference thereto, to the clerk of the court at Superior; and the clerk at Superior shall enter upon his records a minute of the proceedings had upon the return of said warrant, certified as aforesaid. All causes and proceedings instituted in the court at Superior, shall be tried therein, unless by consent of the parties, or upon the order of the court, they are transferred to another place for trial.

Act March 3, 1911, c. 231, § 114, 36 Stat. 1129.
See Rev. St. § 550, Comp. St. 1901, p. 443.

Wyoming.

Sec. 115. The State of Wyoming and the Yellowstone National Park shall constitute one judicial district, to be known as the district of Wyoming. Terms of the district court for said district shall be held at Cheyenne on the second Mondays in May and November; at Evanston on the second Tuesday in July; and at Lander on the first Monday in October; and the said court shall hold one session annually at Sheridan, and in said national park, on such dates as the court may order. The marshal and clerk of the said court shall each, respectively, appoint at least one deputy to reside at Evanston, and one to reside at Lander, unless he himself shall reside there, and shall also maintain an office at each of those places: Provided, That until a public building is provided at Lander, suitable accommodations for holding court in said town shall be furnished the Government at an expense not to exceed three hundred dollars annually. The marshal of the United States for the said district may appoint one or more deputy marshals for the Yellowstone National Park, who shall reside in said park.

Act March 3, 1911, c. 231, § 115, 36 Stat. 1130.
See Act July 10, 1890, c. 664, §§ 16–18, 26 Stat. 225.

CHAPTER SIX.

Circuit Courts of Appeals.

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Circuits.

Sec. 116. There shall be nine judicial circuits of the United States, constituted as follows:

First. The first circuit shall include the districts of Rhode Island, Massachusetts, New Hampshire, and Maine.

Second. The second circuit shall include the districts of Vermont, Connecticut, and New York.

Third. The third circuit shall include the districts of Pennsylvania, New Jersey, and Delaware.

Fourth. The fourth circuit shall include the districts of Maryland, Virginia, West Virginia, North Carolina, and South Carolina.

Fifth. The fifth circuit shall include the districts of Georgia, Florida, Alabama, Mississippi, Louisiana, and Texas.

Sixth. The sixth circuit shall include the districts of Ohio, Michigan, Kentucky, and Tennessee.

Seventh. The seventh circuit shall include the districts of Indiana, Illinois, and Wisconsin.

Eighth. The eighth circuit shall include the districts of Nebraska, Minnesota, Iowa, Missouri, Kansas, Arkansas, Colorado, Wyoming, North Dakota, South Dakota, Utah, and Oklahoma.

Ninth. The ninth circuit shall include the districts of California, Oregon, Nevada, Washington, Idaho, Montana, and Hawaii.

Act March 3, 1911, c. 231, § 116, 36 Stat. 1131.

The State of New Mexico, when admitted to the Union, is to constitute one judicial district, to be attached to the eighth circuit, and the State of Arizona, when admitted, is to constitute one judicial district, to be attached to the ninth circuit, by sections 13, 31, of Act June 20, 1910, c. 310, set forth ante, in chapter 5 of this Title, as sections 70a, 96a of that chapter.

Circuit courts of appeals.

Sec. 117. There shall be in each circuit a circuit court of appeals, which shall consist of three judges, of whom two shall constitute a quorum, and which shall be a court of record, with appellate jurisdiction, as hereinafter limited and established.

Act March 3, 1911, c. 231, § 117, 36 Stat. 1131.
See Act March 3, 1891, c. 517, Comp. St. 1901, p. 547.

Circuit judges.

Sec. 118. There shall be in the second, seventh, and eighth circuits, respectively, four circuit judges, in the fourth circuit, two circuit judges, and in each of the other circuits, three circuit judges, to be appointed by the President, by and with the advice and consent of the Senate. They shall be entitled to receive a salary at the rate of seven thousand dollars a year, each, payable monthly. Each circuit judge shall reside within his circuit.

Act March 3, 1911, c. 231, § 118, 36 Stat. 1131.

Allotment of justices to the circuits.

Sec. 119. The Chief Justice and associate justices of the Supreme Court shall be allotted among the circuits by an order of the court, and a new allotment shall be made whenever it becomes necessary or convenient by reason of the alteration of any circuit, or of the new appointment of a Chief Justice or associate justice, or otherwise. If a new allotment becomes necessary at any other time than during a term, it shall be made by the Chief Justice, and shall be binding until the next term and until a new allotment by the court. Whenever, by reason of death or resignation, no justice is allotted to a circuit, the Chief Justice may, until a justice is regularly allotted thereto, temporarily assign a justice of another circuit to such circuit.

Act March 3, 1911, c. 231, § 119, 36 Stat. 1131.
See Rev. St. §§ 606, 618, Comp. St. 1901, pp. 487, 496.

Chief Justice and associate justices of Supreme Court, and district judges, may sit in circuit court of appeals.

Sec. 120. The Chief Justice and the associate justices of the Supreme Court assigned to each circuit, and the several district judges within each circuit, shall be competent to sit as judges of the circuit court of appeals within their respective circuits. In case the Chief Justice or an associate justice of the Supreme Court shall attend at any session of the circuit court of appeals, he shall preside. In the absence of such Chief Justice, or associate justice, the circuit judges in attendance upon the court shall preside in the order of the seniority of their respective commissions. In case the full court at any time shall not be made up by the attendance of the Chief Justice or the associate justice, and the circuit judges, one or more district judges within the circuit shall sit in the court according to such order or provision among the district judges as either by general or particular assignment shall be designated by the court: Provided, That no judge before whom a cause or question may have been tried or heard in a district court, or existing circuit court, shall sit on the trial or hearing of such cause or question in the circuit court of appeals.

Act March 3, 1911, c. 231, § 120, 36 Stat. 1132.
See Act March 3, 1891, c. 517, § 3, Comp. St. 1901, p. 548.

Justices allotted to circuits, how designated.

Sec. 121. The words "circuit justice" and "justice of a circuit," when used in this title, shall be understood to designate the justice of the Supreme Court who is allotted to any circuit; but the word "judge," when applied generally to any circuit, shall be understood to include such justice.

Act March 3, 1911, c. 231, § 121, 36 Stat. 1132.
See Rev. St. § 605, Comp. St. 1901, p. 486.

Seals, forms of process, and rules.

Sec. 122. Each of said circuit courts of appeals shall prescribe the form and style of its seal, and the form of writs and other process and procedure as may be conformable to the exercise of its jurisdiction; and shall have power to establish all rules and regulations for the conduct of the business of the court within its jurisdiction as conferred by law.

Act March 3, 1911, c. 231, § 122, 36 Stat. 1132.
See Act March 3, 1891, c. 517, § 2, Comp. St. 1901, p. 547.

Marshals.

Sec. 123. The United States marshals in and for the several districts of said courts shall be the marshals of said circuit courts of appeals, and shall exercise the same powers and perform the same duties, under the regulations of the court, as are exercised and performed by the marshal of the Supreme Court of the United States, so far as the same may be applicable.

Act March 3, 1911, c. 231, § 123, 36 Stat. 1132.
See Act July 16, 1892, c. 196, § 1, Comp. St. 1901, p. 555.

Clerks.

Sec. 124. Each court shall appoint a clerk, who shall exercise the same powers and perform the same duties in regard to all matters within its jurisdiction, as are exercised and performed by the clerk of the Supreme Court, so far as the same may be applicable.

Act March 3, 1911, c. 231, § 124, 36 Stat. 1132.
See Act March 3, 1891, c. 517, § 2, Comp. St. 1901, p. 547.

Deputy clerks; appointment and removal.

Sec. 125. The clerk of the circuit court of appeals for each circuit may, with the approval of the court, appoint such number of deputy clerks as the court may deem necessary. Such deputies may be removed at the pleasure of the clerk appointing them, with the approval of the court. In case of the death of the clerk his deputy or deputies shall, unless removed by the court, continue in office and perform the duties of the clerk in his name until a clerk is appointed and has qualified; and for the defaults or misfeasances in office of any such deputy, whether in the lifetime of the clerk or after his death, the clerk and his estate and the sureties on his official bond shall be liable, and his executor or administrator shall have such remedy for such defaults or misfeasances committed after his death as the clerk would be entitled to if the same had occurred in his lifetime.

Act March 3, 1911, c. 231, § 125, 36 Stat. 1132.
See Act Feb. 3, 1911, c. 33, 36 Stat. 895.

Terms.

Sec. 126. A term shall be held annually by the circuit courts of appeals in the several judicial circuits at the following places, and at such times as may be fixed by said courts, respectively: In the first circuit, in Boston; in the second circuit, in New York; in the third circuit, in Philadelphia; in the fourth circuit, in Richmond; in the fifth circuit, in New Orleans, Atlanta, Fort Worth, and Montgomery; in the sixth circuit, in Cincinnati; in the seventh circuit, in Chicago; in the eighth circuit, in Saint Louis, Denver or Cheyenne, and Saint Paul; in the ninth circuit, in San Francisco, and each year in two other places in said circuit to be designated by the judges of said court; and in each of the above circuits, terms may be held at such other times and in such other places as said courts, respectively, may from time to time designate: Provided, That terms shall be held in Atlanta on the first Monday in October, in Fort Worth on the first Monday in November, in Montgomery on the third Monday in October, in Denver or in Cheyenne on the first Monday in September, and in Saint Paul on the first Monday in May. All appeals, writs of error, and other appellate proceedings which may be taken or prosecuted from the district courts of the United States in the State of Georgia, in the State of Texas, and in the State of Alabama, to the

circuit court of appeals for the fifth judicial circuit shall be heard and disposed of, respectively, by said court at the terms held in Atlanta, in Fort Worth, and in Montgomery, except that appeals or writs of error in cases of injunctions and in all other cases which, under the statutes and rules, or in the opinion of the court, are entitled to be brought to a speedy hearing may be heard and disposed of wherever said court may be sitting. All appeals, writs of errors, and other appellate proceedings which may hereafter be taken or prosecuted from the district court of the United States at Beaumont, Texas, to the circuit court of appeals for the fifth circuit, shall be heard and disposed of by the said circuit court of appeals at the terms of court held at New Orleans: Provided, That nothing herein shall prevent the court from hearing appeals or writs of error wherever the said courts shall sit, in cases of injunctions and in all other cases which, under the statutes and the rules, or in the opinion of the court, are entitled to be brought to a speedy hearing. All appeals, writs of error, and other appellate proceedings which may be taken or prosecuted from the district courts of the United States in the States of Colorado, Utah, and Wyoming, and the supreme court of the Territory of New Mexico to the circuit court of appeals for the eighth judicial circuit, shall be heard and disposed of by said court at the terms held either in Denver or in Cheyenne, except that any case arising in any of said States or Territory may, by consent of all the parties, be heard and disposed of at a term of said court other than the one held in Denver or Cheyenne.

Act March 3, 1911, c. 231, § 126, 36 Stat. 1132.

See Act March 3, 1891, c. 517, § 3, Comp. St. 1901, p. 548; Act June 9, 1902, c. 1071, 32 Stat. 329; Act June 30, 1902, c. 1333, 32 Stat. 548; Act Dec. 18, 1902, c. 4, 32 Stat. 756; Act Jan. 30, 1903, c. 335, 32 Stat. 784; Act March 4, 1904, c. 395, 33 Stat. 59; Act April 22, 1904, c. 1420, 33 Stat. 249.

Rooms for court, how provided.

Sec. 127. The marshals for the several districts in which said circuit courts of appeals may be held shall, under the direction of the Attorney General, and with his approval, provide such rooms in the public buildings of the United States as may be necessary for the business of said courts, and pay all incidental expenses of said court, including criers, bailiffs, and messengers: Provided, That in case proper rooms can not be provided in such buildings, then the marshals, with the approval of the Attorney General, may, from time to time, lease such rooms as may be necessary for such courts.

Act March 3, 1911, c. 231, § 127, 36 Stat. 1133.

See Act March 3, 1891, c. 517, 39 Comp. St. 1901, p. 552.

Jurisdiction; when judgment final.

Sec. 128. The circuit courts of appeals shall exercise appellate jurisdiction to review by appeal or writ of error final decisions in the district courts, including the United States district court for Hawaii, in all cases other than those in which appeals and writs of error may be taken direct to the Supreme Court, as provided in section two hundred and thirty-eight, unless otherwise provided by law; and, except as provided in sections two hundred and thirty-nine and two hundred and forty, the judgments and decrees of the circuit courts of appeals

shall be final in all cases in which the jurisdiction is dependent entirely upon the opposite parties to the suit or controversy being aliens and citizens of the United States, or citizens of different States; also in all cases arising under the patent laws, under the copyright laws, under the revenue laws, and under the criminal laws, and in admiralty cases.

Act March 3, 1911, c. 231, § 128, 36 Stat. 1133.
See Act March 3, 1891, c. 517, § 6, Comp. St. 1901, p. 549.

Appeals in proceedings for injunctions and receivers.

Sec. 129. Where upon a hearing in equity in a district court, or by a judge thereof in vacation, an injunction shall be granted, continued, refused, or dissolved by an interlocutory order or decree, or an application to dissolve an injunction shall be refused, or an interlocutory order or decree shall be made appointing a receiver, an appeal may be taken from such interlocutory order or decree granting, continuing, refusing, dissolving, or refusing to dissolve, an injunction, or appointing a receiver, to the circuit court of appeals, notwithstanding an appeal in such case might, upon final decree under the statutes regulating the same, be taken directly to the Supreme Court: Provided, That the appeal must be taken within thirty days from the entry of such order or decree, and it shall take precedence in the appellate court; and the proceedings in other respects in the court below shall not be stayed unless otherwise ordered by that court, or the appellate court, or a judge thereof, during the pendency of such appeal: Provided, however, That the court below may, in its discretion, require as a condition of the appeal an additional bond.

Act March 3, 1911, c. 231, § 129, 36 Stat. 1134.
See Act March 3, 1891, c. 517, § 7, 26 Stat. 828; Act Feb. 18, 1895, c. 96, 28 Stat. 666; Act June 6, 1900, c. 803, 31 Stat. 660, Comp. St. 1901, p. 550; Act April 14, 1906, c. 1627, 34 Stat. 116.

Appellate and supervisory jurisdiction under the bankrupt act.

Sec. 130. The circuit courts of appeals shall have the appellate and supervisory jurisdiction conferred upon them by the Act entitled "An Act to establish a uniform system of bankruptcy throughout the United States," approved July first, eighteen hundred and ninety-eight, and all laws amendatory thereof, and shall exercise the same in the manner therein prescribed.

Act March 3, 1911, c. 231, § 130, 36 Stat. 1134.
See Act July 1, 1898, c. 541, § 24, Comp. St. 1901, p. 3431.

Appeals from the United States court for China.

Sec. 131. The circuit court of appeals for the ninth circuit is empowered to hear and determine writs of error and appeals from the United States court for China, as provided in the Act entitled "An Act creating a United States court for China and prescribing the jurisdiction thereof," approved June thirtieth, nineteen hundred and six.

Act March 3, 1911, c. 231, § 131, 36 Stat. 1134.
See Act June 30, 1904, c. 3934, § 3, 34 Stat. 815.

Allowance of appeals, etc.

Sec. 132. Any judge of a circuit court of appeals, in respect of cases brought or to be brought before that court, shall have the same powers and duties as to allowances of appeals and writs of error, and

the conditions of such allowances, as by law belong to the justices or judges in respect of other courts of the United States, respectively.

Act March 3, 1911, c. 231, § 132, 36 Stat. 1134.
See Act March 3, 1891, c. 517, § 11, Comp. St. 1901, p. 552.

Writs of error and appeals from the supreme courts of Arizona and New Mexico.

Sec. 133. The circuit courts of appeals, in cases in which their judgments and decrees are made final by this title, shall have appellate jurisdiction, by writ of error or appeal, to review the judgments, orders, and decrees of the supreme courts of Arizona and New Mexico, as by this title they may have to review the judgments, orders, and decrees of the district courts; and for that purpose said Territories shall, by orders of the Supreme Court of the United States, to be made from time to time, be assigned to particular circuits.

Act March 3, 1911, c. 231, § 133, 36 Stat. 1134.
See Act March 3, 1911, c. 517, § 15, Comp. St. 1901, p. 554.
Each of the States of New Mexico and Arizona, when admitted to the Union, is to constitute one judicial district, the district of New Mexico to be attached to the eighth circuit and the district of Arizona to the ninth circuit by sections 13, 31, respectively, of Act June 20, 1910, c. 310, set forth ante, in chapter 5 of this Title, as sections 70a, 96a of that chapter.

Writs of error and appeals from district court for Alaska to circuit court of appeals for ninth circuit; court may certify questions to the Supreme Court.

Sec. 134. In all cases other than those in which a writ of error or appeal will lie direct to the Supreme Court of the United States as provided in section two hundred and forty-seven, in which the amount involved or the value of the subject-matter in controversy shall exceed five hundred dollars, and in all criminal cases, writs of error and appeals shall lie from the district court for Alaska or from any division thereof, to the circuit court of appeals for the ninth circuit, and the judgments, orders, and decrees of said court shall be final in all such cases. But whenever such circuit court of appeals may desire the instruction of the Supreme Court of the United States upon any question or proposition of law which shall have arisen in any such case, the court may certify such question or proposition to the Supreme Court, and thereupon the Supreme Court shall give its instruction upon the question or proposition certified to it, and its instructions shall be binding upon the circuit court of appeals.

Act March 3, 1911, c. 231, § 134, 36 Stat. 1134.
See Act March 3, 1899, c. 429, § 202, 30 Stat. 1307; Act June 6, 1900, c. 786, §§ 504, 505, 31 Stat. 414, 415.

Appeals and writs of error from Alaska; where heard.

Sec. 135. All appeals, and writs of error, and other cases, coming from the district court for the district of Alaska to the circuit court of appeals for the ninth circuit, shall be entered upon the docket and heard at San Francisco, California, or at Portland, Oregon, or at Seattle, Washington, as the trial court before whom the case was tried below shall fix and determine: Provided, That at any time before the hearing of any appeal, writ of error, or other case, the parties thereto, through their respective attorneys, may stipulate at which of the above-named places the same shall be heard, in which case the case

shall be remitted to and entered upon the docket at the place so stipulated and shall be heard there.

Act March 3, 1911, c. 231, § 135, 36 Stat. 1135.
See Act Jan. 11, 1909, c. 15, 35 Stat. 585.

CHAPTER SEVEN.

The Court Of Claims.

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Appointment, oath, and salary of judges.

Sec. 136. The Court of Claims, established by the Act of February twenty-fourth, eighteen hundred and fifty-five, shall be continued. It shall consist of a chief justice and four judges, who shall be appointed by the President, by and with the advice and consent of the Senate, and hold their offices during good behavior. Each of them shall take an oath to support the Constitution of the United States, and to discharge faithfully the duties of his office. The chief justice

shall be entitled to receive an annual salary of six thousand five hundred dollars, and each of the other judges an annual salary of six thousand dollars, payable monthly, from the Treasury.

Act March 3, 1911, c. 231, § 136, 36 Stat. 1135.
See Rev. St. § 1049, Comp. St. 1901, p. 729; Act Feb. 12, 1903, c. 547, 32 Stat. 825.

Seal.

Sec. 137. The Court of Claims shall have a seal, with such device as it may order.

Act March 3, 1911, c. 231, § 137, 36 Stat. 1136.
See Rev. St. § 1050, Comp. St. 1901, p. 729.

Session; quorum.

Sec. 138. The Court of Claims shall hold one annual session at the city of Washington, beginning on the first Monday in December and continuing as long as may be necessary for the prompt disposition of the business of the court. Any three of the judges of said court shall constitute a quorum, and may hold a court for the transaction of business: Provided, That the concurrence of three judges shall be necessary to the decision of any case.

Act March 3, 1911, c. 231, § 138, 36 Stat. 1136.
See Rev. St. § 1052, Comp. St. 1901, p. 730; Act June 23, 1874, c. 468, Comp. St. 1901, p. 730.

Officers of the court.

Sec. 139. The said court shall appoint a chief clerk, an assistant clerk, if deemed necessary, a bailiff, and a chief messenger. The clerks shall take an oath for the faithful discharge of their duties, and shall be under the direction of the court in the performance thereof; and for misconduct or incapacity they may be removed by it from office; but the court shall report such removals, with the cause thereof, to Congress, if in session, or if not, at the next session. The bailiff shall hold his office for a term of four years, unless sooner removed by the court for cause.

Act March 3, 1911, c. 231, § 139, 36 Stat. 1136.
See Rev. St. § 1053, Comp. St. 1901, p. 730.

Salaries of officers.

Sec. 140. The salary of the chief clerk shall be three thousand five hundred dollars a year; of the assistant clerk two thousand five hundred dollars a year; of the bailiff one thousand five hundred dollars a year, and of the chief messenger one thousand dollars a year, payable monthly from the Treasury.

Act March 3, 1911, c. 231, § 140, 36 Stat. 1136.
See Rev. St. § 1054, Comp. St. 1901, p. 730.

Clerk's bond.

Sec. 141. The chief clerk shall give bond to the United States in such amount, in such form, and with such security as shall be approved by the Secretary of the Treasury.

Act March 3, 1911, c. 231, § 141, 36 Stat. 1136.
See Rev. St. § 1055, Comp. St. 1901, p. 731.

Contingent fund.

Sec. 142. The said clerk shall have authority when he has given bond as provided in the preceding section, to disburse, under the di

rection of the court, the contingent fund which may from time to time be appropriated for its use; and his accounts shall be settled by the proper accounting officers of the Treasury in the same way as the accounts of other disbursing agents of the Government are settled.

Act March 3, 1911, c. 231, § 142, 36 Stat. 1136.
See Rev. St. § 1056, Comp. St. 1901, p. 731.

Reports to Congress; copies for departments, etc.

Sec. 143. On the first day of every regular session of Congress, the clerk of the Court of Claims shall transmit to Congress a full and complete statement of all the judgments rendered by the court during the previous year, stating the amounts thereof and the parties in whose favor they were rendered, together with a brief synopsis of the nature of the claims upon which they were rendered. At the end of every term of the court he shall transmit a copy of its decisions to the heads of departments; to the Solicitor, the Comptroller, and the Auditors of the Treasury; to the Commissioner of the General Land Office and of Indian Affairs; to the chiefs of bureaus, and to other officers charged with the adjustment of claims against the United States.

Act March 3, 1911, c. 231, § 143, 36 Stat. 1136.
See Rev. St. § 1057, Comp. St. 1901, p. 731.

Members of Congress not to practice in the court.

Sec. 144. Whoever, being elected or appointed a Senator, Member of, or Delegate to Congress, or a Resident Commissioner, shall, after his election or appointment, and either before or after he has qualified, and during his continuance in office, practice in the Court of Claims, shall be fined not more than ten thousand dollars and imprisoned not more than two years; and shall, moreover, thereafter be incapable of holding any office of honor, trust, or profit under the Government of the United States.

Act March 3, 1911, c. 231, § 144, 36 Stat. 1136.
See Rev. St. § 1058, Comp. St. 1901, p. 731.

Jurisdiction.

Sec. 145. The Court of Claims shall have jurisdiction to hear and determine the following matters:

Claims against the United States.

First. All claims (except for pensions) founded upon the Constitution of the United States or any law of Congress, upon any regulation of an Executive Department, upon any contract, express or implied, with the Government of the United States, or for damages, liquidated or unliquidated, in cases not sounding in tort, in respect of which claims the party would be entitled to redress against the United States either in a court of law, equity, or admiralty if the United States were suable: Provided, however, That nothing in this section shall be construed as giving to the said court jurisdiction to hear and determine claims growing out of the late civil war, and commonly known as "war claims," or to hear and determine other claims which, prior to March third, eighteen hundred and eighty-seven, had been rejected or reported on adversely by any court, department, or commission authorized to hear and determine the same.

Act March 3, 1911, c. 231, § 145, 36 Stat. 1136.
See Act March 3, 1887, c. 359, 31 Comp. St. 1901, p. 752.

Set-offs.

Second. All set-offs, counterclaims, claims for damages, whether liquidated or unliquidated, or other demands whatsoever on the part of the Government of the United States against any claimant against the Government in said court: Provided, That no suit against the Government of the United States, brought by any officer of the United States to recover fees for services alleged to have been performed for the United States, shall be allowed under this chapter until an account for said fees shall have been rendered and finally acted upon as required by law, unless the proper accounting officer of the Treasury fails to act finally thereon within six months after the account is received in said office.

Act March 3, 1911, c. 231, § 145, par. 2, 36 Stat. 1137.
See Act March 3, 1887, c. 359, § 1, par. 2, Comp. St. 1901, p. 752.

Disbursing officers.

Third. The claim of any paymaster, quartermaster, commissary of subsistence, or other disbursing officer of the United States, or of his administrators or executors, for relief from responsibility on account of loss by capture or otherwise, while in the line of his duty, of Government funds, vouchers, records, or papers in his charge, and for which such officer was and is held responsible.

Act March 3, 1911, c. 231, § 145, par. 3, 36 Stat. 1137.
See Rev. St. § 1059, par. 3, Comp. St. 1901, p. 736.

Judgments for set-off or counterclaims; how enforced.

Sec. 146. Upon the trial of any cause in which any set-off, counterclaim, claim for damages, or other demand is set up on the part of the Government against any person making claim against the Government in said court, the court shall hear and determine such claim or demand both for and against the Government and claimant; and if upon the whole case it finds that the claimant is indebted to the Government it shall render judgment to that effect, and such judgment shall be final, with the right of appeal, as in other cases provided for by law. Any transcript of such judgment, filed in the clerk's office of any district court, shall be entered upon the records thereof, and shall thereby become and be a judgment of such court and be enforced as other judgments in such court are enforced.

Act March 3, 1911, c. 231, § 146, 36 Stat. 1137.
See Rev. St. § 1061, Comp. St. 1901, p. 737.

Decree on accounts of disbursing officers.

Sec. 147. Whenever the Court of Claims ascertains the facts of any loss by any paymaster, quartermaster, commissary of subsistence, or other disbursing officer, in the cases hereinbefore provided, to have been without fault or negligence on the part of such officer, it shall make a decree setting forth the amount thereof, and upon such decree the proper accounting officers of the Treasury shall allow to such officer the amount so decreed as a credit in the settlement of his accounts.

Act March 3, 1911, c. 231, § 147, 36 Stat. 1137.
See Rev. St. § 1062, Comp. St. 1901, p. 737.

Claims referred by departments.

Sec. 148. When any claim or matter is pending in any of the executive departments which involves controverted questions of fact or

law, the head of such department may transmit the same, with the vouchers, papers, documents and proofs pertaining thereto, to the Court of Claims and the same shall be there proceeded in under such rules as the court may adopt. When the facts and conclusions of law shall have been found, the court shall report its findings to the department by which it was transmitted for its guidance and action: Provided, however, That if it shall have been transmitted with the consent of the claimant, or if it shall appear to the satisfaction of the court upon the facts established, that under existing laws or the provisions of this chapter it has jurisdiction to render judgment or decree thereon, it shall proceed to do so, in the latter case giving to either party such further opportunity for hearing as in its judgment justice shall require, and shall report its findings therein to the department by which the same was referred to said court. The Secretary of the Treasury may, upon the certificate of any auditor, or of the Comptroller of the Treasury, direct any claim or matter, of which, by reason of the subject matter or character, the said court might under existing laws, take jurisdiction on the voluntary action of the claimant, to be transmitted, with all the vouchers, papers, documents and proofs pertaining thereto, to the said court for trial and adjudication.

Act March 3, 1911, c. 231, § 148, 36 Stat. 1137.

See Rev. St. § 1063, Comp. St. 1901, p. 738; Act March 3, 1883, c. 116, Comp. St. 1901, p. 748; Act March 3, 1887, c. 359, §§ 12, 13, Comp. St. 1901, p. 756.

Procedure in cases transmitted by departments.

Sec. 149. All cases transmitted by the head of any department, or upon the certificate of any auditor, or of the Comptroller of the Treasury, according to the provisions of the preceding section, shall be proceeded in as other cases pending in the Court of Claims, and shall, in all respects, be subject to the same rules and regulations.

Act March 3, 1911, c. 231, § 149, 36 Stat. 1138.

See Rev. St. § 1064, Comp. St. 1901, p. 738.

Judgments in cases transmitted by departments; how paid.

Sec. 150. The amount of any final judgment or decree rendered in favor of the claimant, in any case transmitted to the Court of Claims under the two preceding sections, shall be paid out of any specific appropriation applicable to the case, if any such there be; and where no such appropriation exists, the judgment or decree shall be paid in the same manner as other judgments of the said court.

Act March 3, 1911, c. 231, § 150, 36 Stat. 1138.

See Rev. St. § 1065, Comp. St. 1901, p. 739.

Either House of Congress may refer certain claims to court.

Sec. 151. Whenever any bill, except for a pension, is pending in either House of Congress providing for the payment of a claim against the United States, legal or equitable, or for a grant, gift, or bounty to any person, the House in which such bill is pending may, for the investigation and determination of facts, refer the same to the Court of Claims, which shall proceed with the same in accordance with such rules as it may adopt and report to such House the facts in the case and the amount, where the same can be liquidated, including any facts bearing upon the question whether there has been delay

or laches in presenting such claim or applying for such grant, gift, or bounty, and any facts bearing upon the question whether the bar of any statute of limitation should be removed or which shall be claimed to excuse the claimant for not having resorted to any established legal remedy, together with such conclusions as shall be sufficient to inform Congress of the nature and character of the demand, either as a claim, legal or equitable, or as a gratuity against the United States, and the amount, if any, legally or equitably due from the United States to the claimant: Provided, however, That if it shall appear to the satisfaction of the court upon the facts established, that under existing laws or the provisions of this chapter, the subject matter of the bill is such that it has jurisdiction to render judgment or decree thereon, it shall proceed to do so, giving to either party such further opportunity for hearing as in its judgment justice shall require, and it shall report its proceedings therein to the House of Congress by which the same was referred to said court.

Act March 3, 1911, c. 231, § 151, 36 Stat. 1138.
See Act March 3, 1887, c. 359, § 14, Comp. St. 1901, p. 757; Act June 25, 1910, c. 409, 36 Stat. 837.

Costs may be allowed prevailing party.

Sec. 152. If the Government of the United States shall put in issue the right of the plaintiff to recover, the court may, in its discretion, allow costs to the prevailing party from the time of joining such issue. Such costs, however, shall include only what is actually incurred for witnesses, and for summoning the same, and fees paid to the clerk of the court.

Act March 3, 1911, c. 231, § 152, 36 Stat. 1138.
See Act March 3, 1887, c. 359, § 15, Comp. St. 1901, p. 758.

Claims growing out of treaties not cognizable therein.

Sec. 153. The jurisdiction of the said court shall not extend to any claim against the Government not pending therein on December first, eighteen hundred and sixty-two, growing out of or dependent on any treaty stipulation entered into with foreign nations or with the Indian tribes.

Act March 3, 1911, c. 231, § 153, 36 Stat. 1138.
See Rev. St. § 1066, Comp. St. 1901, p. 739.

Claims pending in other courts.

Sec. 154. No person shall file or prosecute in the Court of Claims, or in the Supreme Court on appeal therefrom, any claim for or in respect to which he or any assignee of his has pending in any other court any suit or process against any person who, at the time when the cause of action alleged in such suit or process arose, was, in respect thereto, acting or professing to act, mediately or immediately, under the authority of the United States.

Act March 3, 1911, c. 231, § 154, 36 Stat. 1138.
See Rev. St. § 1067, Comp. St. 1901, p. 739.

Aliens.

Sec. 155. Aliens who are citizens or subjects of any government which accords to citizens of the United States the right to prosecute claims against such government in its courts, shall have the privilege of prosecuting claims against the United States in the Court of Claims,

whereof such court, by reason of their subject matter and character, might take jurisdiction.

Act March 3, 1911, c. 231, § 155, 36 Stat. 1139.
See Rev. St. § 1068, Comp. St. 1901, p. 740.

All claims to be filed within six years; exceptions.

Sec. 156. Every claim against the United States cognizable by the Court of Claims, shall be forever barred unless the petition setting forth a statement thereof is filed in the court, or transmitted to it by the Secretary of the Senate or the Clerk of the House of Representatives, as provided by law, within six years after the claim first accrues: Provided, That the claims of married women, first accrued during marriage, of persons under the age of twenty-one years, first accrued during minority, and of idiots, lunatics, insane persons, and persons beyond the seas at the time the claim accrued, entitled to the claim, shall not be barred if the petition be filed in the court or transmitted, as aforesaid, within three years after the disability has ceased; but no other disability than those enumerated shall prevent any claim from being barred, nor shall any of the said disabilities operate cumulatively.

Act March 3, 1911, c. 231, § 156, 36 Stat. 1139.
See Rev. St. § 1069, Comp. St. 1901, p. 740.

Rules of practice; may punish contempts.

Sec. 157. The said court shall have power to establish rules for its government and for the regulation of practice therein, and it may punish for contempt in the manner prescribed by the common law, may appoint commissioners, and may exercise such powers as are necessary to carry into effect the powers granted to it by law.

Act March 3, 1911, c. 231, § 157, 36 Stat. 1139.
See Rev. St. § 1070, Comp. St. 1901, p. 740.

Oaths and acknowledgments.

Sec. 158. The judges and clerks of said court may administer oaths and affirmations, take acknowledgments of instruments in writing, and give certificates of the same.

Act March 3, 1911, c. 231, § 158, 36 Stat. 1139.
See Rev. St. § 1071, Comp. St. 1901, p. 741.

Petitions and verification.

Sec. 159. The claimant shall in all cases fully set forth in his petition the claim, the action thereon in Congress or by any of the departments, if such action has been had, what persons are owners thereof or interested therein, when and upon what consideration such persons became so interested; that no assignment or transfer of said claim or of any part thereof or interest therein has been made, except as stated in the petition; that said claimant is justly entitled to the amount therein claimed from the United States after allowing all just credits and offsets; that the claimant and, where the claim has been assigned, the original and every prior owner thereof, if a citizen, has at all times borne true allegiance to the Government of the United States, and, whether a citizen or not, has not in any way voluntarily aided, abetted, or given encouragement to rebellion against the said Government, and that he believes the facts as stated in the

said petition to be true. The said petition shall be verified by the affidavit of the claimant, his agent or attorney.

Act March 3, 1911, c. 231, § 159, 36 Stat. 1139.
See Rev. St. § 1072, Comp. St. 1901, p. 741.

Petition dismissed, when.

Sec. 160. The said allegations as to true allegiance and voluntary aiding, abetting, or giving encouragement to rebellion against the Government may be traversed by the Government, and if on the trial such issues shall be decided against the claimant, his petition shall be dismissed.

Act March 3, 1911, c. 231, § 160, 36 Stat. 1139.
See Rev. St. § 1073, Comp. St. 1901, p. 741.

Burden of proof and evidence as to loyalty.

Sec. 161. Whenever it is material in any claim to ascertain whether any person did or did not give any aid or comfort to forces or government of the late Confederate States during the Civil War, the claimant asserting the loyalty of any such person to the United States during such Civil War shall be required to prove affirmatively that such person did, during said Civil War, consistently adhere to the United States and did give no aid or comfort to persons engaged in said Confederate service in said Civil War.

Act March 3, 1911, c. 231, § 161, 36 Stat. 1139.
See Rev. St. § 1074, Comp. St. 1901, p. 742.

Claims for proceeds arising from sales of abandoned property.

Sec. 162. The Court of Claims shall have jurisdiction to hear and determine the claims of those whose property was taken subsequent to June the first, eighteen hundred and sixty-five, under the provisions of the Act of Congress approved March twelfth, eighteen hundred and sixty-three, entitled "An Act to provide for the collection of abandoned property and for the prevention of frauds in insurrectionary districts within the United States," and Acts amendatory thereof where the property so taken was sold and the net proceeds thereof were placed in the Treasury of the United States; and the Secretary of the Treasury shall return said net proceeds to the owners thereof, on the judgment of said court, and full jurisdiction is given to said court to adjudge said claims, any statutes of limitations to the contrary notwithstanding.

Act March 3, 1911, c. 231, § 162, 36 Stat. 1139.
See Act March 12, 1863, c. 120, § 3, 12 Stat. 820.

Commissioners to take testimony.

Sec. 163. The Court of Claims shall have power to appoint commissioners to take testimony to be used in the investigation of claims which come before it, to prescribe the fees which they shall receive for their services, and to issue commissions for the taking of such testimony, whether taken at the instance of the claimant or of the United States.

Act March 3, 1911, c. 231, § 163, 36 Stat. 1140.
See Rev. St. § 1075, Comp. St. 1901, p. 742.

Power to call upon departments for information.

Sec. 164. The said court shall have power to call upon any of the departments for any information or papers it may deem necessary,

and shall have the use of all recorded and printed reports made by the committees of each House of Congress, when deemed necessary in the prosecution of its business. But the head of any department may refuse and omit to comply with any call for information or papers when, in his opinion, such compliance would be injurious to the public interest.

Act March 3, 1911, c. 231, § 164, 36 Stat. 1140.
See Rev. St. § 1076, Comp. St. 1901, p. 742.

When testimony not to be taken.

Sec. 165. When it appears to the court in any case that the facts set forth in the petition of the claimant do not furnish any ground for relief, it shall not authorize the taking of any testimony therein.

Act March 3, 1911, c. 231, § 165, 36 Stat. 1140.
See Rev. St. § 1077, Comp. St. 1901, p. 742.

Examination of claimant.

Sec. 166. The court may, at the instance of the attorney or solicitor appearing in behalf of the United States, make an order in any case pending therein, directing any claimant in such case to appear, upon reasonable notice, before any commissioner of the court and be examined on oath touching any or all matters pertaining to said claim. Such examination shall be reduced to writing by the said commissioner, and be returned to and filed in the court, and may, at the discretion of the attorney or solicitor of the United States appearing in the case, be read and used as evidence on the trial thereof. And if any claimant, after such order is made and due and reasonable notice thereof is given to him, fails to appear, or refuses to testify or answer fully as to all matters within his knowledge material to the issue, the court may, in its discretion, order that the said cause shall not be brought forward for trial until he shall have fully complied with the order of the court in the premises.

Act March 3, 1911, c. 231, § 166, 36 Stat. 1140.
See Rev. St. § 1080, Comp. St. 1901, p. 743.

Testimony; where taken.

Sec. 167. The testimony in cases pending before the Court of Claims shall be taken in the county where the witness resides, when the same can be conveniently done.

Act March 3, 1911, c. 231, § 167, 36 Stat. 1140.
See Rev. St. § 1081, Comp. St. 1901, p. 743.

Witnesses before commissioners.

Sec. 168. The Court of Claims may issue subpœnas to require the attendance of witnesses in order to be examined before any person commissioned to take testimony therein. Such subpœnas shall have the same force as if issued from a district court, and compliance therewith shall be compelled under such rules and orders as the court shall establish.

Act March 3, 1911, c. 231, § 168, 36 Stat. 1140.
See Rev. St. § 1082, Comp. St. 1901, p. 744.

Cross-examinations.

Sec. 169. In taking testimony to be used in support of any claim, opportunity shall be given to the United States to file interrogatories, or by attorney to examine witnesses, under such regulations as said court shall prescribe; and like opportunity shall be afforded the

claimant, in cases where testimony is taken on behalf of the United States, under like regulations.

Act March 3, 1911, c. 231, § 169, 36 Stat. 1140.
See Rev. St. § 1083, Comp. St. 1901, p. 744.

Witnesses; how sworn.

Sec. 170. The commissioner taking testimony to be used in the Court of Claims shall administer an oath or affirmation to the witnesses brought before him for examination.

Act March 3, 1911, c. 231, § 170, 36 Stat. 1140.
See Rev. St. § 1084, Comp. St. 1901, p. 744.

Fees of commissioners, by whom paid.

Sec. 171. When testimony is taken for the claimant, the fees of the commissioner before whom it is taken, and the cost of the commission and notice, shall be paid by such claimant; and when it is taken at the instance of the Government, such fees shall be paid out of the contingent fund provided for the Court of Claims, or other appropriation made by Congress for that purpose.

Act March 3, 1911, c. 231, § 171, 36 Stat. 1141.
See Rev. St. § 1085, Comp. St. 1901, p. 744.

Claims forfeited for fraud.

Sec. 172. Any person who corruptly practices or attempts to practice any fraud against the United States in the proof, statement, establishment, or allowance of any claim or of any part of any claim against the United States shall, ipso facto, forfeit the same to the Government; and it shall be the duty of the Court of Claims, in such cases, to find specifically that such fraud was practiced or attempted to be practiced, and thereupon to give judgment that such claim is forfeited to the Government, and that the claimant be forever barred from prosecuting the same.

Act March 3, 1911, c. 231, § 172, 36 Stat. 1141.
See Rev. St. § 1086, Comp. St. 1901, p. 745.

Claims under act of June 16, 1874.

Sec. 173. No claim shall be allowed by the accounting officers under the provisions of the Act of Congress approved June sixteenth, eighteen hundred and seventy-four, or by the Court of Claims, or by Congress, to any person where such claimant, or those under whom he claims, shall willfully, knowingly, and with intent to defraud the United States, have claimed more than was justly due in respect of such claim, or presented any false evidence to Congress, or to any department or court, in support thereof.

Act March 3, 1911, c. 231, § 173, 36 Stat. 1141.
See Act June 16, 1874, c. 285, § 2, Comp. St. 1901, p. 178; Act April 30, 1878, c. 77, § 2, Comp. St. 1901, p. 178.

New trial on motion of claimant.

Sec. 174. When judgment is rendered against any claimant, the court may grant a new trial for any reason which, by the rules of common law or chancery in suits between individuals, would furnish sufficient ground for granting a new trial.

Act March 3, 1911, c. 231, § 174, 36 Stat. 1141.
See Rev. St. § 1088, Comp. St. 1901, p. 745.

New trial on motion of United States.

Sec. 175. The Court of Claims, at any time while any claim is pending before it, or on appeal from it, or within two years next after

the final disposition of such claim, may, on motion, on behalf of the United States, grant a new trial and stay the payment of any judgment therein, upon such evidence, cumulative or otherwise, as shall satisfy the court that any fraud, wrong, or injustice in the premises has been done to the United States; but until an order is made staying the payment of a judgment, the same shall be payable and paid as now provided by law.

Act March 3, 1911, c. 231, § 175, 36 Stat. 1141.
See Rev. St. § 1088, Comp. St. 1901, p. 745.

Cost of printing record.

Sec. 176. There shall be taxed against the losing party in each and every cause pending in the Court of Claims the cost of printing the record in such case, which shall be collected, except when the judgment is against the United States, by the clerk of said court and paid into the Treasury of the United States.

Act March 3, 1911, c. 231, § 176, 36 Stat. 1141.
See Act March 3, 1877, c. 105, § 1, Comp. St. 1901, p. 705.

No interest on claims.

Sec. 177. No interest shall be allowed on any claim up to the time of the rendition of judgment thereon by the Court of Claims, unless upon a contract expressly stipulating for the payment of interest.

Act March 3, 1911, c. 231, § 177, 36 Stat. 1141.
See Rev. St. § 1091, Comp. St. 1901, p. 747.

Effect of payment of judgment.

Sec. 178. The payment of the amount due by any judgment of the Court of Claims, and of any interest thereon allowed by law, as provided by law, shall be a full discharge to the United States of all claim and demand touching any of the matters involved in the controversy.

Act March 3, 1911, c. 231, § 178, 36 Stat. 1141.
See Rev. St. § 1092, Comp. St. 1901, p. 747.

Final judgments a bar.

Sec. 179. Any final judgment against the claimant on any claim prosecuted as provided in this chapter shall forever bar any further claim or demand against the United States arising out of the matters involved in the controversy.

Act March 3, 1911, c. 231, § 179, 36 Stat. 1141.
See Rev. St. § 1093, Comp. St. 1901, p. 747.

Debtors to the United States may have amount due ascertained.

Sec. 180. Whenever any person shall present his petition to the Court of Claims alleging that he is or has been indebted to the United States as an officer or agent thereof, or by virtue of any contract therewith, or that he is the guarantor, or surety, or personal representative of any officer or agent or contractor so indebted, or that he or the person for whom he is such surety, guarantor, or personal representative has held any office or agency under the United States, or entered into any contract therewith, under which it may be or has been claimed that an indebtedness to the United States had arisen and exists, and that he or the person he represents has applied to the proper department of the Government requesting that the account of such office, agency, or indebtedness may be adjusted and settled, and that three years have elapsed from the date of such application,

and said account still remains unsettled and unadjusted, and that no suit upon the same has been brought by the United States, said court shall, due notice first being given to the head of said department and to the Attorney General of the United States, proceed to hear the parties and to ascertain the amount, if any, due the United States on said account. The Attorney General shall represent the United States at the hearing of said cause. The court may postpone the same from time to time whenever justice shall require. The judgment of said court or of the Supreme Court of the United States, to which an appeal shall lie, as in other cases, as to the amount due, shall be binding and conclusive upon the parties. The payment of such amount so found due by the court shall discharge such obligation. An action shall accrue to the United States against such principal, or surety, or representative to recover the amount so found due, which may be brought at any time within three years after the final judgment of said court; and unless suit shall be brought within said time, such claim and the claim on the original indebtedness shall be forever barred. The provisions of section one hundred and sixty-six shall apply to cases under this section.

Act March 3, 1911, c. 231, § 180, 36 Stat. 1141.
See Act March 3, 1887, c. 359, §§ 3, 8, Comp. St. 1901, pp. 754, 755.

Appeals.

Sec. 181. The plaintiff or the United States, in any suit brought under the provision of the section last preceding, shall have the same right of appeal as is conferred under sections two hundred and forty-two and two hundred and forty-three; and such right shall be exercised only within the time and in the manner therein prescribed.

Act March 3, 1911, c. 231, § 181, 36 Stat. 1142.
See Act March 3, 1887, c. 359, § 9, Comp. St. 1901, p. 756.

Appeals in Indian cases.

Sec. 182. In any case brought in the Court of Claims under any Act of Congress by which that court is authorized to render a judgment or decree against the United States, or against any Indian tribe or any Indians, or against any fund held in trust by the United States for any Indian tribe or for any Indians, the claimant, or the United States, or the tribe of Indians, or other party in interest shall have the same right of appeal as is conferred under sections two hundred and forty-two and two hundred and forty-three; and such right shall be exercised only within the time and in the manner therein prescribed.

Act March 3, 1911, c. 231, § 182, 36 Stat. 1142.
See Act March 3, 1891, c. 538, § 10, Comp. St. 1901, p. 763.

Attorney General's report to Congress.

Sec. 183. The Attorney General shall report to Congress, at the beginning of each regular session, the suits under section one hundred and eighty, in which a final judgment or decree has been rendered, giving the date of each and a statement of the costs taxed in each case.

Act March 3, 1911, c. 231, § 183, 36 Stat. 1142.
See Act March 3, 1887, c. 359, § 17, Comp. St. 1901, p. 756.

Loyalty a jurisdictional fact in certain cases.

Sec. 184. In any case of a claim for supplies or stores taken by or furnished to any part of the military or naval forces of the United States for their use during the late Civil War, the petition shall aver

that the person who furnished such supplies or stores, or from whom such supplies or stores were taken, did not give any aid or comfort to said rebellion, but was throughout that war loyal to the Government of the United States, and the fact of such loyalty shall be a jurisdictional fact; and unless the said court shall, on a preliminary inquiry, find that the person who furnished such supplies or stores, or from whom the same were taken as aforesaid, was loyal to the Government of the United States throughout said war, the court shall not have jurisdiction of such cause, and the same shall, without further proceedings, be dismissed.

Act March 3, 1911, c. 231, § 184, 36 Stat. 1142.
See Act March 3, 1883, c. 116, § 4, Comp. St. 1901, p. 749.

Attorney General to appear for the defense.

Sec. 185. The Attorney-General, or his assistants under his direction, shall appear for the defense and protection of the interests of the United States in all cases which may be transmitted to the Court of Claims under the provisions of this chapter, with the same power to interpose counter claims, offsets, defenses for fraud practiced or attempted to be practiced by claimants, and other defenses, in like manner as he is required to defend the United States in said court.

Act March 3, 1911, c. 231, § 185, 36 Stat. 1142.
See Act March 3, 1883, c. 116, § 5, Comp. St. 1901, p. 749.

Persons not to be excluded as witnesses on account of color or because of interest; plaintiff may be witness for Government.

Sec. 186. No person shall be excluded as a witness in the Court of Claims on account of color, because he or she is a party to or interested in the cause or proceeding; and any plaintiff or party in interest may be examined as a witness on the part of the Government.

Act March 3, 1911, c. 231, § 186, 36 Stat. 1143.
See Rev. St. § 1078, Comp. St. 1901, p. 743; Act March 3, 1883, c. 116, § 6, Comp. St. 1901, p. 749; Act March 3, 1887, c. 359, § 8, Comp. St. 1901, p. 755.

Reports of court to Congress.

Sec. 187. Reports of the Court of Claims to Congress, under sections one hundred and forty-eight and one hundred and fifty-one, if not finally acted upon during the session at which they are reported, shall be continued from session to session and from Congress to Congress until the same shall be finally acted upon.

Act March 3, 1911, c. 231, § 187, 36 Stat. 1143.
See Act March 3, 1883, c. 116, § 7, Comp. St. 1901, p. 750.

CHAPTER EIGHT.

The Court of Customs Appeals.

Sec.
188. Court of Customs Appeals; appointment and salary of judges; quorum; circuit and district judges may act in place of judge disqualified, etc.
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Court of Customs Appeals; appointment and salary of judges; quorum; circuit and district judges may act in place of judge disqualified, etc.

Sec. 188. There shall be a United States Court of Customs Appeals, which shall consist of a presiding judge and four associate judges, each of whom shall be appointed by the President, by and with the advice and consent of the Senate, and shall receive a salary of seven thousand dollars a year. The presiding judge shall be so designated in the order of appointment and in the commission issued to him by the President; and the associate judges shall have precedence according to the date of their commissions. Any three members of said court shall constitute a quorum, and the concurrence of three members shall be necessary to any decision thereof. In case of a vacancy or of the temporary inability or disqualification, for any reason, of one or two of the judges of said court, the President may, upon the request of the presiding judge of said court, designate any qualified United States circuit or district judge or judges to act in his or their place; and such circuit or district judges shall be duly qualified to so act.

Act March 3, 1911, c. 231, § 188, 36 Stat. 1143.

See Act Aug. 5, 1909, c. 6, § 28, 36 Stat. 91, 105; Act Feb. 25, 1910, c. 62, 36 Stat. 214.

Court to be always open for business; terms may be held in any circuit; when expenses of judges to be paid.

Sec. 189. The said Court of Customs Appeals shall always be open for the transaction of business, and sessions thereof may, in the discretion of the court, be held in the several judicial circuits, and at such places as said court may from time to time designate. Any judge who, in pursuance of the provisions of this chapter, shall attend a session of said court at any place other than the city of Washington, shall be paid, upon his written and itemized certificate, by the marshal of the district in which the court shall be held, his actual and necessary expenses incurred for travel and attendance, and the actual and necessary expenses of one stenographic clerk who may accompany him; and such payments shall be allowed the marshal in the settlement of his accounts with the United States.

Act March 3, 1911, c. 231, § 189, 36 Stat. 1143.

See Act Aug. 7, 1909, c. 6, § 28, 36 Stat. 91, 105.

Marshal of the court; appointment, salary, and duties.

Sec. 190. Said court shall have the services of a marshal, with the same duties and powers, under the regulations of the court, as are now provided for the marshal of the Supreme Court of the United States, so far as the same may be applicable. Said services within the District of Columbia shall be performed by a marshal to be appointed by and to hold office during the pleasure of the court, who shall receive a salary of three thousand dollars per annum. Said services outside of the District of Columbia shall be performed by the United States marshals in and for the districts where sessions of said court may be held; and to this end said marshals shall be the marshals of said court. The marshal of said court, for the District of Columbia, is authorized to purchase, under the direction of the presiding judge, such books, periodicals, and stationery, as may be necessary for the use of said court; and such expenditures shall be allowed and paid by the Secretary of the Treasury upon claim duly made and approved by said presiding judge.

Act March 3, 1911, c. 231, § 190, 36 Stat. 1144.

See Act Aug. 5, 1909, c. 6, § 28, 36 Stat. 91, 105; Act Feb. 25, 1910, c. 62, 36 Stat. 216.

Clerk of the court; appointment, salary, and duties.

Sec. 191. The court shall appoint a clerk, whose office shall be in the city of Washington, District of Columbia, and who shall perform and exercise the same duties and powers in regard to all matters within the jurisdiction of said court as are now exercised and performed by the clerk of the Supreme Court of the United States, so far as the same may be applicable. The salary of the clerk shall be three thousand five hundred dollars per annum, which sum shall be in full payment for all service rendered by such clerk; and all fees of any kind whatever, and all costs shall be by him turned into the United States Treasury. Said clerk shall not be appointed by the court or any judge thereof as a commissioner, master, receiver, or referee. The costs and fees in the said court shall be fixed and established by said court in a table of fees to be adopted and approved by the Supreme Court of the United States within four months after the organization of said court: Provided, That the costs and fees so fixed shall not, with respect to any item, exceed the costs and fees charged in the Supreme Court of the United States; and the same shall be expended, accounted for, and paid over to the Treasury of the United States.

Act March 3, 1911, c. 231, § 191, 36 Stat. 1144.

See Act Aug. 5, 1909, c. 6, § 28, 36 Stat. 91, 105; Act Feb. 25, 1910, c. 62, 36 Stat. 214.

Assistant clerk, stenographic clerks, and reporter; appointment, salary, and duties.

Sec. 192. In addition to the clerk, the court may appoint an assistant clerk at a salary of two thousand dollars per annum, five stenographic clerks at a salary of one thousand six hundred dollars per annum each, one stenographic reporter at a salary of two thousand five hundred dollars per annum, and a messenger at a salary of eight hundred and forty dollars per annum, all payable in equal monthly installments, and all of whom, including the clerk, shall hold office during the pleasure of and perform such duties as are assigned

them by the court. Said reporter shall prepare and transmit to the Secretary of the Treasury once a week in time for publication in the Treasury Decisions copies of all decisions rendered to that date by said court, and prepare and transmit, under the direction of said court, at least once a year, reports of said decisions rendered to that date, constituting a volume, which shall be printed by the Treasury Department in such numbers and distributed or sold in such manner as the Secretary of the Treasury shall direct.

Act March 3, 1911, c. 231, § 192, 36 Stat. 1144.
See Act Aug. 5, 1909, c. 6, § 28, 36 Stat. 91, 105; Act Feb. 25, 1910, c. 62, 36 Stat. 214.

Rooms for holding court to be provided; bailiffs and messengers.

Sec. 193. The marshal of said court for the District of Columbia and the marshals of the several districts in which said Court of Customs Appeals may be held shall, under the direction of the Attorney General, and with his approval, provide such rooms in the public buildings of the United States as may be necessary for said court: Provided, That in case proper rooms can not be provided in such buildings, then the said marshals, with the approval of the Attorney-General, may, from time to time, lease such rooms as may be necessary for said court. The bailiffs and messengers of said court shall be allowed the same compensation for their respective services as are allowed for similar services in the existing district courts. In no case shall said marshals secure other rooms than those regularly occupied by existing district courts, or other public officers, except where such can not, by reason of actual occupancy or use, be occupied or used by said Court of Customs Appeals.

Act March 3, 1911, c. 231, § 193, 36 Stat. 1144.
See Act Aug. 5, 1909, c. 6, § 28, 36 Stat. 91, 105.

To be a court of record; to prescribe form and style of seal, and establish rules and regulations; may affirm, modify, or reverse and remand case, etc.

Sec. 194. The said Court of Customs Appeals shall be a court of record, with jurisdiction as in this chapter established and limited. It shall prescribe the form and style of its seal, and the form of its writs and other process and procedure, and exercise such powers conferred by law as may be conformable and necessary to the exercise of its jurisdiction. It shall have power to establish all rules and regulations for the conduct of the business of the court, and as may be needful for the uniformity of decisions within its jurisdiction as conferred by law. It shall have power to review any decision or matter within its jurisdiction, and may affirm, modify, or reverse the same and remand the case with such orders as may seem to it proper in the premises, which shall be executed accordingly.

Act March 3, 1911, c. 231, § 194, 36 Stat. 1145.
See Act Aug. 5, 1909, c. 6, § 28, 36 Stat. 91, 105.

Final decisions of Board of General Appraisers to be reviewed only by Customs Court.

Sec. 195. The Court of Customs Appeals established by this chapter shall exercise exclusive appellate jurisdiction to review by appeal, as herein provided, final decisions by a Board of General Appraisers in all cases as to the construction of the law and the facts respecting the classification of merchandise and the rate of duty imposed thereon under such classification, and the fees and charges con-

nected therewith, and all appealable questions as to the jurisdiction of said board, and all appealable questions as to the laws and regulations governing the collection of the customs revenues; and the judgments and decrees of said Court of Customs Appeals shall be final in all such cases.

Act March 3, 1911, c. 231, § 195, 36 Stat. 1145.
See Act Aug. 5, 1909, c. 6, § 28, 36 Stat. 91, 105.

Other courts deprived of jurisdiction in customs cases; pending cases excepted.

Sec. 196. After the organization of said court, no appeal shall be taken or allowed from any Board of United States General Appraisers to any other court, and no appellate jurisdiction shall thereafter be exercised or allowed by any other courts in cases decided by said Board of United States General Appraisers; but all appeals allowed by law from such Board of General Appraisers shall be subject to review only in the Court of Customs Appeals hereby established, according to the provisions of this chapter: Provided, That nothing in this chapter shall be deemed to deprive the Supreme Court of the United States of jurisdiction to hear and determine all customs cases which have heretofore been certified to said court from the United States circuit courts of appeals on applications for writs of certiorari or otherwise, nor to review by writ of certiorari any customs case heretofore decided or now pending and hereafter decided by any circuit court of appeals, provided application for said writ be made within six months after August fifth, nineteen hundred and nine: Provided further, That all customs cases decided by a circuit or district court of the United States or a court of a Territory of the United States prior to said date above mentioned, and which have not been removed from said courts by appeal or writ of error, and all such cases theretofore submitted for decision in said courts and remaining undecided may be reviewed on appeal at the instance of either party by the United States Court of Customs Appeals, provided such appeal be taken within one year from the date of the entry of the order, judgment, or decrees sought to be reviewed.

Act March 3, 1911, c. 231, § 196, 36 Stat. 1145.
See Act Aug. 5, 1909, c. 6, § 28, 36 Stat. 91, 105.

Transfer to Customs Court of pending cases; completion of testimony.

Sec. 197. Immediately upon the organization of the Court of Customs Appeals, all cases within the jurisdiction of that court pending and not submitted for decision in any of the United States circuit courts of appeals, United States circuit, territorial or district courts, shall, with the record and samples therein, be certified by said courts to said Court of Customs Appeals for further proceedings in accordance herewith: Provided, That where orders for the taking of further testimony before a referee have been made in any of such cases, the taking of such testimony shall be completed before such certification.

Act March 3, 1911, c. 231, § 197, 36 Stat. 1145.
See Act Aug. 5, 1909, c. 6, § 28, 36 Stat. 91, 105.

Appeals from Board of General Appraisers; time within which to be taken; record to be transmitted to Customs Court.

Sec. 198. If the importer, owner, consignee, or agent of any imported merchandise, or the collector or Secretary of the Treasury,

shall be dissatisfied with the decision of the Board of General Appraisers as to the construction of the law and the facts respecting the classification of such merchandise and the rate of duty imposed thereon under such classification, or with any other appealable decision of said board, they, or either of them, may, within sixty days next after the entry of such decree or judgment, and not afterwards, apply to the Court of Customs Appeals for a review of the questions of law and fact involved in such decision: Provided, That in Alaska and in the insular and other outside possessions of the United States ninety days shall be allowed for making such application to the Court of Customs Appeals. Such application shall be made by filing in the office of the clerk of said court a concise statement of errors of law and fact complained of; and a copy of such statement shall be served on the collector, or on the importer, owner, consignee, or agent, as the case may be. Thereupon the court shall immediately order the Board of General Appraisers to transmit to said court the record and evidence taken by them, together with the certified statement of the facts involved in the case and their decision thereon; and all the evidence taken by and before said board shall be competent evidence before said Court of Customs Appeals. The decision of said Court of Customs Appeals shall be final, and such cause shall be remanded to said Board of General Appraisers for further proceedings to be taken in pursuance of such determination.

Act March 3, 1911, c. 231, § 198, 36 Stat. 1146.
See Act Aug. 5, 1909, c. 6, § 28, 36 Stat. 91, 105.

Records filed in Customs Court to be at once placed on calendar; calendar to be called every sixty days.

Sec. 199. Immediately upon receipt of any record transmitted to said court for determination the clerk thereof shall place the same upon the calendar for hearing and submission; and such calendar shall be called and all cases thereupon submitted, except for good cause shown, at least once every sixty days: Provided, That such calendar need not be called during the months of July and August of any year.

Act March 3, 1911, c. 231, § 199, 36 Stat. 1146.
See Act Aug. 5, 1909, c. 6, § 28, 36 Stat. 91, 105.

CHAPTER NINE.

The Commerce Court.

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Commerce Court created; judges of, appointment and designation; expense allowance to judges.

Sec. 200. There shall be a court of the United States, to be known as the Commerce Court, which shall be a court of record, and shall have a seal of such form and style as the court may prescribe. The said court shall be composed of five judges, to be from time to time designated and assigned thereto by the Chief Justice of the United States, from among the circuit judges of the United States, for the period of five years, except that in the first instance the court shall be composed of the five additional circuit judges referred to in the next succeeding section, who shall be designated by the President to serve for one, two, three, four, and five years, respectively, in order that the period of designation of one of the said judges shall expire in each year thereafter. In case of the death, resignation, or termination of assignment of any judge so designated, the Chief Justice shall designate a circuit judge to fill the vacancy so caused and to serve during the unexpired period for which the original designation was made. After the year nineteen hundred and fourteen no circuit judge shall be redesignated to serve in the Commerce Court until the expiration of at least one year after the expiration of the period of his last previous designation. The judge first designated for the five-year period shall be the presiding judge of said court, and thereafter the judge senior in designation shall be the presiding judge. The associate judges shall have precedence and shall succeed to the place and powers of the presiding judge whenever he may be absent or incapable of acting in the order of the date of their designations. Four of said judges shall constitute a quorum, and at least a majority of the court shall concur in all decisions. Each of the judges during the period of his service in the Commerce Court shall, on account of the regular sessions of the court being held in the city of Washington, receive in addition to his salary as circuit judge an expense allowance at the rate of one thousand five hundred dollars per annum.

Act March 3, 1911, c. 231, § 200, 36 Stat. 1146.
See Act June 18, 1910, c. 309, § 1, 36 Stat. 539.

Additional circuit judges; appointment and assignment.

Sec. 201. The five additional circuit judges authorized by the Act to create a Commerce Court, and for other purposes, approved June eighteenth, nineteen hundred and ten, shall hold office during good behavior, and from time to time shall be designated and assigned by the Chief Justice of the United States for service in the district court of any district, or the circuit court of appeals for any circuit, or in the Commerce Court, and when so designated and assigned for service in a district court or circuit court of appeals shall have the powers and jurisdiction in this Act conferred upon a circuit judge in his circuit.

Act March 3, 1911, c. 231, § 201, 36 Stat. 1147.
See Act June 18, 1910, c. 309, § 1, 36 Stat. 539.

Officers of the court; clerk, marshal, etc.; salaries, etc.

Sec. 202. The court shall also have a clerk and a marshal, with the same duties and powers, so far as they may be appropriate and are not altered by rule of the court, as are now possessed by the clerk and marshal, respectively, of the Supreme Court of the United States. The offices of the clerk and marshal of the court shall be in the city of Washington, in the District of Columbia. The judges of the court shall appoint the clerk and marshal, and may also appoint, if they find it necessary, a deputy clerk and deputy marshal; and such clerk, marshal, deputy clerk, and deputy marshal, shall hold office during the pleasure of the court. The salary of the clerk shall be four thousand dollars per annum; the salary of the marshal three thousand dollars per annum; the salary of the deputy clerk two thousand five hundred dollars per annum; and the salary of the deputy marshal two thousand five hundred dollars per annum. The said clerk and marshal may, with the approval of the court, employ all requisite assistance. The costs and fees in said court shall be established by the court in a table thereof, approved by the Supreme Court of the United States, within four months after the organization of the court; but such costs and fees shall in no case exceed those charged in the Supreme Court of the United States, and shall be accounted for and paid into the Treasury of the United States.

Act March 3, 1911, c. 231, § 202, 36 Stat. 1147.
See Act June 18, 1910, c. 309, § 1, 36 Stat. 539.

Court to be always open for business; sessions of, to be held in Washington and elsewhere.

Sec. 203. The Commerce Court shall always be open for the transaction of business. Its regular sessions shall be held in the city of Washington, in the District of Columbia; but the powers of the court or of any judge thereof, or of the clerk, marshal, deputy clerk, or deputy marshal, may be exercised anywhere in the United States; and for expedition of the work of the court and the avoidance of undue expense or inconvenience to suitors the court shall hold sessions in different parts of the United States as may be found desirable. The actual and necessary expenses of the judges, clerk, marshal, deputy clerk, and deputy marshal of the court incurred for travel and attendance elsewhere than in the city of Washington shall be paid upon the written and itemized certificate of such judge, clerk, marshal, deputy clerk, or deputy marshal, by the marshal of the court, and shall be allowed to him in the settlement of his accounts with the United States.

Act March 3, 1911, c. 231, § 203, 36 Stat. 1147.
See Act June 18, 1910, c. 309, § 1, 36 Stat. 539.

Marshals to provide rooms for holding court outside of Washington.

Sec. 204. The United States marshals of the several districts outside of the city of Washington in which the Commerce Court may hold its sessions shall provide, under the direction and with the approval of the Attorney General, such rooms in the public buildings of the United States as may be necessary for the court's use; but in case proper rooms can not be provided in such public buildings, said marshals, with the approval of the Attorney General, may then lease from time to time other necessary rooms for the court.

Act March 3, 1911, c. 231, § 204, 36 Stat. 1148.
See Act June 18, 1910, c. 309, § 1, 36 Stat. 539.

Assignment of judges to other duty; vacancies, how filled.

Sec. 205. If, at any time, the business of the Commerce Court does not require the services of all the judges, the Chief Justice of the United States may, by writing, signed by him and filed in the Department of Justice, terminate the assignment of any of the judges or temporarily assign him for service in any district court or circuit court of appeals. In case of illness or other disability of any judge assigned to the Commerce Court the Chief Justice of the United States may assign any other circuit judge of the United States to act in his place, and may terminate such assignment when the exigency therefor shall cease; and any circuit judge so assigned to act in place of such judge shall, during his assignment, exercise all the powers and perform all the functions of such judge.

Act March 3, 1911, c. 231, § 205, 36 Stat. 1148.
See Act June 18, 1910, c. 309, § 1, 36 Stat. 539.

Powers of court and judges; writs, process, procedure, etc.

Sec. 206. In all cases within its jurisdiction the Commerce Court, and each of the judges assigned thereto, shall, respectively, have and may exercise any and all of the powers of a district court of the United States and of the judges of said court, respectively, so far as the same may be appropriate to the effective exercise of the jurisdiction hereby conferred. The Commerce Court may issue all writs and process appropriate to the full exercise of its jurisdiction and powers and may prescribe the form thereof. It may also, from time to time, establish such rules and regulations concerning pleading, practice, or procedure in cases or matters within its jurisdiction as to the court shall seem wise and proper. Its orders, writs, and process may run, be served, and be returnable anywhere in the United States; and the marshal and deputy marshal of said court and also the United States marshals and deputy marshals in the several districts of the United States shall have like powers and be under like duties to act for and in behalf of said court as pertain to United States marshals and deputy marshals generally when acting under like conditions concerning suits or matters in the district courts of the United States.

Act March 3, 1911, c. 231, § 206, 36 Stat. 1148.
See Act June 18, 1910, c. 309, § 1, 36 Stat. 539.

Jurisdiction of the court.

Sec. 207. The Commerce Court shall have the jurisdiction possessed by circuit courts of the United States and the judges thereof immediately prior to June eighteenth, nineteen hundred and ten, over all cases of the following kinds:

First. All cases for the enforcement, otherwise than by adjudication and collection of a forfeiture or penalty or by infliction of criminal punishment, of any order of the Interstate Commerce Commission other than for the payment of money.

Second. Cases brought to enjoin, set aside, annul, or suspend in whole or in part any order of the Interstate Commerce Commission.

Third. Such cases as by section three of the Act entitled "An Act to further regulate commerce with foreign nations and among the States," approved February nineteenth, nineteen hundred and three, are authorized to be maintained in a circuit court of the United States.

Fourth. All such mandamus proceedings as under the provisions of section twenty or section twenty-three of the Act entitled "An Act to regulate commerce," approved February fourth, eighteen hundred and eighty-seven, as amended, are authorized to be maintained in a circuit court of the United States.

Nothing contained in this chapter shall be construed as enlarging the jurisdiction now possessed by the circuit courts of the United States or the judges thereof, that is hereby transferred to and vested in the Commerce Court.

The jurisdiction of the Commerce Court over cases of the foregoing classes shall be exclusive; but this chapter shall not affect the jurisdiction possessed by any circuit or district court of the United States over cases or proceedings of a kind not within the above-enumerated classes.

Act March 3, 1911, c. 231, § 207, 36 Stat. 1148.
See Act June 18, 1910, c. 539, § 1, 36 Stat. 539.

Suits to enjoin, etc., orders of Interstate Commerce Commission to be against United States; restraining orders, when granted without notice.

Sec. 208. Suits to enjoin, set aside, annul, or suspend any order of the Interstate Commerce Commission shall be brought in the Commerce Court against the United States. The pendency of such suit shall not of itself stay or suspend the operation of the order of the Interstate Commerce Commission; but the Commerce Court, in its discretion, may restrain or suspend, in whole or in part, the operation of the commission's order pending the final hearing and determination of the suit. No order or injunction so restraining or suspending an order of the Interstate Commerce Commission shall be made by the Commerce Court otherwise than upon notice and after hearing, except that in cases where irreparable damage would otherwise ensue to the petitioner, said court, or a judge thereof may, on hearing after not less than three days' notice to the Interstate Commerce Commission and the Attorney General, allow a temporary stay or suspension in whole or in part of the operation of the order of the Interstate Commerce Commission for not more than sixty days from the date of the order of such court or judge, pending application to the court for its order or injunction, in which case the said order shall contain a specific finding, based upon evidence submitted to the judge making the order and identified by reference thereto, that such irreparable damage would result to the petitioner and specifying the nature of the damage. The court may, at the time of hearing such application, upon a like finding, continue the temporary stay or suspension in whole or in part until its decision upon the application.

Act March 3, 1911, c. 231, § 208, 36 Stat. 1149.
See Act June 18, 1910, c. 309, § 3, 36 Stat. 542.

Jurisdiction of the court, how invoked; practice and procedure.

Sec. 209. The jurisdiction of the Commerce Court shall be invoked by filing in the office of the clerk of the court a written petition setting forth briefly and succinctly the facts constituting the petitioner's cause of action, and specifying the relief sought. A copy of such petition shall be forthwith served by the marshal or a deputy marshal of the Commerce Court or by the proper United States marshal or

deputy marshal upon every defendant therein named, and when the United States is a party defendant, the service shall be made by filing a copy of said petition in the office of the Secretary of the Interstate Commerce Commission and in the Department of Justice. Within thirty days after the petition is served, unless that time is extended by order of the court or a judge thereof, an answer to the petition shall be filed in the clerk's office, and a copy thereof mailed to the petitioner's attorney, which answer shall briefly and categorically respond to the allegations of the petition. No replication need be filed to the answer, and objections to the sufficiency of the petition or answer as not setting forth a cause of action or defense must be taken at the final hearing or by motion to dismiss the petition based on said grounds, which motion may be made at any time before answer is filed. In case no answer shall be filed as provided herein the petitioner may apply to the court on notice for such relief as may be proper upon the facts alleged in the petition. The court may, by rule, prescribe the method of taking evidence in cases pending in said court; and may prescribe that the evidence be taken before a single judge of the court, with power to rule upon the admission of evidence. Except as may be otherwise provided in this chapter, or by rule of the court, the practice and procedure in the Commerce Court shall conform as nearly as may be to that in like cases in a district court of the United States.

Act March 3, 1911, c. 231, § 209, 36 Stat. 1149.
See Act June 18, 1910, c. 309, § 1, 36 Stat. 539.

Final judgments and decrees reviewable in Supreme Court.

Sec. 210. A final judgment or decree of the Commerce Court may be reviewed by the Supreme Court of the United States if appeal to the Supreme Court be taken by an aggrieved party within sixty days after the entry of said final judgment or decree. Such appeal may be taken in like manner as appeals from a district court of the United States to the Supreme Court, and the Commerce Court may direct the original record to be transmitted on appeal instead of a transcript thereof. The Supreme Court may affirm, reverse, or modify the final judgment or decree of the Commerce Court as the case may require. Appeal to the Supreme Court, however, shall in no case supersede or stay the judgment or decree of the Commerce Court appealed from, unless the Supreme Court or a justice thereof shall so direct; and appellant shall give bond in such form and of such amount as the Supreme Court, or the justice of that court allowing the stay, may require. An appeal may also be taken to the Supreme Court of the United States from an interlocutory order or decree of the Commerce Court granting or continuing an injunction restraining the enforcement of an order of the Interstate Commerce Commission, provided such appeal be taken within thirty days from the entry of such order or decree. Appeals to the Supreme Court under this section shall have priority in hearing and determination over all other causes except criminal causes in that court.

Act March 3, 1911, c. 231, § 210, 36 Stat. 1150.
See Act June 18, 1910, c. 309, § 2, 36 Stat. 542.

Suits to be against United States; when United States may intervene.

Sec. 211. All cases and proceedings in the Commerce Court which but for this chapter would be brought by or against the Interstate

Commerce Commission, shall be brought by or against the United States, and the United States may intervene in any case or proceeding in the Commerce Court whenever, though it has not been made a party, public interests are involved.

Act March 3, 1911, c. 231, § 211, 36 Stat. 1150.
See Act June 18, 1910, c. 309, § 4, 36 Stat. 542.

Attorney General to control all cases; Interstate Commerce Commission may appear as of right; parties interested may intervene, etc.

Sec. 212. The Attorney General shall have charge and control of the interests of the Government in all cases and proceedings in the Commerce Court, and in the Supreme Court of the United States upon appeal from the Commerce Court. If in his opinion the public interest requires it, he may retain and employ in the name of the United States, within the appropriations from time to time made by the Congress for such purposes, such special attorneys and counselors at law as he may think necessary to assist in the discharge of any of the duties incumbent upon him and his subordinate attorneys; and the Attorney General shall stipulate with such special attorneys and counsel the amount of their compensation, which shall not be in excess of the sums appropriated therefor by Congress for such purposes, and shall have supervision of their action: Provided, That the Interstate Commerce Commission and any party or parties in interest to the proceeding before the commission, in which an order or requirement is made, may appear as parties thereto of their own motion and as of right, and be represented by their counsel, in any suit wherein is involved the validity of such order or requirement or any part thereof, and the interest of such party; and the court wherein is pending such suit may make all such rules and orders as to such appearances and representations, the number of counsel, and all matters of procedure, and otherwise, as to subserve the ends of justice and speed the determination of such suits: Provided further, That communities, associations, corporations, firms, and individuals who are interested in the controversy or question before the Interstate Commerce Commission, or in any suit which may be brought by any one under the provisions of this chapter, or the Acts of which it is amendatory or which are amendatory of it, relating to action of the Interstate Commerce Commission, may intervene in said suit or proceedings at any time after the institution thereof; and the Attorney General shall not dispose of or discontinue said suit or proceeding over the objection of such party or intervenor aforesaid, but said intervenor or intervenors may prosecute, defend, or continue said suit or proceeding unaffected by the action or non-action of the Attorney General therein.

Act March 3, 1911, c. 231, § 212, 36 Stat. 1150.
See Act June 18, 1910, c. 309, § 5, 36 Stat. 543.

Complainants may appear and be made parties to case.

Sec. 213. Complainants before the Interstate Commerce Commission interested in a case shall have the right to appear and be made parties to the case and be represented before the courts by counsel, under such regulations as are now permitted in similar circumstances under the rules and practice of equity courts of the United States.

Act March 3, 1911, c. 231, § 213, 36 Stat. 1151.
See Act June 18, 1910, c. 309, § 5, 36 Stat. 543.

Pending cases to be transferred to Commerce Court; exception; status of transferred cases.

Sec. 214. Until the opening of the Commerce Court, all cases and proceedings of which from that time the Commerce Court is hereby given exclusive jurisdiction may be brought in the same courts and conducted in like manner and with like effect as is now provided by law; and if any such case or proceeding shall have gone to final judgment or decree before the opening of the Commerce Court, appeal may be taken from such final judgment or decree in like manner and with like effect as is now provided by law. Any such case or proceeding within the jurisdiction of the Commerce Court which may have been begun in any other court as hereby allowed, before the said date, shall be forthwith transferred to the Commerce Court, if it has not yet proceeded to final judgment or decree in such other court unless it has been finally submitted for the decision of such court, in which case the cause shall proceed in such court to final judgment or decree and further proceeding thereafter, and appeal may be taken direct to the Supreme Court; and if remanded, such cause may be sent back to the court from which the appeal was taken or to the Commerce Court for further proceeding as the Supreme Court shall direct. All previous proceedings in such transferred case shall stand and operate notwithstanding the transfer, subject to the same control over them by the Commerce Court and to the same right of subsequent action in the case or proceeding as if the transferred case or proceeding had been originally begun in the Commerce Court. The clerk of the court from which any case or proceeding is so transferred to the Commerce Court shall transmit to and file in the Commerce Court the originals of all papers filed in such case or proceeding and a certified transcript of all record entries in the case or proceeding up to the time of transfer.

Act March 3, 1911, c. 231, § 214, 36 Stat. 1151.
See Act June 18, 1910, c. 309, § 6, 36 Stat. 544.

CHAPTER TEN.

The Supreme Court.

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Number of justices.

Sec. 215. The Supreme Court of the United States shall consist of a Chief Justice of the United States and eight associate justices, any six of whom shall constitute a quorum.

Act March 3, 1911, c. 231, § 215, 36 Stat. 1152.
See Rev. St. § 673, Comp. St. 1901, p. 558.

Precedence of the associate justices.

Sec. 216. The associate justices shall have precedence according to the dates of their commissions, or, when the commissions of two or more of them bear the same date, according to their ages.

Act March 3, 1911, c. 231, § 216, 36 Stat. 1152.
See Rev. St. § 674, Comp. St. 1901, p. 558.

Vacancy in the office of Chief Justice.

Sec. 217. In case of a vacancy in the office of Chief Justice, or of his inability to perform the duties and powers of his office, they shall devolve upon the associate justice who is first in precedence, until such disability is removed, or another Chief Justice is appointed and duly qualified. This provision shall apply to every associate justice who succeeds to the office of Chief Justice.

Act March 3, 1911, c. 231, § 217, 36 Stat. 1152.
See Rev. St. § 675, Comp. St. 1901, p. 558.

Salaries of justices.

Sec. 218. The Chief Justice of the Supreme Court of the United States shall receive the sum of fifteen thousand dollars a year, and the justices thereof shall receive the sum of fourteen thousand five hundred dollars a year each, to be paid monthly.

Act March 3, 1911, c. 231, § 218, 36 Stat. 1152.
See Rev. St. § 676, Comp. St. 1901, p. 558; Act Feb. 12, 1903, c. 547, 32 Stat. 825.

Clerk, marshal, and reporter.

Sec. 219. The Supreme Court shall have power to appoint a clerk and a marshal for said court, and a reporter of its decisions.

Act March 3, 1911, c. 231, § 219, 36 Stat. 1152.
See Rev. St. § 677, Comp. St. 1901, p. 559.

The clerk to give bond.

Sec. 220. The clerk of the Supreme Court shall, before he enters upon the execution of his office, give bond, with sufficient sureties, to be approved by the court, to the United States, in the sum of not less than five thousand and not more than twenty thousand dollars, to be determined and regulated by the Attorney General, faithfully to discharge the duties of his office, and seasonably to record the decrees, judgments, and determinations of the court. The Supreme Court may at any time, upon the motion of the Attorney General, to be made upon thirty days' notice, require a new bond, or a bond for an increased amount within the limits above prescribed; and the failure of the clerk to execute the same shall vacate his office. All bonds given by the clerk shall, after approval, be recorded in his office, and copies thereof from the records, certified by the clerk under seal of the court, shall be competent evidence in any court. The original bonds shall be filed in the Department of Justice.

Act March 3, 1911, c. 231, § 220, 36 Stat. 1152.
See Act Feb. 22, 1875, c. 95, § 3, Comp. St. 1901, p. 619.

Deputies of the clerk.

Sec. 221. One or more deputies of the clerk of the Supreme Court may be appointed by the court on the application of the clerk, and may be removed at the pleasure of the court. In case of the death of the clerk, his deputy or deputies shall, unless removed, continue in office and perform the duties of the clerk in his name until a clerk is appointed and qualified; and for the defaults or misfeasances in office of any such deputy, whether in the lifetime of the clerk or after his death, the clerk, and his estate, and the sureties on his official bond shall be liable; and his executor or administrator shall have such remedy for any such defaults or misfeasances committed after his death as the clerk would be entitled to if the same had occurred in his lifetime.

Act March 3, 1911, c. 231, § 221, 36 Stat. 1153.
See Rev. St. § 678, Comp. St. 1901, p. 559.

Records of the old court of appeals.

Sec. 222. The records and proceedings of the court of appeals, appointed previous to the adoption of the present Constitution, shall be kept in the office of the clerk of the Supreme Court, who shall give copies thereof to any person requiring and paying for them, in the manner provided by law for giving copies of the records and proceedings of the Supreme Court; and such copies shall have like faith and credit with all other proceedings of said court.

Act March 3, 1911, c. 231, § 222, 36 Stat. 1153.
See Rev. St. § 679, Comp. St. 1901, p. 559.

Tables of fees.

Sec. 223. The Supreme Court is authorized and empowered to prepare the tables of fees to be charged by the clerk thereof.

Act March 3, 1911, c. 231, § 223, 36 Stat. 1153.
See Act March 3, 1883, c. 143, § 1, Comp. St. 1901, p. 650.

Marshal of the Supreme Court.

Sec. 224. The marshal is entitled to receive a salary at the rate of four thousand five hundred dollars a year. He shall attend the court at its sessions; shall serve and execute all process and orders

issuing from it, or made by the Chief Justice or an associate justice in pursuance of law; and shall take charge of all property of the United States used by the court or its members. With the approval of the Chief Justice he may appoint assistants and messengers to attend the court, with the compensation allowed to officers of the House of Representatives of similar grade.

Act March 3, 1911, c. 231, § 224, 36 Stat. 1153.
See Rev. St. § 680, Comp. St. 1901, p. 560.

Duties of the reporter.

Sec. 225. The reporter shall cause the decisions of the Supreme Court to be printed and published within eight months after they are made; and within the same time he shall deliver three hundred copies of the volumes of said reports to the Attorney General. The reporter shall, in any year when he is so directed by the court, cause to be printed and published a second volume of said decisions, of which he shall deliver a like number of copies in like manner and time.

Act March 3, 1911, c. 231, § 225, 36 Stat. 1153.
See Rev. St. § 681, Comp. St. 1901, p. 560.

Reporter's salary and allowances.

Sec. 226. The reporter shall be entitled to receive from the Treasury an annual salary of four thousand five hundred dollars when his report of said decisions constitutes one volume, and an additional sum of one thousand two hundred dollars when, by direction of the court, he causes to be printed and published in any year a second volume; and said reporter shall be annually entitled to clerk hire in the sum of one thousand two hundred dollars, and to office rent, stationery, and contingent expenses in the sum of six hundred dollars: Provided, That the volumes of the decisions of the court heretofore published shall be furnished by the reporter to the public at a sum not exceeding two dollars per volume, and those hereafter published at a sum not exceeding one dollar and seventy-five cents per volume; and the number of volumes now required to be delivered to the Attorney General shall be furnished by the reporter without any charge therefor. Said salary and compensation, respectively, shall be paid only when he causes such decisions to be printed, published, and delivered within the time and in the manner prescribed by law, and upon the condition that the volumes of said reports shall be sold by him to the public for a price not exceeding one dollar and seventy-five cents a volume.

Act March 3, 1911, c. 231, § 226, 36 Stat. 1153.
See Act Aug. 5, 1882, c. 389, § 1, Comp. St. 1901, p. 561.

Distribution of reports and digests.

Sec. 227. The Attorney General shall distribute copies of the Supreme Court reports, as follows: To the President, the justices of the Supreme Court, the judges of the Commerce Court, the judges of the Court of Customs Appeals, the judges of the circuit courts of appeals, the judges of the district courts, the judges of the Court of Claims, the judges of the Court of Appeals and of the Supreme Court of the District of Columbia, the judges of the several Territorial courts, the Secretary of State, the Secretary of the Treasury, the Secretary of War, the Secretary of the Navy, the Secretary of the Interior, the Postmaster General, the Attorney General, the Secretary

of Agriculture, the Secretary of Commerce and Labor, the Solicitor General, the Assistant to the Attorney General, each Assistant Attorney General, each United States district attorney, each Assistant Secretary of each Executive Department, the Assistant Postmasters General, the Secretary of the Senate for the use of the Senate, the Clerk of the House of Representatives for the use of the House of Representatives, the Governors of the Territories, the Solicitor for the Department of State, the Treasurer of the United States, the Solicitor of the Treasury, the Register of the Treasury, the Comptroller of the Treasury, the Comptroller of the Currency, the Commissioner of Internal Revenue, the Director of the Mint, each of the six Auditors in the Treasury Department, the Judge Advocate General, War Department, the Paymaster General, War Department, the Judge Advocate General, Navy Department, the Commissioner of Indian Affairs, the Commissioner of Pensions, the Commissioner of the General Land Office, the Commissioner of Patents, the Commissioner of Education, the Commissioner of Labor, the Commissioner of Navigation, the Commissioner of Corporations, the Commissioner General of Immigration, the Chief of the Bureau of Manufactures, the Director of the Geological Survey, the Director of the Census, the Forester, Department of Agriculture, the Purchasing Agent, Post Office Department, the Interstate Commerce Commission, the Clerk of the Supreme Court of the United States, the Marshal of the Supreme Court of the United States, the Attorney for the District of Columbia, the Naval Academy at Annapolis, the Military Academy at West Point, and the heads of such other executive offices as may be provided by law, of equal grade with any of said offices, each one copy; to the Law Library of the Supreme Court, twenty-five copies; to the Law Library of the Department of the Interior, two copies; to the Law Library of the Department of Justice, two copies; to the Secretary of the Senate for the use of the committees of the Senate, twenty-five copies; to the Clerk of the House of Representatives for the use of the committees of the House, thirty copies; to the Marshal of the Supreme Court of the United States, as custodian of the public property used by the court, for the use of the justices thereof in the conference room, robing room, and court room, three copies; to the Secretary of War for the use of the proper courts and officers of the Philippine Islands and for the headquarters of military departments in the United States, twelve copies; and to each of the places where district courts of the United States are now holden, including Hawaii, and Porto Rico, one copy. He shall also distribute one complete set of said reports, and one set of the digests thereof, to such executive officers as are entitled to receive said reports under this section and have not already received them, to each United States judge and to each United States district attorney who has not received a set, to each of the places where district courts are now held to which said reports have not been distributed, and to each of the places at which a district court may hereafter be held, the edition of said reports and digests to be selected by the judge or officer receiving them. No distribution of reports and digests under this section shall be made to any place where the court is held in a building not owned by the United States, unless there be at such place a United States officer to whose responsible custody they can be committed. The clerks of

said courts (except the Supreme Court) shall in all cases keep said reports and digest for the use of the courts and of the officers thereof. Such reports and digest shall remain the property of the United States, and shall be preserved by the officers above named and by them turned over to their successors in office.

Act March 3, 1911, c. 231, § 227, 36 Stat. 1154.

See Rev. St. § 683, Comp. St. 1901, p. 561; Act Feb. 12, 1889, c. 135, Comp. St. 1901, p. 562; Act July 1, 1902, c. 1355, 32 Stat. 630.

A subsequent provision for distribution of the Supreme Court Reports to the libraries of the circuit courts of appeals, contained in Act March 4, 1911, c. 285, § 1, is set forth below.

The usual provision of the annual appropriation acts, mentioned in the note under Act Feb. 12, 1889, c. 135, in Comp. St., 1901, p. 563, that "the printing for the Supreme Court shall be done by the printer it may employ, unless it shall otherwise order," is repeated in the sundry civil appropriation act for the fiscal year ending June 30, 1912, Act March 4, 1911, c. 285, § 1, 36 Stat.

[Distribution of reports to libraries of circuit courts of appeals.]

[Sec. 227a.] * * That the Secretary of the Interior shall hereafter distribute the Supreme Court Reports to the libraries of the United States circuit courts of appeals.

Act March 4, 1911, c. 285, § 1, 36 Stat. 1419.

This is a proviso annexed to the appropriation for payment to the publishers for certain volumes of the decisions of the Supreme Court, in the sundry civil appropriation act for the fiscal year ending June 30, 1912, cited above.

Under the provisions of the Judicial Code, ante, §§ 225–227, post, § 228, relating to the reports of the Supreme Court, the copies thereof required to be furnished are to be delivered to and distributed by the Attorney-General, instead of the Secretary of the Interior, as in this and other previous provisions.

Additional reports and digests; limitation upon cost; estimates to be submitted to Congress annually.

Sec. 228. The publishers of the decisions of the Supreme Court shall deliver to the Attorney General, in addition to the three hundred copies delivered by the Reporter, such number of copies of each report heretofore published, as the Attorney General may require, for which he shall pay not more than two dollars per volume, and such number of copies of each report hereafter published as he may require, for which he shall pay not more than one dollar and seventy-five cents per volume. The Attorney General shall include in his annual estimates submitted to Congress, an estimate for the current volumes of such reports, and also for the additional sets of reports and digests required for distribution under the section last preceding.

Act March 3, 1911, c. 231, § 228, 36 Stat. 1155.

See Act Feb. 12, 1889, c. 135, Comp. St. 1901, p. 562; Act July 1, 1902, c. 1355, 32 Stat. 630.

Distribution of Federal Reporter, etc., and Digests.

Sec. 229. The Attorney General is authorized to procure complete sets of the Federal Reporter or, in his discretion, other publication containing the decisions of the circuit courts of appeals, circuit courts, and district courts, and digests thereof, and also future volumes of the same as issued, and distribute a copy of each such reports and digests to each place where a circuit court of appeals, or a district court, is now or may hereafter regularly be held, and to the Supreme

Court of the United States, the Court of Claims, the court of Customs Appeals, the Commerce Court, the Court of Appeals and the Supreme Court of the District of Columbia, the Attorney General, the Solicitor General, the Solicitor of the Treasury, the Assistant Attorney General for the Department of the Interior, the Commissioner of Patents, and the Interstate Commerce Commission; and to the Secretary of the Senate, for the use of the Senate, and to the Clerk of the House of Representatives, for the use of the House of Representatives, not more than three sets each. Whenever any such court room, office, or officer shall have a partial or complete set of any such reports, or digests, already purchased or owned by the United States, the Attorney General shall distribute to such court room, office, or officer, only sufficient volumes to make a complete set thereof. No distribution of reports or digests under this section shall be made to any place where the court is held in a building not owned by the United States, unless there be at such place a United States officer to whose responsible custody they can be committed. The clerks of the courts (except the Supreme Court) to which the reports and digests are distributed under this section, shall keep such reports and digests for the use of the courts and the officers thereof. All reports and digests distributed under the provisions of this section shall be and remain the property of the United States and, before distribution, shall be plainly marked on their covers with the words "The Property of the United States," and shall be transmitted by the officers receiving them to their successors in office. Not to exceed two dollars per volume shall be paid for the back and current volumes of the Federal Reporter or other publication purchased under the provisions of this section, and not to exceed five dollars per volume for the digest, the said money to be disbursed under the direction of the Attorney General; and the Attorney General shall include in his annual estimates submitted to Congress, an estimate for the back and current volumes of such reports and digests, the distribution of which is provided for in this section.

Act March 3, 1911, c. 231, § 229, 36 Stat. 1155.

Terms.

Sec. 230. The Supreme Court shall hold at the seat of government, one term annually, commencing on the second Monday in October, and such adjourned or special terms as it may find necessary for the dispatch of business.

Act March 3, 1911, c. 231, § 230, 36 Stat. 1156.
See Rev. St. § 684, Comp. St. 1901, p. 563.

Adjournment for want of a quorum.

Sec. 231. If, at any session of the Supreme Court, a quorum does not attend on the day appointed for holding it, the justices who do attend may adjourn the court from day to day for twenty days after said appointed time, unless there be sooner a quorum. If a quorum does not attend within said twenty days, the business of the court shall be continued over till the next appointed session; and if, during a term, after a quorum has assembled, less than that number attend on any day, the justices attending may adjourn the court from day to day until there is a quorum, or may adjourn without day.

Act March 3, 1911, c. 231, § 231, 36 Stat. 1156.
See Rev. St. § 685, Comp. St. 1901, p. 563.

Certain orders made by less than quorum.

Sec. 232. The justices attending at any term, when less than a quorum is present, may, within the twenty days mentioned in the preceding section, make all necessary orders touching any suit, proceeding, or process, depending in or returned to the court, preparatory to the hearing, trial, or decision thereof.

Act March 3, 1911, c. 231, § 232, 36 Stat. 1156.
See Rev. St. § 686, Comp. St. 1901, p. 564.

Original jurisdiction.

Sec. 233. The Supreme Court shall have exclusive jurisdiction of all controversies of a civil nature where a State is a party, except between a State and its citizens, or between a State and citizens of other States, or aliens, in which latter cases it shall have original, but not exclusive, jurisdiction. And it shall have exclusively all such jurisdiction of suits or proceedings against ambassadors or other public ministers, or their domestics or domestic servants, as a court of law can have consistently with the law of nations; and original, but not exclusive, jurisdiction, of all suits brought by ambassadors, or other public ministers, or in which a consul or vice consul is a party.

Act March 3, 1911, c. 231, § 233, 36 Stat. 1156.
See Rev. St. § 687, Comp. St. 1901, p. 565.

Writs of prohibition and mandamus.

Sec. 234. The Supreme Court shall have power to issue writs of prohibition to the district courts, when proceeding as courts of admiralty and maritime jurisdiction; and writs of mandamus, in cases warranted by the principles and usages of law, to any courts appointed under the authority of the United States, or to persons holding office under the authority of the United States, where a State, or an ambassador, or other public minister, or a consul, or vice consul is a party.

Act March 3, 1911, c. 231, § 234, 36 Stat. 1156.
See Rev. St. § 688, Comp. St. 1901, p. 565.

Issues of fact.

Sec. 235. The trial of issues of fact in the Supreme Court, in all actions at law against citizens of the United States, shall be by jury.

Act March 3, 1911, c. 231, § 235, 36 Stat. 1156.
See Rev. St. § 689, Comp. St. 1901, p. 565.

Appellate jurisdiction.

Sec. 236. The Supreme Court shall have appellate jurisdiction in the cases hereinafter specially provided for.

Act March 3, 1911, c. 231, § 236, 36 Stat. 1156.
See Rev. St. § 690, Comp. St. 1901, p. 566.

Writs of error from judgments and decrees of State courts.

Sec. 237. A final judgment or decree in any suit in the highest court of a State in which a decision in the suit could be had, where is drawn in question the validity of a treaty or statute of, or an authority exercised under, the United States, and the decision is against their validity; or where is drawn in question the validity of a statute of, or an authority exercised under any State, on the ground of their being repugnant to the Constitution, treaties, or laws of the United States, and the decision is in favor of their validity; or where any

title, right, privilege, or immunity is claimed under the Constitution, or any treaty or statute of, or commission held or authority exercised under, the United States, and the decision is against the title, right, privilege, or immunity especially set up or claimed, by either party, under such Constitution, treaty, statute, commission, or authority, may be reexamined and reversed or affirmed in the Supreme Court upon a writ of error. The writ shall have the same effect as if the judgment or decree complained of had been rendered or passed in a court of the United States. The Supreme Court may reverse, modify, or affirm the judgment or decree of such State court, and may, at their discretion, award execution or remand the same to the court from which it was removed by the writ.

Act March 3, 1911, c. 231, § 237, 36 Stat. 1156.
See Rev. St. § 709, Comp. St. 1901, p. 575.

Appeals and writs of error from United States district courts.

Sec. 238. Appeals and writs of error may be taken from the district courts, including the United States district court for Hawaii, direct to the Supreme Court in the following cases: In any case in which the jurisdiction of the court is in issue, in which case the question of jurisdiction alone shall be certified to the Supreme Court from the court below for decision; from the final sentences and decrees in prize causes; in any case that involves the construction or application of the Constitution of the United States; in any case in which the constitutionality of any law of the United States, or the validity or construction of any treaty made under its authority is drawn in question; and in any case in which the constitution or law of a State is claimed to be in contravention of the Constitution of the United States.

Act March 3, 1911, c. 231, § 238, 36 Stat. 1157.
See Act March 3, 1891, c. 517, § 5, 26 Stat. 827; Act Jan. 20, 1897, c. 68, Comp. St. 1901, p. 549; Act April 30, 1900, c. 339, § 86, 31 Stat. 158; Act March 3, 1909, c. 269, § 1, 35 Stat. 838.

Circuit court of appeals may certify questions to Supreme Court for instructions.

Sec. 239. In any case within its appellate jurisdiction, as defined in section one hundred and twenty-eight, the circuit court of appeals at any time may certify to the Supreme Court of the United States any questions or propositions of law concerning which it desires the instruction of that court for its proper decision; and thereupon the Supreme Court may either give its instruction on the questions and propositions certified to it, which shall be binding upon the circuit court of appeals in such case, or it may require that the whole record and cause be sent up to it for its consideration, and thereupon shall decide the whole matter in controversy in the same manner as if it had been brought there for review by writ of error or appeal.

Act March 3, 1911, c. 231, § 239, 36 Stat. 1157.
See Act March 3, 1891, c. 517, § 6, Comp. St. 1901, p. 549.

Certiorari to circuit court of appeals.

Sec. 240. In any case, civil or criminal, in which the judgment or decree of the circuit court of appeals is made final by the provisions of this Title, it shall be competent for the Supreme Court to require, by certiorari or otherwise, upon the petition of any party thereto, any such case to be certified to the Supreme Court for its review and

determination, with the same power and authority in the case as if it had been carried by appeal or writ of error to the Supreme Court.

Act March 3, 1911, c. 231, § 240, 36 Stat. 1157.
See Act March 3, 1891, c. 517, § 6, Comp. St. 1901, p. 549.

Appeals and writs of error in other cases.

Sec. 241. In any case in which the judgment or decree of the circuit court of appeals is not made final by the provisions of this Title, there shall be of right an appeal or writ of error to the Supreme Court of the United States where the matter in controversy shall exceed one thousand dollars, besides costs.

Act March 3, 1911, c. 231, § 241, 36 Stat. 1157.
See Act March 3, 1891, c. 517, § 6, Comp. St. 1901, p. 549.

Appeals from Court of Claims.

Sec. 242. An appeal to the Supreme Court shall be allowed on behalf of the United States, from all judgments of the Court of Claims adverse to the United States, and on behalf of the plaintiff in any case where the amount in controversy exceeds three thousand dollars, or where his claim is forfeited to the United States by the judgment of said court as provided in section one hundred and seventy-two.

Act March 3, 1911, c. 231, § 242, 36 Stat. 1157.
See Rev. St. § 707, Comp. St. 1901, p. 574.

Time and manner of appeals from the Court of Claims.

Sec. 243. All appeals from the Court of Claims shall be taken within ninety days after the judgment is rendered, and shall be allowed under such regulations as the Supreme Court may direct.

Act March 3, 1911, c. 231, § 243, 36 Stat. 1157.
See Rev. St. § 708, Comp. St. 1901, p. 575.

Writs of error and appeals from Supreme Court of and United States district court for Porto Rico.

Sec. 244. Writs of error and appeals from the final judgments and decrees of the supreme court of, and the United States district court for, Porto Rico, may be taken and prosecuted to the Supreme Court of the United States, in any case wherein is involved the validity of any copyright, or in which is drawn in question the validity of a treaty or statute of, or authority exercised under, the United States, or wherein the Constitution of the United States, or a treaty thereof, or an Act of Congress is brought in question and the right claimed thereunder is denied, without regard to the sum or value of the matter in dispute; and in all other cases in which the sum or value of the matter in dispute, exclusive of costs, to be ascertained by the oath of either party or of other competent witnesses, exceeds the sum or value of five thousand dollars. Such writs of error and appeals shall be taken within the same time, in the same manner, and under the same regulations as writs of error and appeals are taken to the Supreme Court of the United States from the district courts.

Act March 3, 1911, c. 231, § 244, 36 Stat. 1157.
See Act April 12, 1900, c. 191, § 35, 31 Stat. 85.

Writs of error and appeals from the Supreme Courts of Arizona and New Mexico.

Sec. 245. Writs of error and appeals from the final judgments and decrees of the supreme courts of the Territories of Arizona and New Mexico may be taken and prosecuted to the Supreme Court of the

United States in any case wherein is involved the validity of any copyright, or in which is drawn in question the validity of a treaty or statute of, or authority exercised under, the United States, without regard to the sum or value of the matter in dispute; and in all other cases in which the sum or value of the matter in dispute, exclusive of costs, to be ascertained by the oath of either party or of other competent witnesses, exceeds the sum or value of five thousand dollars.

Act March 3, 1911, c. 231, § 245, 36 Stat. 1158.

See Rev. St. § 702, Comp. St. 1901, p. 571; Act March 3, 1885, c. 355, Comp. St. 1901, p. 571.

Writs of error and appeals from the Supreme Court of Hawaii.

Sec. 246. Writs of error and appeals from the final judgments and decrees of the supreme court of the Territory of Hawaii may be taken and prosecuted to the Supreme Court of the United States, within the same time, in the same manner, under the same regulations, and in the same classes of cases, in which writs of error and appeals from the final judgments and decrees of the highest court of a State in which a decision in the suit could be had, may be taken and prosecuted to the Supreme Court of the United States under the provisions of section two hundred and thirty-seven; and also in all cases wherein the amount involved, exclusive of costs, to be ascertained by the oath of either party or of other competent witnesses, exceeds the sum or value of five thousand dollars.

Act March 3, 1911, c. 231, § 246, 36 Stat. 1158.

See Act April 30, 1900, c. 339, § 86, 31 Stat. 158; Act March 3, 1909, c. 269, § 1, 35 Stat. 838.

Appeals and writs of error from the district court for Alaska direct to Supreme Court in certain cases.

Sec. 247. Appeals and writs of error may be taken and prosecuted from final judgments and decrees of the district court for the district of Alaska or for any division thereof, direct to the Supreme Court of the United States, in the following cases: In prize cases; and in all cases which involve the construction or application of the Constitution of the United States, or in which the constitutionality of any law of the United States or the validity or construction of any treaty made under its authority is drawn in question, or in which the constitution or law of a State is claimed to be in contravention of the Constitution of the United States. Such writs of error and appeal shall be taken within the same time, in the same manner, and under the same regulations as writs of error and appeals are taken from the district courts to the Supreme Court.

Act March 3, 1911, c. 231, § 247, 36 Stat. 1158.

See Act June 6, 1900, c. 786, § 504, 31 Stat. 414.

Appeals and writs of error from the Supreme Court of the Philippine Islands.

Sec. 248. The Supreme Court of the United States shall have jurisdiction to review, revise, reverse, modify, or affirm the final judgments and decrees of the supreme court of the Philippine Islands in all actions, cases, causes, and proceedings now pending therein or hereafter determined thereby, in which the Constitution, or any statute, treaty, title, right, or privilege of the United States is involved, or in causes in which the value in controversy exceeds twenty-five thousand dollars, or in which the title or possession of real estate

exceeding in value the sum of twenty-five thousand dollars, to be ascertained by the oath of either party or of other competent witnesses, is involved or brought in question; and such final judgments or decrees may and can be reviewed, revised, reversed, modified, or affirmed by said Supreme Court on appeal or writ of error by the party aggrieved, within the same time, in the same manner, under the same regulations, and by the same procedure, as far as applicable, as the final judgments and decrees of the district courts of the United States.

Act March 3, 1911, 231, § 248, 36 Stat. 1158.
See Act July 1, 1902, c. 1369, § 10, 32 Stat. 695.

Appeals and writs of error when a Territory becomes a State.

Sec. 249. In all cases where the judgment or decree of any court of a Territory might be reviewed by the Supreme Court on writ of error or appeal, such writ of error or appeal may be taken, within the time and in the manner provided by law, notwithstanding such Territory has, after such judgment or decree, been admitted as a State; and the Supreme Court shall direct the mandate to such court as the nature of the writ of error or appeal requires.

Act March 3, 1911, c. 231, § 249, 36 Stat. 1158.
See Rev. St. § 703, Comp. St. 1901, p. 572.

Appeals and writs of error from the Court of Appeals of the District of Columbia.

Sec. 250. Any final judgment or decree of the court of appeals of the District of Columbia may be reexamined and affirmed, reversed, or modified by the Supreme Court of the United States, upon writ of error or appeal, in the following cases:

First. In cases in which the jurisdiction of the trial court is in issue; but when any such case is not otherwise reviewable in said Supreme Court, then the question of jurisdiction alone shall be certified to said Supreme Court for decision.

Second. In prize cases.

Third. In cases involving the construction or application of the Constitution of the United States, or the constitutionality of any law of the United States, or the validity or construction of any treaty made under its authority.

Fourth. In cases in which the constitution, or any law of a State, is claimed to be in contravention of the Constitution of the United States.

Fifth. In cases in which the validity of any authority exercised under the United States, or the existence or scope of any power or duty of an officer of the United States is drawn in question.

Sixth. In cases in which the construction of any law of the United States is drawn in question by the defendant.

Except as provided in the next succeeding section, the judgments and decrees of said court of appeals shall be final in all cases arising under the patent laws, the copyright laws, the revenue laws, the criminal laws, and in admiralty cases; and, except as provided in the next succeeding section, the judgments and decrees of said court of appeals shall be final in all cases not reviewable as hereinbefore provided.

Writs of error and appeals shall be taken within the same time, in the same manner, and under the same regulations as writs of error

and appeals are taken from the circuit courts of appeals to the Supreme Court of the United States.

Act March 3, 1911, c. 231, § 250, 36 Stat. 1159.
See Act Feb. 9, 1893, c. 74, § 8, 27 Stat. 436; Act March 3, 1901, c. 854, § 233, 31 Stat. 1227.

Certiorari to Court of Appeals, District of Columbia.

Sec. 251. In any case in which the judgment or decree of said court of appeals is made final by the section last preceding, it shall be competent for the Supreme Court of the United States to require, by certiorari or otherwise, any such case to be certified to it for its review and determination, with the same power and authority in the case as if it had been carried by writ of error or appeal to said Supreme Court. It shall also be competent for said court of appeals, in any case in which its judgment or decree is made final under the section last preceding, at any time to certify to the Supreme Court of the United States any questions or propositions of law concerning which it desires the instruction of that court for their proper decision; and thereupon the Supreme Court may either give its instruction on the questions and propositions certified to it, which shall be binding upon said court of appeals in such case, or it may require that the whole record and cause be sent up to it for its consideration, and thereupon shall decide the whole matter in controversy in the same manner as if it had been brought there for review by writ of error or appeal.

Act March 3, 1911, c. 231, § 251, 36 Stat. 1159.
See Act March 3, 1901, c. 854, § 234, 31 Stat. 1227.

Appellate jurisdiction under the bankruptcy act.

Sec. 252. The Supreme Court of the United States is hereby invested with appellate jurisdiction of controversies arising in bankruptcy proceedings, from the courts of bankruptcy, from which it has appellate jurisdiction in other cases; and shall exercise a like jurisdiction from courts of bankruptcy not within any organized circuit of the United States and from the supreme court of the District of Columbia.

An appeal may be taken to the Supreme Court of the United States from any final decision of a court of appeals allowing or rejecting a claim under the laws relating to bankruptcy, [illegible] such rules and within such time as may be prescribed by said Supreme Court, in the following cases and no other:

First. Where the amount in controversy exceeds the sum of two thousand dollars, and the question involved is one which might have been taken on appeal or writ of error from the highest court of a State to the Supreme Court of the United States; or

Second. Where some justice of the Supreme Court shall certify that in his opinion the determination of the question involved in the allowance or rejection of such claim is essential to a uniform construction of the laws relating to bankruptcy throughout the United States.

Controversies may be certified to the Supreme Court of the United States from other courts of the United States, and the former court may exercise jurisdiction thereof, and may issue writs of certiorari pursuant to the provisions of the United States laws now in force or such as may be hereafter enacted.

Act March 3, 1911, c. 231, § 252, 36 Stat. 1159.
See Act July 1, 1898, c. 541, §§ 24, 25, Comp. St. 1901, p. 3431.

Precedence of writs of error to State courts.

Sec. 253. Cases on writ of error to revise the judgment of a State court in any criminal case shall have precedence on the docket of the Supreme Court, of all cases to which the Government of the United States is not a party, excepting only such cases as the court, in its discretion, may decide to be of public importance.

Act March 3, 1911, c. 231, § 253, 36 Stat. 1160.
See Rev. St. § 710, Comp. St. 1901, p. 576.

Cost of printing records.

Sec. 254. There shall be taxed against the losing party in each and every cause pending in the Supreme Court the cost of printing the record in such case, except when the judgment is against the United States.

Act March 3, 1911, c. 231, § 254, 36 Stat. 1160.
See Act March 3, 1877, c. 105, § 1, 19 Stat. 344.

Women may be admitted to practice.

Sec. 255. Any woman who shall have been a member of the bar of the highest court of any State or Territory, or of the court of appeals of the District of Columbia, for the space of three years, and shall have maintained a good standing before such court, and who shall be a person of good moral character, shall, on motion, and the production of such record, be admitted to practice before the Supreme Court of the United States.

Act March 3, 1911, c. 231, § 255, 36 Stat. 1160.
See Act Feb. 15, 1879, c. 81, Comp. St. 1901, p. 590.

CHAPTER ELEVEN.

Provisions Common to More Than One Court.

Sec.
256. Cases in which jurisdiction of United States courts shall be exclusive of State courts.
257. Oath of United States judges.
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Cases in which jurisdiction of United States courts shall be exclusive of State courts.

Sec. 256. The jurisdiction vested in the courts of the United States in the cases and proceedings hereinafter mentioned, shall be exclusive

First. Of all crimes and offenses cognizable under the authority of the United States.

Second. Of all suits for penalties and forfeitures incurred under the laws of the United States.

Third. Of all civil causes of admiralty and maritime jurisdiction; saving to suitors, in all cases, the right of a common-law remedy, where the common law is competent to give it.

Fourth. Of all seizures under the laws of the United States, on land or on waters not within admiralty and maritime jurisdiction; of all prizes brought into the United States; and of all proceedings for the condemnation of property taken as prize.

Fifth. Of all cases arising under the patent-right, or copyright laws of the United States.

Sixth. Of all matters and proceedings in bankruptcy.

Seventh. Of all controversies of a civil nature, where a State is a party, except between a State and its citizens, or between a State and citizens of other States, or aliens.

Eighth. Of all suits and proceedings against ambassadors, or other public ministers, or their domestics, or domestic servants, or against consuls or vice-consuls.

Act March 3, 1911, c. 231, § 256, 36 Stat. 1160.
See Rev. St. § 711, Comp. St. 1901, p. 577.

Oath of United States judges.

Sec. 257. The justices of the Supreme Court, the circuit judges, and the district judges, hereafter appointed, shall take the following oath before they proceed to perform the duties of their respective offices: "I, ——— ———, do solemnly swear (or affirm) that I will administer justice without respect to persons, and do equal right to the poor and to the rich, and that I will faithfully and impartially discharge and perform all the duties incumbent upon me as ——— according to the best of my abilities and understanding, agreeably to the Constitution and laws of the United States: So help me God."

Act March 3, 1911, c. 231, § 257, 36 Stat. 1161.
See Rev. St. § 712, Comp. St. 1901, p. 578.

Judges prohibited from practicing law.

Sec. 258. It shall not be lawful for any judge appointed under the authority of the United States to exercise the profession or employment of counsel or attorney, or to be engaged in the practice of the law. Any person offending against the prohibition of this section shall be deemed guilty of a high misdemeanor.

Act March 3, 1911, c. 231, § 258, 36 Stat. 1161.
See Rev. St. § 713, Comp. St. 1901, p. 578.

Traveling expenses, etc., of circuit justices and circuit and district judges.

Sec. 259. The circuit justices, the circuit and district judges of the United States, and the judges of the district courts of the United States in Alaska, Hawaii, and Porto Rico, shall each be allowed and paid his necessary expenses of travel, and his reasonable expenses (not to exceed ten dollars per day) actually incurred for maintenance, consequent upon his attending court or transacting other official business in pursuance of law at any place other than his official place of residence, said expenses to be paid by the marshal of the district in which such court is held or official business transacted, upon

the written certificate of the justice or judge. The official place of residence of each justice and of each circuit judge while assigned to the Commerce Court shall be at Washington; and the official place of residence of each circuit and district judge, and of each judge of the district courts of the United States in Alaska, Hawaii, and Porto Rico, shall be at that place nearest his actual residence at which either a circuit court of appeals or a district court is regularly held. Every such judge shall, upon his appointment, and from time to time thereafter whenever he may change his official residence, in writing notify the Department of Justice of his official place of residence.

Act March 3, 1911, c. 231, § 259, 36 Stat. 1161.

See Rev. St. §§ 596, 597, Comp. St. 1901, pp. 482, 483; Act March 3, 1881, c. 133, Comp. St. 1901, p. 482; Act March 3, 1891, c. 517, § 8, Comp. St. 1901, p. 551.

Salary of judges after resignation.

Sec. 260. When any judge of any court of the United States appointed to hold his office during good behavior resigns his office, after having held a commission or commissions as judge of any such court or courts at least ten years continuously, and having attained the age of seventy years, he shall, during the residue of his natural life, receive the salary which is payable at the time of his retirement for the office that he held at the time of his resignation.

Act March 3, 1911, c. 231, § 260, 36 Stat. 1161.

See Rev. St. § 714, Comp. St. 1901, p. 576; Act Feb. 15, 1909, c. 127, 35 Stat. 619.

Writs of ne exeat.

Sec. 261. Writs of ne exeat may be granted by any justice of the Supreme Court, in cases where they might be granted by the Supreme Court; and by any district judge, in cases where they might be granted by the district court of which he is a judge. But no writ of ne exeat shall be granted unless a suit in equity is commenced, and satisfactory proof is made to the court or judge granting the same that the defendant designs quickly to depart from the United States.

Act March 3, 1911, c. 231, § 261, 36 Stat. 1162.

See Rev. St. § 717, Comp. St. 1901, p. 580.

Power to issue writs.

Sec. 262. The Supreme Court and the district courts shall have power to issue writs of scire facias. The Supreme Court, the circuit courts of appeals, and the district courts shall have power to issue all writs not specifically provided for by statute, which may be necessary for the exercise of their respective jurisdictions, and agreeable to the usages and principles of law.

Act March 3, 1911, c. 231, § 262, 36 Stat. 1162.

See Rev. St. § 716, Comp. St. 1901, p. 580.

Temporary restraining orders.

Sec. 263. Whenever notice is given of a motion for an injunction out of a district court, the court or judge thereof may, if there appears to be danger of irreparable injury from delay, grant an order restraining the act sought to be enjoined until the decision upon the motion; and such order may be granted with or without security, in the discretion of the court or judge.

Act March 3, 1911, c. 231, § 263, 36 Stat. 1162.

See Rev. St. § 718, Comp. St. 1901, p. 580.

Injunctions; in what cases judge may grant.

Sec. 264. Writs of injunction may be granted by any justice of the Supreme Court in cases where they might be granted by the Supreme Court; and by any judge of a district court in cases where they might be granted by such court. But no justice of the Supreme Court shall hear or allow any application for an injunction or restraining order in any cause pending in the circuit to which he is allotted, elsewhere than within such circuit, or at such place outside of the same as the parties may stipulate in writing, except when it can not be heard by the district judge of the district. In case of the absence from the district of the district judge, or of his disability, any circuit judge of the circuit in which the district is situated may grant an injunction or restraining order in any case pending in the district court, where the same might be granted by the district judge.

Act March 3, 1911, c. 231, § 264, 36 Stat. 1162.
See Rev. St. § 719, Comp. St. 1901, p. 581.

Injunctions to stay proceedings in State courts.

Sec. 265. The writ of injunction shall not be granted by any court of the United States to stay proceedings in any court of a State, except in cases where such injunction may be authorized by any law relating to proceedings in bankruptcy.

Act March 3, 1911, c. 231, § 265, 36 Stat. 1162.
See Rev. St. § 720, Comp. St. 1901, p. 581.

Injunctions based upon alleged unconstitutionality of State statutes; when and by whom may be granted.

Sec. 266. No interlocutory injunction suspending or restraining the enforcement, operation, or execution of any statute of a State by restraining the action of any officer of such State in the enforcement or execution of such statute, shall be issued or granted by any justice of the Supreme Court, or by any district court of the United States, or by any judge thereof, or by any circuit judge acting as district judge, upon the ground of the unconstitutionality of such statute, unless the application for the same shall be presented to a justice of the Supreme Court of the United States, or to a circuit or district judge, and shall be heard and determined by three judges, of whom at least one shall be a justice of the Supreme Court, or a circuit judge, and the other two may be either circuit or district judges, and unless a majority of said three judges shall concur in granting such application. Whenever such application as aforesaid is presented to a justice of the Supreme Court, or to a judge, he shall immediately call to his assistance to hear and determine the application two other judges: Provided, however, That one of such three judges shall be a justice of the Supreme Court, or a circuit judge. Said application shall not be heard or determined before at least five days' notice of the hearing has been given to the governor and to the attorney general of the State, and to such other persons as may be defendants in the suit: Provided, That if of opinion that irreparable loss or damage would result to the complainant unless a temporary restraining order is granted, any justice of the Supreme Court, or any circuit or district judge, may grant such temporary restraining order at any time before such hearing and determination of the application for an interlocutory injunction, but such temporary restraining order shall remain in force only until the hearing and determination of the application

for an interlocutory injunction upon notice as aforesaid. The hearing upon such application for an interlocutory injunction shall be given precedence and shall be in every way expedited and be assigned for a hearing at the earliest practicable day after the expiration of the notice hereinbefore provided for. An appeal may be taken direct to the Supreme Court of the United States from the order granting or denying, after notice and hearing, an interlocutory injunction in such case.

Act March 3, 1911, c. 231, § 266, 36 Stat. 1162.
See Act June 18, 1910, c. 309, § 17, 36 Stat. 557.

When suits in equity may be maintained.

Sec. 267. Suits in equity shall not be sustained in any court of the United States in any case where a plain, adequate, and complete remedy may be had at law.

Act March 3, 1911, c. 231, § 267, 36 Stat. 1163.
See Rev. St. § 723, Comp. St. 1901, p. 583.

Power to administer oaths and punish contempts.

Sec. 268. The said courts shall have power to impose and administer all necessary oaths, and to punish, by fine or imprisonment, at the discretion of the court, contempts of their authority: Provided, That such power to punish contempts shall not be construed to extend to any cases except the misbehavior of any person in their presence, or so near thereto as to obstruct the administration of justice, the misbehavior of any of the officers of said courts in their official transactions, and the disobedience or resistance by any such officer, or by any party, juror, witness, or other person to any lawful writ, process, order, rule, decree, or command of the said courts.

Act March 3, 1911, c. 231, § 268, 36 Stat. 1163.
See Rev. St. § 725, Comp. St. 1901, p. 583.

New trials.

Sec. 269. All of the said courts shall have power to grant new trials, in cases where there has been a trial by jury, for reasons for which new trials have usually been granted in the courts of law.

Act March 3, 1911, c. 231, § 269, 36 Stat. 1163.
See Rev. St. § 726, Comp. St. 1901, p. 584.

Power to hold to security for the peace and good behavior.

Sec. 270. The judges of the Supreme Court and of the circuit courts of appeals and district courts, United States commissioners, and the judges and other magistrates of the several States, who are or may be authorized by law to make arrests for offenses against the United States, shall have the like authority to hold to security of the peace and for good behavior, in cases arising under the Constitution and laws of the United States, as may be lawfully exercised by any judge or justice of the peace of the respective States, in cases cognizable before them.

Act March 3, 1911, c. 231, § 270, 36 Stat. 1163.
See Rev. St. § 727, Comp. St. 1901, p. 584.

Power to enforce awards of foreign consuls, etc., in certain cases.

Sec. 271. The district courts and the United States commissioners shall have power to carry into effect, according to the true intent and meaning thereof, the award or arbitration or decree of any consul, vice consul, or commercial agent of any foreign nation, made

or rendered by virtue of authority conferred on him as such consul, vice consul, or commercial agent, to sit as judge or arbitrator in such differences as may arise between the captains and crews of the vessels belonging to the nation whose interests are committed to his charge, application for the exercise of such power being first made to such court or commissioner, by petition of such consul, vice consul, or commercial agent. And said courts and commissioners may issue all proper remedial process, mesne and final, to carry into full effect such award, arbitration, or decree, and to enforce obedience thereto by imprisonment in the jail or other place of confinement in the district in which the United States may lawfully imprison any person arrested under the authority of the United States, until such award, arbitration, or decree is complied with, or the parties are otherwise discharged therefrom, by the consent in writing of such consul, vice consul, or commercial agent, or his successor in office, or by the authority of the foreign government appointing such consul, vice consul, or commercial agent: Provided, however, That the expenses of the said imprisonment and maintenance of the prisoners, and the cost of the proceedings, shall be borne by such foreign government, or by its consul, vice consul, or commercial agent requiring such imprisonment. The marshals of the United States shall serve all such process, and do all other acts necessary and proper to carry into effect the premises, under the authority of the said courts and commissioners.

Act March 3, 1911, c. 231, § 271, 36 Stat. 1163.
See Rev. St. § 728, Comp. St. 1901, p. 584.

Parties may manage their causes personally or by counsel.

Sec. 272. In all the courts of the United States the parties may plead and manage their own causes personally, or by the assistance of such counsel or attorneys at law as, by the rules of the said courts, respectively, are permitted to manage and conduct causes therein.

Act March 3, 1911, c. 231, § 272, 36 Stat. 1164.
See Rev. St. § 747, Comp. St. 1901, p. 1164.

Certain officers forbidden to act as attorneys.

Sec. 273. No clerk, or assistant or deputy clerk, of any Territorial, district, or circuit court of appeals, or of the Court of Claims, or of the Supreme Court of the United States, or marshal or deputy marshal of the United States within the district for which he is appointed, shall act as a solicitor, proctor, attorney, or counsel in any cause depending in any of said courts, or in any district for which he is acting as such officer.

Act March 3, 1911, c. 231, § 273, 36 Stat. 1164.
See Rev. St. § 748, Comp. St. 1901, p. 590.

Penalty for violating preceding section.

Sec. 274. Whoever shall violate the provisions of the preceding section shall be stricken from the roll of attorneys by the court upon complaint, upon which the respondent shall have due notice and be heard in his defense; and in the case of a marshal or deputy marshal so acting, he shall be recommended by the court for dismissal from office.

Act March 3, 1911, c. 231, § 274, 36 Stat. 1164.
See Rev. St. § 749, Comp. St. 1901, p. 591.

CHAPTER TWELVE.

Juries.

Sec.
275. Qualifications and exemptions of jurors.
276. Jurors, how drawn.
277. Jurors, how to be apportioned in the district.
278. Race or color not to exclude.
279. Venire, how issued and served.
280. Talesmen for petit juries.
281. Special juries.
282. Number of grand jurors.
283. Foreman of grand jury.
284. Grand juries, when summoned.
285. Discharge of grand juries.
286. Jurors not to serve more than once a year.
287. Challenges.
288. Persons disqualified for service on jury in prosecutions for polygamy, etc.

Qualifications and exemptions of jurors.

Sec. 275. Jurors to serve in the courts of the United States, in each State respectively, shall have the same qualifications, subject to the provisions hereinafter contained, and be entitled to the same exemptions, as jurors of the highest court of law in such State may have and be entitled to at the time when such jurors for service in the courts of the United States are summoned.

Act March 3, 1911, c. 231, § 275, 36 Stat. 1164.
See Rev. St. § 800, Comp. St. 1901, p. 623; Act June 30, 1879, c. 52, § 2, Comp. St. 1901, p. 624.

Jurors, how drawn.

Sec. 276. All such jurors, grand and petit, including those summoned during the session of the court, shall be publicly drawn from a box containing, at the time of each drawing, the names of not less than three hundred persons, possessing the qualifications prescribed in the section last preceding, which names shall have been placed therein by the clerk of such court and a commissioner, to be appointed by the judge thereof, or by the judge senior in commission in districts having more than one judge, which commissioner shall be a citizen of good standing, residing in the district in which such court is held, and a well-known member of the principal political party in the district in which the court is held opposing that to which the clerk may belong, the clerk and said commissioner each to place one name in said box alternately, without reference to party affiliations until the whole number required shall be placed therein.

Act March 3, 1911, c. 231, § 276, 36 Stat. 1164.
See Act June 30, 1879, c. 52, § 2, Comp. St. 1901, p. 624.

Jurors, how to be apportioned in the district.

Sec. 277. Jurors shall be returned from such parts of the district, from time to time, as the court shall direct, so as to be most favorable to an impartial trial, and so as not to incur an unnecessary expense, or unduly burden the citizens of any part of the district with such service.

Act March 3, 1911, c. 231, § 277, 36 Stat. 1164.
See Rev. St. § 802, Comp. St. 1901, p. 625.

Race or color not to exclude.

Sec. 278. No citizen possessing all other qualifications which are or may be prescribed by law shall be disqualified for service as grand

or petit juror in any court of the United States on account of race, color, or previous condition of servitude.

Act March 3, 1911, c. 231, § 278, 36 Stat. 1165.
See Act June 30, 1879, c. 52, § 2, Comp. St. 1901, p. 624.

Venire, how issued and served.

Sec. 279. Writs of venire facias, when directed by the court, shall issue from the clerk's office, and shall be served and returned by the marshal in person, or by his deputy; or, in case the marshal or his deputy is not an indifferent person, or is interested in the event of the cause, by such fit person as may be specially appointed for that purpose by the court, who shall administer to him an oath that he will truly and impartially serve and return the writ. Any person named in such writ who resides elsewhere than at the place at which the court is held, shall be served by the marshal mailing a copy thereof to such person commanding him to attend as a juror at a time and place designated therein, which copy shall be registered and deposited in the post office addressed to such person at his usual post-office address. And the receipt of the person so addressed for such registered copy shall be regarded as personal service of such writ upon such person, and no mileage shall be allowed for the service of such person. The postage and registry fee shall be paid by the marshal and allowed [illegible] settlement of his accounts.

Act March 3, 1911, c. 231, § 279, 36 Stat. 1165.
See Rev. St. § 803, Comp. St. 1901, p. 625.

Talesmen for petit juries.

Sec. 280. When, from challenges or otherwise, there is not a petit jury to determine any civil or criminal cause, the marshal or his deputy shall, by order of the court in which such defect of jurors happens, return jurymen from the bystanders sufficient to complete the panel; and when the marshal or his deputy is disqualified as aforesaid, jurors may be so returned by such disinterested person as the court may appoint, and such person shall be sworn, as provided in the preceding section.

Act March 3, 1911, c. 231, § 280, 36 Stat. 1165.
See Rev. St. § 804, Comp. St. 1901, p. 625.

Special juries.

Sec. 281. When special juries are ordered in any district court, they shall be returned by the marshal in the same manner and form as is required in such cases by the laws of the several States.

Act March 3, 1911, c. 231, § 281, 36 Stat. 1165.
See Rev. St. § 805, Comp. St. 1901, p. 626.

Number of grand jurors.

Sec. 282. Every grand jury impaneled before any district court shall consist of not less than sixteen nor more than twenty-three persons. If of the persons summoned less than sixteen attend, they shall be placed on the grand jury, and the court shall order the marshal to summon, either immediately or for a day fixed, from the body of the district, and not from the bystanders, a sufficient number of persons to complete the grand jury. And whenever a challenge to a grand juror is allowed, and there are not in attendance other jurors sufficient to complete the grand jury, the court shall make a like order

to the marshal to summon a sufficient number of persons for that purpose.

Act March 3, 1911, c. 231, § 282, 36 Stat. 1165.
See Rev. St. § 808, Comp. St. 1901, p. 626.

Foreman of grand jury.

Sec. 283. From the persons summoned and accepted as grand jurors, the court shall appoint the foreman, who shall have power to administer oaths and affirmations to witnesses appearing before the grand jury.

Act March 3, 1911, c. 231, § 283, 36 Stat. 1165.
See Rev. St. § 809, Comp. St. 1901, p. 627.

Grand juries, when summoned.

Sec. 284. No grand jury shall be summoned to attend any district court unless the judge thereof, in his own discretion or upon a notification by the district attorney that such jury will be needed, orders a venire to issue therefor. If the United States attorney for any district which has a city or borough containing at least three hundred thousand inhabitants shall certify in writing to the district judge, or the senior district judge of the district, that the exigencies of the public service require it, the judge may, in his discretion, also order a venire to issue for a second grand jury. And said court may in term order a grand jury to be summoned at such time, and to serve such time as it may direct, whenever, in its judgment, it may be proper to do so. But nothing herein shall operate to extend beyond the time permitted by law the imprisonment before indictment found of a person accused of a crime or offense, or the time during which a person so accused may be held under recognizance before indictment found.

Act March 3, 1911, c. 231, § 284, 36 Stat. 1165.
See Rev. St. § 810, Comp. St. 1901, p. 627; Act March 28, 1910, c. 134, 36 Stat. 267.

Discharge of grand juries.

Sec. 285. The district courts, the district courts of the Territories, and the Supreme Court of the District of Columbia may discharge their grand juries whenever they deem a continuance of the sessions of such juries unnecessary.

Act March 3, 1911, c. 231, § 285, 36 Stat. 1166.
See Rev. St. § 811, Comp. St. 1901, p. 627.

Jurors not to serve more than once a year.

Sec. 286. No person shall serve as a petit juror in any district court more than one term in a year; and it shall be sufficient cause of challenge to any juror called to be sworn in any cause that he has been summoned and attended said court as a juror at any term of said court held within one year prior to the time of such challenge.

Act March 3, 1911, c. 231, § 286, 36 Stat. 1166.
See Rev. St. § 812, Comp. St. 1901, p. 627; Act June 30, 1879, c. 52, § 2, Comp. St. 1901, p. 624.

Challenges.

Sec. 287. When the offense charged is treason or a capital offense, the defendant shall be entitled to twenty and the United States to six peremptory challenges. On the trial of any other felony, the

defendant shall be entitled to ten and the United States to six peremptory challenges; and in all other cases, civil and criminal, each party shall be entitled to three peremptory challenges; and in all cases where there are several defendants or several plaintiffs, the parties on each side shall be deemed a single party for the purposes of all challenges under this section. All challenges, whether to the array or panel, or to individual jurors for cause or favor, shall be tried by the court without the aid of triers.

Act March 3, 1911, c. 231, § 287, 36 Stat. 1166.
See Rev. St. § 819, Comp. St. 1901, p. 629.

Persons disqualified for service on jury in prosecutions for polygamy, etc.

Sec. 288. In any prosecution for bigamy, polygamy, or unlawful cohabitation, under any statute of the United States, it shall be sufficient cause of challenge to any person drawn or summoned as a juryman or talesman—

First, that he is or has been living in the practice of bigamy, polygamy, or unlawful cohabitation with more than one woman, or that he is or has been guilty of an offense punishable either by sections one or three of an Act entitled "An Act to amend section fifty-three hundred and fifty-two of the Revised Statutes of the United States, in reference to bigamy, and for other purposes," approved March twenty-second, eighteen hundred and eighty-two, or by section fifty-three hundred and fifty-two of the Revised Statutes of the United States, or the Act of July first, eighteen hundred and sixty-two, entitled "An Act to punish and prevent the practice of polygamy in the Territories of the United States and other places, and disapproving and annulling certain Acts of the legislative assembly of the territory of Utah"; or

Second, that he believes it right for a man to have more than one living and undivorced wife at the same time, or to live in the practice of cohabiting with more than one woman.

Any person appearing or offered as a juror or talesman, and challenged on either of the foregoing grounds, may be questioned on his oath as to the existence of any such cause of challenge; and other evidence may be introduced bearing upon the question raised by such challenge; and this question shall be tried by the court.

But as to the first ground of challenge before mentioned, the person challenged shall not be bound to answer if he shall say upon his oath that he declines on the ground that his answer may tend to criminate himself; and if he shall answer as to said first ground, his answer shall not be given in evidence in any criminal prosecution against him for any offense above named; but if he declines to answer on any ground, he shall be rejected as incompetent.

Act March 3, 1911, c. 231, § 288, 36 Stat. 1166.
See Act March 22, 1882, c. 47, § 5, Comp. St. 1901, p. 3634.

CHAPTER THIRTEEN.

General Provisions.

Sec.
289. Circuit courts abolished; records of to be transferred to district courts.
290. Suits pending in circuit courts to be disposed of in district courts.
291. Powers and duties of circuit courts imposed upon district courts.
292. References to laws revised in this act deemed to refer to sections of act.
293. Sections 1 to 5, Revised Statutes, to govern construction of this act.
294. Laws revised in this act to be construed as continuations of existing laws.
295. Inference of legislative construction not to be drawn by reason of arrangement of sections.
296. Act may be designated as "The Judicial Code."

Circuit courts abolished; records of to be transferred to district courts.

Sec. 289. The circuit courts of the United States, upon the taking effect of this Act, shall be, and hereby are, abolished; and thereupon, on said date, the clerks of said courts shall deliver to the clerks of the district courts of the United States for their respective districts all the journals, dockets, books, files, records, and other books and papers of or belonging to or in any manner connected with said circuit courts; and shall also on said date deliver to the clerks of said district courts all moneys, from whatever source received, then remaining in their hands or under their control as clerks of said circuit courts, or received by them by virtue of their said offices. The journals, dockets, books, files, records, and other books and papers so delivered to the clerks of the several district courts shall be and remain a part of the official records of said district courts, and copies thereof, when certified under the hand and seal of the clerk of the district court, shall be received as evidence equally with the originals thereof; and the clerks of the several district courts shall have the same authority to exercise all the powers and to perform all the duties with respect thereto as the clerks of the several circuit courts had prior to the taking effect of this Act.

Act March 3, 1911, c. 231, § 289, 36 Stat. 1167.

Suits pending in circuit courts to be disposed of in district courts.

Sec. 290. All suits and proceedings pending in said circuit courts on the date of the taking effect of this Act, whether originally brought therein or certified thereto from the district courts, shall thereupon and thereafter be proceeded with and disposed of in the district courts in the same manner and with the same effect as if originally begun therein, the record thereof being entered in the records of the circuit courts so transferred as above provided.

Act March 3, 1911, c. 231, § 290, 36 Stat. 1167.

Powers and duties of circuit courts imposed upon district courts.

Sec. 291. Wherever, in any law not embraced within this Act, any reference is made to, or any power or duty is conferred or imposed upon, the circuit courts, such reference shall, upon the taking effect of this Act, be deemed and held to refer to, and to confer such power and impose such duty upon, the district courts.

Act March 3, 1911, c. 231, § 291, 36 Stat. 1167.

References to laws revised in this act deemed to refer to sections of act.

Sec. 292. Wherever, in any law not contained within this Act, a reference is made to any law revised or embraced herein, such reference, upon the taking effect hereof, shall be construed to refer to the section of this Act into which has been carried or revised the provision of law to which reference is so made.

Act March 3, 1911, c. 231, § 292, 36 Stat. 1167.

Sections 1 to 5, Revised Statutes, to govern construction of this act.

Sec. 293. The provisions of sections one to five, both inclusive, of the Revised Statutes, shall apply to and govern the construction of the provisions of this Act. The words "this title," wherever they occur herein, shall be construed to mean this Act.

Act March 3, 1911, c. 231, § 293, 36 Stat. 1167.

Rev. St. §§ 1–5, mentioned in this section, containing definitions of certain terms, are set forth in Comp. St. 1901, p. 3.

Laws revised in this act to be construed as continuations of existing laws.

Sec. 294. The provisions of this Act, so far as they are substantially the same as existing statutes, shall be construed as continuations thereof, and not as new enactments, and there shall be no implication of a change of intent by reason of a change of words in such statute, unless such change of intent shall be clearly manifest.

Act March 3, 1911, c. 231, § 294, 36 Stat. 1167.

Inference of legislative construction not to be drawn by reason of arrangement of sections.

Sec. 295. The arrangement and classification of the several sections of this Act have been made for the purpose of a more convenient and orderly arrangement of the same, and therefore no inference or presumption of a legislative construction is to be drawn by reason of the chapter under which any particular section is placed.

Act March 3, 1911, c. 231, § 295, 36 Stat. 1167.

Act may be designated as "The Judicial Code."

Sec. 296. This Act may be designated and cited as "The Judicial Code."

Act March 3, 1911, c. 231, § 296, 36 Stat. 1168.

CHAPTER FOURTEEN.

Repealing Provisions.

Sec.
297. Sections, acts, and parts of acts repealed.
298. Repeal not to affect tenure of office, or salary, or compensation of incumbents, etc.
299. Accrued rights, etc., not affected.
300. Offenses committed, and penalties, forfeitures, and liabilities incurred, how to be prosecuted and enforced.
301. Date this act shall be effective.

Sections, acts, and parts of acts repealed.

Sec. 297. The following sections of the Revised Statutes and Acts and parts of Acts are hereby repealed:

Sections five hundred and thirty to five hundred and sixty, both

inclusive; sections five hundred and sixty-two to five hundred and sixty-four, both inclusive; sections five hundred and sixty-seven to six hundred and twenty-seven, both inclusive; sections six hundred and twenty-nine to six hundred and forty-seven, both inclusive; sections six hundred and fifty to six hundred and ninety-seven, both inclusive; section six hundred and ninety-nine; sections seven hundred and two to seven hundred and fourteen, both inclusive; sections seven hundred and sixteen to seven hundred and twenty, both inclusive; section seven hundred and twenty-three; sections seven hundred and twenty-five to seven hundred and forty-nine, both inclusive; sections eight hundred to eight hundred and twenty-two, both inclusive; sections ten hundred and forty-nine to ten hundred and eighty-eight, both inclusive; sections ten hundred and ninety-one to ten hundred and ninety-three, both inclusive, of the Revised Statutes.

"An Act to determine the jurisdiction of circuit courts of the United States and to regulate the removal of causes from State courts, and for other purposes," approved March third, eighteen hundred and seventy-five.

Section five of an Act entitled "An Act to amend section fifty-three hundred and fifty-two of the Revised Statutes of the United States, in reference to bigamy, and for other purposes," approved March twenty-second, eighteen hundred and eighty-two; but sections six, seven, and eight of said Act, and sections one, two, and twenty-six of an Act entitled "An Act to amend an Act entitled 'An Act to amend section fifty-three hundred and fifty-two of the Revised Statutes of the United States, in reference to bigamy, and for other purposes,' approved March twenty-second, eighteen hundred and eighty-two," approved March third, eighteen hundred and eighty-seven, are hereby continued in force.

"An Act to afford assistance and relief to Congress and the executive departments in the investigation of claims and demands against the Government," approved March third, eighteen hundred and eighty-three.

"An Act regulating appeals from the supreme court of the District of Columbia and the supreme courts of the several Territories," approved March third, eighteen hundred and eighty-five.

"An Act to provide for the bringing of suits against the Government of the United States," approved March third, eighteen hundred and eighty-seven, except sections four, five, six, seven, and ten thereof.

Sections one, two, three, four, six, and seven of an Act entitled "An Act to correct the enrollment of an Act approved March third, eighteen hundred and eighty-seven, entitled 'An Act to amend sections one, two, three, and ten of an Act to determine the jurisdiction of the circuit courts of the United States, and to regulate the removal of causes from State courts, and for other purposes,' approved March third, eighteen hundred and seventy-five," approved August thirteenth, eighteen hundred and eighty-eight.

"An Act to withdraw from the Supreme Court jurisdiction of criminal cases not capital and confer the same on the circuit courts of appeals," approved January twentieth, eighteen hundred and ninety-seven.

"An Act to amend sections one and two of the Act of March third, eighteen hundred and eighty-seven, Twenty-fourth Statutes at Large,

chapter three hundred and fifty-nine," approved June twenty-seventh, eighteen hundred and ninety-eight.

"An Act to amend the seventh section of the Act entitled 'An Act to establish circuit courts of appeals and to define and regulate in certain cases the jurisdiction of the courts of the United States, and for other purposes,' approved March third, eighteen hundred and ninety-one, and the several Acts amendatory thereto," approved April fourteenth, nineteen hundred and six.

All Acts and parts of Acts authorizing the appointment of United States circuit or district judges, or creating or changing judicial circuits, or judicial districts or divisions thereof, or fixing or changing the times or places of holding court therein, enacted prior to February first, nineteen hundred and eleven.

Sections one, two, three, four, five, the first paragraph of section six, and section seventeen of an Act entitled "An Act to create a commerce court, and to amend an Act entitled 'An Act to regulate commerce,' approved February fourth, eighteen hundred and eighty-seven, as heretofore amended, and for other purposes," approved June eighteenth, nineteen hundred and ten.

Also all other Acts and parts of Acts, in so far as they are embraced within and superseded by this Act, are hereby repealed; the remaining portions thereof to be and remain in force with the same effect and to the same extent as if this Act had not been passed.

Act March 3, 1911, c. 231, § 297, 36 Stat. 1168.

Repeal not to affect tenure of office, or salary, or compensation of incumbents, etc.

Sec. 298. The repeal of existing laws providing for the appointment of judges and other officers mentioned in this Act, or affecting the organization of the courts, shall not be construed to affect the tenure of office of the incumbents (except the office be abolished), but they shall continue to hold their respective offices during the terms for which appointed, unless removed as provided by law; nor (except the office be abolished) shall such repeal affect the salary or fees or compensation of any officer or person holding office or position by virtue of any law.

Act March 3, 1911, c. 231, § 298, 36 Stat. 1169.

Accrued rights, etc., not affected.

Sec. 299. The repeal of existing laws, or the amendments thereof, embraced in this Act, shall not affect any act done, or any right accruing or accrued, or any suit or proceeding, including those pending on writ of error, appeal, certificate, or writ of certiorari, in any appellate court referred to or included within, the provisions of this Act, pending at the time of the taking effect of this Act, but all such suits and proceedings, and suits and proceedings for causes arising or acts done prior to such date, may be commenced and prosecuted within the same time, and with the same effect, as if said repeal or amendments had not been made.

Act March 3, 1911, c. 231, § 299, 36 Stat. 1169.

Offenses committed, and penalties, forfeitures, and liabilities incurred, how to be prosecuted and enforced.

Sec. 300. All offenses committed, and all penalties, forfeitures, or liabilities incurred prior to the taking effect hereof, under any law

embraced in, amended, or repealed by this Act, may be prosecuted and punished, or sued for and recovered, in the district courts, in the same manner and with the same effect as if this Act had not been passed.

Act March 3. 1911, c. 231, § 300, 36 Stat. 1169.

Date this act shall be effective.

Sec. 301. This Act shall take effect and be in force on and after January first, nineteen hundred and twelve.

Act March 3, 1911, c. 231, § 301, 36 Stat. 1169.

TITLE XIII.

THE JUDICIARY.

Many sections of this Title of the Revised Statutes, and subsequent acts and parts of acts relating to the subjects thereof, are incorporated in the Judicial Code, ante, Title XII B, and are repealed or superseded thereby. Such repeals, etc., are indicated specifically under the several chapters of this Title.

Acts and parts of acts subsequent to the Compiled Statutes of 1901, relating to subjects included in this Title of the Revised Statutes, but not within the scope of the Judicial Code, are set forth post, under the several chapters of this Title.

CHAPTER ONE.

Judicial Districts.

Secs. 530-550.

[Repealed. Act March 3, 1911, c. 231, § 297.]

These sections, constituting the whole of this chapter of the Revised Statutes, set forth in Comp. St. 1901, pp. 316-443, are incorporated in the Judicial Code, Act March 3, 1911, c. 231, chiefly in chapter 5 thereof, and are expressly repealed by § 297 of said act, taking effect Jan. 1, 1912. Said act is set forth ante, Title XII B, "The Judicial Code."

All acts and parts of acts creating or changing judicial districts or divisions thereof, or fixing or changing the times or places of holding court therein, enacted prior to Feb. 1, 1911, among them those subsequent to the Revised Statutes included with this chapter in Comp. St. 1901, are also incorporated in the Judicial Code, and are expressly repealed by said § 297 thereof.

CHAPTER TWO.

District Courts—Organization.

Secs. 551-560, 562.

[Repealed. Act March 3, 1911, c. 231, § 297.]

These sections, constituting the whole of this chapter of the Revised Statutes, set forth in Comp. St. 1901, pp. 446-454, except section 561 of said chapter, are incorporated in the Judicial Code, Act March 3, 1911, c. 231, chiefly in chapter 1 thereof, and are expressly repealed by § 297 of said act, taking effect Jan. 1, 1912. Said act is set forth ante, Title XII B, "The Judicial Code."

Rev. St. § 553 was previously repealed by Act March 3, 1896, c. 52, 29 Stat. 55.

Rev. St. § 561, Comp. St. 1901, p. 454, relating to compensation of deputy clerks, not being within the scope of said Judicial Code, is not incorporated in or repealed by that act.

All acts and parts of acts authorizing the appointment of district

judges, enacted prior to Feb. 1, 1911, among them those subsequent to the Revised Statutes included in this chapter in Comp. St. 1901, pp. 446–454, are also incorporated in the Judicial Code, and are expressly repealed by said § 297 thereof.

CHAPTER THREE.

District Courts—Jurisdiction.

Secs. 563, 564, 567-571.

[Repealed. Act March 3, 1911, c. 231, § 297.]

These sections, constituting the whole of this chapter of the Revised Statutes, set forth in Comp. St. 1901, pp. 455–463, except sections 565, 566, of said chapter, are incorporated in the Judicial Code, Act March 3, 1911, c. 231, chiefly in chapter 2 thereof, and are expressly repealed by § 297 of said act, taking effect Jan. 1, 1912. Said act is set forth ante, Title B, "The Judicial Code."

Rev. St. § 571 was previously repealed by Act Feb. 16, 1889, c. 113, § 5, 25 Stat. 656.

Rev. St. § 565, relating to proceedings in prize causes after appeal, and § 566, relating to trial of issues of fact, not being within the scope of said Judicial Code, are not incorporated in or repealed by that act.

CHAPTER FOUR.

District Courts—Sessions.

Secs. 572-603.

[Repealed. Act March 3, 1911, c. 231, § 297.]

These sections, constituting the whole of this chapter of the Revised Statutes, set forth in Comp. St. 1901, pp. 464–484, are incorporated in the Judicial Code, Act March 3, 1911, c. 231, chiefly in chapters 1, 4, 5, thereof, and are expressly repealed by § 297 of said act, taking effect Jan. 1, 1912. Said act is set forth ante, Title XII B, "The Judicial Code."

All acts and parts of acts fixing or changing the times or places of holding court in judicial districts, enacted prior to Feb. 1, 1911, among them those subsequent to the Revised Statutes included or referred to in this chapter in Comp. St. 1901, pp. 464–484, are also incorporated in the Judicial Code and expressly repealed by said § 297 thereof.

CHAPTER FIVE.

Judicial Circuits.

Sec. 604.

[Repealed. Act March 3, 1911, c. 231, § 297.]

This section, constituting the whole of this chapter of the Revised Statutes, set forth in Comp. St. 1901, p. 485, is incorporated in the Judicial Code, Act March 3, 1911, c. 231, in chapter 6 thereof, and is expressly repealed by § 297 of said act, taking effect Jan. 1, 1912. Said act is set forth ante, Title XII B, "The Judicial Code."

CHAPTER SIX.

Circuit Courts—Organization.

Secs. 605-627.

[Repealed. Act March 3, 1911, c. 231, § 297.]

These sections, constituting the whole of this chapter of the Revised Statutes, set forth in Comp. St. 1901, pp. 486–501, except section 628 of said chapter, are incorporated in the Judicial Code, Act March 3, 1911, c. 231, chiefly in chapters 1, 4, 6, thereof, and are expressly repealed by § 297 of said act, taking effect Jan. 1, 1912. Said act is set forth ante, Title XII B, "The Judicial Code."

Rev. St. § 628, providing that no marshal or deputy marshal should hold or exercise the duties of commissioner of any of the courts, not being within the scope of said Judicial Code, is not incorporated in or repealed by that act. It was practically superseded by Act May 28, 1896. c. 252, § 20, Comp. St. 1901, p. 501.

All acts and parts of acts authorizing the appointment of circuit judges enacted prior to Feb. 1, 1911, among them those subsequent to the Revised Statutes included in this chapter in Comp. St. 1901, pp. 487–489, are also incorporated in the Judicial Code, and are expressly repealed by said § 297 thereof.

Sec. 627.

ACT MAY 28, 1896, c. 252, § 19. [*As amended* 1901.]

United States commissioners.

An official seal for each United States commissioner is provided for by Act June 28, 1906, c. 3573, set forth below.

ACT JUNE 28, 1906, c. 3573. [H. R. 7.]

An Act to Provide a Seal for United States Commissioners. (34 Stat. 546.)

United States commissioners; official seal.

Be it enacted, &c., That each United States commissioner shall provide himself with an official impression seal, to be prescribed by the Attorney-General, which said seal shall be affixed to each jurat or certificate of the official acts of said commissioner, but no increase of fees shall be allowed by reason thereof.

Act June 28, 1906, c. 3573, 34 Stat. 546.

CHAPTER SEVEN.

Circuit Courts—Jurisdiction.

Secs. 629-647, 650-657.

[Repealed. Act March 3, 1911, c. 231, § 297.]

These sections, constituting the whole of this chapter of the Revised Statutes, set forth in Comp. St. 1901, pp. 501–529, except sections 648, 649, of said chapter, are incorporated in the Judicial Code, Act March 3, 1911, c. 231, chiefly in chapters 2, 3, thereof, and are expressly repealed by § 297 of said act, taking effect Jan. 1, 1912. Said act is set forth ante, Title XII B, "The Judicial Code."

Rev. St. §§ 648, 649, relating to the trial of issues of fact by a jury or

by the court, not being within the scope of said Judicial Code, are not incorporated in or repealed by that act.

Act March 3, 1875, c. 137, amended by Act March 3, 1887, c. 373, the enrollment of which is corrected by Act Aug. 13, 1888, c. 866, and sections 1–4, 6, 7, of said Act Aug. 13, 1888, c. 866, included or referred to in this chapter in Comp. St. 1901, pp. 507–515, are also incorporated in the Judicial Code and expressly repealed by § 297 thereof.

Act May 17, 1898, c. 339, § 1, included in this chapter in Comp. St. 1901, p. 516, is incorporated in said Judicial Code, in chapter 2, § 24, par. 25 thereof, and is superseded thereby, although it is not included among the acts and parts of acts specifically repealed by § 297 of said Code; section 2 of the act not being incorporated in the Code.

CHAPTER EIGHT.

Circuit Courts—Sessions.

Secs. 658-672.

[Repealed. Act March 3, 1911, c. 231, § 297.]

These sections, constituting the whole of this chapter of the Revised Statutes, set forth in Comp. St. 1901, pp. 529–546, are incorporated in the Judicial Code, Act March 3, 1911, c. 231, chiefly in chapters 1, 4, 5, thereof, and are expressly repealed by § 297 of said act, taking effect Jan. 1, 1912. Said act is set forth ante, Title XII B, "The Judicial Code."

All acts and parts of acts fixing or changing the times or places of holding court in particular districts, enacted prior to Feb. 1, 1911, among them those subsequent to the Revised Statutes included or referred to in this chapter in Comp. St. 1901, pp. 530–541, are also incorporated in the Judicial Code and expressly repealed by said § 297 thereof.

[CHAPTER EIGHT A.]

[Circuit Courts of Appeals.]

ACT MARCH 3, 1891, c. 517, §§ 1-8, 12-15. [*As amended* 1895, 1897, 1900.]

[Superseded. Act March 3, 1911, c. 231.]

This act, except the provision of section 9 relating to compensation of officers and sections 10 and 11, and all the acts amendatory thereof, and other acts and parts of acts relating to the circuit courts of appeals, included in this chapter in Comp. St. 1901, pp. 546–557, are incorporated in the Judicial Code, Act March 3, 1911, c. 231, chiefly in chapter 6 thereof, and are superseded thereby, although not included among the acts and parts of acts specifically repealed by § 297 thereof. Said Code is set forth ante, Title XII B, "The Judicial Code."

Act April 14, 1906, c. 1627, 34 Stat. 116, amending section 7 of this act, is also incorporated in said Judicial Code, § 126, and is expressly repealed by § 297 thereof.

Subsequent acts and parts of acts fixing or changing the times or places of holding terms of the circuit courts of appeals, are also superseded by said Judicial Code, § 126.

ACT JAN. 20, 1897, c. 68.

[Repealed. Act March 3, 1911, c. 231, § 297.]

This act, included in this chapter in Comp. St. 1901, p. 556, is incorporated in the Judicial Code, Act March 3, 1911, c. 231, and is expressly repealed by § 297 thereof. Said Code is set forth ante, Title XII B, "The Judicial Code."

CHAPTER NINE.

Supreme Court—Organization.

Secs. 673-683.

[Repealed. Act March 3, 1911, c. 231, § 297.]

These sections, constituting the whole of this chapter of the Revised Statutes, set forth in Comp. St. 1901, pp. 557–562, are incorporated in the Judicial Code, Act March 3, 1911, c. 231, in chapter 10 thereof, and are expressly repealed by § 297 of said act, taking effect Jan. 1, 1912. Said act is set forth ante, Title XII B, "The Judicial Code."

Act Feb. 12, 1889, c. 135, amending Rev. St. § 683, and included in this chapter in Comp. St. 1901, p. 562, is also incorporated in said Judicial Code, and repealed by the express repeal of said amended section.

CHAPTER TEN.

Supreme Court—Sessions.

Secs. 684-686.

[Repealed. Act March 3, 1911, c. 231, § 297.]

These sections, constituting the whole of this chapter of the Revised Statutes, set forth in Comp. St. 1901, pp. 563, 564, are incorporated in the Judicial Code, Act March 3, 1911, c. 231, in chapter 10 thereof, and are expressly repealed by § 297 of said act. Said act is set forth ante, Title XII B, "The Judicial Code."

CHAPTER ELEVEN.

Supreme Court—Jurisdiction.

Secs. 687-697, 699, 702-710.

[Repealed. Act March 3, 1911, c. 231, § 297.]

These sections, constituting the whole of this chapter of the Revised Statutes, set forth in Comp. St. 1901, pp. 564–576, except sections 698, 700, 701 of said chapter, are incorporated in the Judicial Code, Act March 3, 1911, c. 231, in chapter 10 thereof, and are expressly repealed by § 297 of said act, taking effect Jan. 1, 1912. Said act is set forth ante, Title XII B, "The Judicial Code."

Rev. St. § 691 was previously repealed by Act March 3, 1891, c. 517, § 14, Comp. St. 1901, p. 553.

Rev. St. § 698, relating to transcripts of records on appeals, § 700, relating to the review of cases tried without a jury, and § 701, relating

to the judgment or decree on review of judgments, etc., of inferior courts, not being within the scope of said Judicial Code, are not incorporated in or repealed by that act. Said section 701 is set forth below.

Act March 3, 1885, c. 355, included in this chapter in Comp. St. 1901, p. 571, is also incorporated in the Judicial Code and expressly repealed by § 297 thereof.

Act Feb. 6, 1889, c. 113, § 6, Act Feb. 9, 1893, c. 74, § 8, and Act March 3, 1897, c. 390, also included in this chapter in Comp. St. 1901, pp. 569, 573, 574, are incorporated in said Judicial Code, and are superseded thereby, although they are not included among the acts and parts of acts specifically repealed by § 297 of said Code.

Sec. 701.

Judgment or decree on review.

The Supreme Court may affirm, modify, or reverse any judgment, decree, or order of a circuit court, or district court acting as a circuit court, or of a district court in prize causes, lawfully brought before it for review, or may direct such judgment, decree, or order to be rendered, or such further proceedings to be had by the inferior court, as the justice of the case may require. The Supreme Court shall not issue execution in a cause removed before it from such courts, but shall send a special mandate to the inferior court to award execution thereupon.

Act Sept. 24, 1789, c. 20, § 24, 1 Stat. 85. Act March 3, 1803, c. 40, § 2, 2 Stat. 244. Act June 30, 1864, c. 174, § 13, 13 Stat. 310. Act June 1, 1872, c. 255, § 2, 17 Stat. 196.

This section is superseded to a great extent by the provisions for remand of cases on determination on appeal, etc., by the Supreme Court or by a circuit court of appeals, contained in Act March 3, 1891, c. 517, § 10, Comp. St. 1901, p. 552; but the last sentence of the section may be regarded as still in force, and applicable, by virtue of section 11 of said Act March 3, 1891, Comp. St. 1901, p. 552, to cases reviewed in the circuit courts of appeals, so as to require the issue by such a court of a special mandate to an inferior court to award execution.

CHAPTER TWELVE.

Provisions Common to More Than One Court or Judge.

Secs. 711-714, 716-720, 723, 725-749.

[Repealed. Act March 3, 1911, c. 231, § 297.]

These sections, constituting the whole of this chapter of the Revised Statutes, set forth in Comp. St. 1901, pp. 576–591, except sections 715, 721, 722, 724 of said chapter, are incorporated in the Judicial Code, Act March 3, 1911, c. 231, chiefly in chapters 4, 11, thereof, and are expressly repealed by § 297 of said act, taking effect Jan. 1, 1912. Said act is set forth ante, Title XII B, "The Judicial Code."

Rev. St. § 715, relating to criers of the courts and attendants on juries, etc., § 721, making the laws of the states rules of decision in trials at common law, § 722, relating to proceedings in vindication of civil rights, and § 724, authorizing the courts to require parties to produce books and writings in actions at law, not being within the scope of said Judicial Code, are not incorporated in or repealed by that act.

Act Feb. 15, 1879, c. 81, included in this chapter in Comp. St. 1901, p. 590, which authorized the admission of women to practice before

the Supreme Court, is incorporated in said Judicial Code, in section 255 thereof, and is superseded thereby.

The provisions of Act March 3, 1887, §§ 2, 3, included in this chapter in Comp. St. 1901, p. 582, which relate to management of property by and suits against receivers, and of § 7 of that act, Comp. St. 1901, p. 579, which forbids the appointment or employment in the courts of relatives of judges thereof, are incorporated in said Judicial Code, in sections 65, 66, 67 thereof, and are superseded thereby.

Act March 3, 1897, c. 395, included in this chapter in Comp. St. 1901, p. 589, prescribing the districts in which suits for infringement of patents may be brought, is incorporated in said Judicial Code, in section 48 thereof, and is superseded thereby.

The other acts and parts of acts included in this chapter in Comp. St. 1901, being Act June 1, 1874, c. 200, Act March 3, 1879, c. 183, Act March 2, 1895, c. 189, and Act July 1, 1898, c. 546, § 1, not being within the scope of said Judicial Code, are not incorporated in or repealed by that act.

Sec. 715.

Criers of the courts; attendants on juries.

The pay of persons employed in any court under this section is increased to three dollars a day by Act March 3, 1905, c. 1487, set forth below.

The provisions of Act March 2, 1895, c. 189, that all persons employed under this section shall be deemed to be in actual attendance when they attend upon the order of the courts, and that no such person shall be employed during vacation, set forth following this section in Comp. St. 1901, p. 580, are repeated in the sundry civil appropriation acts for the subsequent years, and in several deficiency appropriation acts. The provisions for the fiscal year ending June 30, 1912, are contained in Act March 4, 1911, c. 285, § 1, 36 Stat. 1427.

The appropriation in the recent acts to which these provisos are annexed is "for pay of bailiffs and criers, not exceeding three bailiffs and one crier in each court, except in the southern district of New York and the northern district of Illinois."

ACT MARCH 3, 1905, c. 1487. [S. 2207.]

An Act to Fix the Compensation of Criers and Bailiffs in the United States Courts. (33 Stat. 1259.)

Compensation of criers and attendants.

Be it enacted, &c., That on and after the passage of this Act the per diem pay of all persons employed in any court of the United States under section seven hundred and fifteen of the Revised Statutes, now fixed by law at two dollars a day, shall be three dollars a day.

Act March 3, 1905, c. 1487, 33 Stat. 1259.

Rev. St. § 715, mentioned in this act, is set forth in Comp. St. 1901, p. 579.

CHAPTER THIRTEEN.

Habeas Corpus.

Sec. 764. [*As amended* 1885.]

Appeals to Supreme Court.

The right of appeal to the Supreme Court in certain habeas corpus proceedings is restricted by Act March 10, 1908, c. 76, set forth below.

ACT MARCH 10, 1908, c. 76. [H. R. 4777.]

An Act Restricting in Certain Cases the Right of Appeal to the Supreme Court in Habeas Corpus Proceedings. (35 Stat. 40.)

Appeal to Supreme Court in proceedings where detention is under process of state court; probable cause for allowance of writ.

Be it enacted, &c., That from a final decision by a court of the United States in a proceeding in habeas corpus where the detention complained of is by virtue of process issued out of a State court no appeal to the Supreme Court shall be allowed unless the United States court by which the final decision was rendered or a justice of the Supreme Court shall be of opinion that there exists probable cause for an appeal, in which event, on allowing the same, the said court or justice shall certify that there is probable cause for such allowance.

Act March 10, 1908, c. 76, 35 Stat. 40.

CHAPTER FOURTEEN.

District Attorneys, Marshals, and Clerks.

Sec. 770.

Salaries of district attorneys.

The provision of this section relating to the salary of the district attorney for the southern district of New York, set forth in Comp. St. 1901, p. 600, being the only portion of the section not superseded by Act May 28, 1896, c. 252, § 7, Comp. St. 1901, p. 611, is superseded by the provision for the salary of such district attorney of Act March 3, 1905, c. 1483, § 1, set forth with other provisions relating to salaries of district attorneys for particular districts, post, following Rev. St. § 793.

District attorneys, except in the District of Columbia, are not to receive fees of office in addition to salary, by a provision of Act March 3, 1905, c. 1483, § 1, set forth post, under chapter 16 of this Title.

An annual appropriation for fees of the district attorney for the District of Columbia is made by the sundry civil appropriation acts. The provision for the fiscal year ending June 30, 1912, is by Act March 4, 1911, c. 285, § 1, 36 Stat. 1426.

The limitation of the compensation of assistant district attorneys to not exceeding $2,500 per annum, by Act May 28, 1896, c. 252, § 8, Comp. St. 1901, p. 613, is not to apply to the first assistant district attorney for the northern district of Illinois, by a provision of Act March 3, 1903, c. 1007, § 1, set forth post, following Rev. St. § 793. Such limitation is also not to apply to the assistants of the United States district attorney for the southern district of New York, or for the District of Columbia, by a proviso annexed to section 24 of said Act May 28, 1896, c. 252, set forth in Comp. St. 1901, p. 618. And all laws fixing the annual salaries of assistants in the office of the district attorney for the southern district of New York are made applicable as fixing the annual salaries of the assistants in the office of the district attorney for the northern district of Illinois, by a provision of Act March 4, 1907, c. 2918, § 1, set forth post, following Rev. St. § 793. The amounts which the district attorney for the District of Columbia shall pay to his deputies or assistants, and for other expenses, out of the fees of his office, are limited by a provision of Act March 4, 1911, c. 285, § 1, set forth post, following Rev. St. § 793.

Annual appropriations for salaries of district attorneys and expenses of district attorneys and their regular assistants, and for payment of regular assistants to district attorneys, who are appointed by the Attorney General, at a fixed compensation, and also for assistants employed

by the Attorney General to aid in special cases, are made separately by the sundry civil appropriation acts. These appropriations for the fiscal year ending June 30, 1912, are made by Act March 4, 1911, c. 285, § 1, 36 Stat. 1426. A special provision of that act accompanying the appropriation for assistants employed in special cases, making it available for foreign counsel, is set forth in the note to Rev. St. § 363, ante, under Title VIII, "The Department of Justice."

Provisions for allowance and payment of expenses of district attorneys and their assistants, when absent from their official residences on official business, contained in Act May 27, 1908, c. 200, § 1, are set forth post, under Rev. St. § 793.

Sec. 771.

Duties of district attorneys.

District attorneys are required to prosecute suits by the United States for penalties for violations of the provisions of Act Feb. 20, 1907, c. 1134, relating to importation of aliens under contract to labor, by section 5 of that act, post, under Title XXIX, "Immigration," subtitle "Regulation and Restriction of Immigration in General."

District attorneys are required to institute proceedings to cancel naturalization certificates fraudulently or illegally procured, by Act June 29, 1906, c. 3592, § 15, set forth post, under Title XXX, "Naturalization."

District attorneys are required to prosecute for the recovery of forfeitures provided for violations of the act to regulate commerce, Act Feb. 4, 1887, c. 104, as amended by Act June 29, 1906, c. 3591, by a provision of section 16 of said Act Feb. 4, 1887, c. 104, as amended by Act June 29, 1906, c. 3591, § 5, set forth post, under Title LVI A, "Regulation of Interstate and Foreign Commerce," c. 1.

District attorneys are required to commence and prosecute proceedings for enforcement of penalties for violations of the pure food act, Act June 30, 1906, c. 3915, by section 5 of that act, set forth post, under Title LVI A, "Regulation of Interstate and Foreign Commerce," c. 3.

District attorneys are required to prosecute persons violating the regulations prescribed by the Secretary of War for the use of canals authorized by Act Aug. 18, 1894, c. 299, § 4, Comp. St. 1901, p. 3525, and by Act June 13, 1902, c. 1079, § 11, post, under Title LXIII, "Rivers and Harbors," and the regulations prescribed for drawbridges authorized by Act Aug. 18, 1894, c. 299, § 5, Comp. St. 1901, p. 3538, by Act June 13, 1902, c. 1079, § 6, post, under Title LXIII, "Rivers and Harbors."

Sec. 773.

[Amended. Act April 9, 1910, c. 152.]

This section, set forth in Comp. St. 1901, p. 603, is amended by Act April 9, 1910, to read as set forth below.

ACT APRIL 9, 1910, c. 152. [H. R. 19285.]

An Act to Amend Section Seven hundred and seventy-three of the Revised Statutes. (36 Stat. 294.)

Amendment of Rev. St. § 773.

Be it enacted, &c., That section seven hundred and seventy-three of the Revised Statutes be, and the same is hereby, amended to read as follows:

Returns of district attorneys to Solicitor of the Treasury.

"Sec. 773. It shall be the duty of the United States district attorneys to make and forward to the Solicitor of the Treasury, for his information and the purposes of a permanent record, such reports relating to suits in which the United States is a party as may be

required by the Solicitor of the Treasury with the approval of the Attorney-General."

Act April 9, 1910, c. 152, 36 Stat. 294.

Rev. St. § 773, amended by this act, is set forth in Comp. St. 1901, p. 603.

Sec. 775.

Reports by district attorney to Department of Justice.

District attorneys are required to report to the Attorney General the action taken by them against persons violating the regulations prescribed by the Secretary of War for the use of canals, drawbridges, etc., by Act June 13, 1902, c. 1079, § 6, post, under Title LXIII, "Rivers and Harbors."

Sec. 787.

Duties of marshal.

Certain services to the Court of Customs Appeals and to the Commerce Court, outside of the District of Columbia, are required to be rendered by the marshals of the several districts, by Act March 3, 1911, c. 231, §§ 190, 193, 204, 209, set forth ante, under Title XII B, "The Judicial Code."

It is made the duty of all marshals and deputy marshals to assist in the enforcement of Act June 7, 1902, c. 1037, for the protection of game in Alaska, as amended by Act May 11, 1908, c. 162, and they are authorized to make arrests, seizures, etc., for violations thereof, by provisions of section 7 of said act as so amended, 35 Stat. 105.

Sec. 793.

ACT MAY 28, 1896, c. 252, §§ 7, 8, 9, 10, 11, 13.

Salaries of district attorneys; particular districts.

The salary of the district attorney for the southern district of New York, which was not fixed by section 7 of this act, set forth in Comp. St. 1901, p. 611, is $10,000 per annum, by a provision of Act March 3, 1905, c. 1483, § 1, set forth below; and this provision is made applicable as fixing the salary of the district attorney for the northern district of Illinois, by a provision of Act March 4, 1907, c. 2918, § 1, also set forth below.

The salaries of the district attorneys for the district of Idaho and the southern district of California, fixed at $3,000 and $3,500, respectively, by section 7 of this act, are fixed at $4,000, by a provision of Act June 30, 1906, c. 3914, § 1, set forth below.

The salary of the district attorney for the eastern district of Pennsylvania, fixed at $4,500 by section 7 of this act, is fixed at $6,000 by a provision of Act May 27, 1908, c. 200, § 1, set forth below.

Instead of the salary of $5,000 for the district attorney for the district of Oklahoma, provided by section 7 of this act, the salaries of the district attorneys for the eastern district and western district of Oklahoma are fixed at $4,000, by Act March 3, 1909, c. 269, § 21, set forth below.

Each district attorney of any Texas district after July 1, 1910, is to receive a salary of $4,000, by Act June 25, 1910, c. 397, set forth below.

The salary of the United States attorney for the district of New Jersey, fixed at $3,000 by section 7 of this act, is $5,000, beginning July 1, 1911, and the salary of the United States attorney for the district of Nevada, also fixed at $3,000 by said section, is $4,000, after the beginning of the fiscal year 1912, by provisions of Act March 4, 1911, c. 285, § 1, set forth below.

Assistant district attorneys; expenses of district attorney and assistants; official residence.

The provision of section 8 of this act, set forth in Comp. St. 1901, p. 613, limiting the compensation of assistant district attorneys to not ex-

ceeding $2,500 per annum, is not to apply to the first assistant district attorney for the northern district of Illinois, by a provision of Act March 3, 1903, c. 1007, § 1, set forth below. And all laws fixing the annual salaries of assistants in the office of the district attorney for the southern district of New York are made applicable as fixing the annual salaries of assistants in the office of the district attorney for the northern district of Illinois, by a provision of Act March 4, 1907, c. 2918, § 1, also set forth below. A provision relating to the salary of the first assistant to the district attorney for the eastern district of Pennsylvania, contained in Act May 27, 1908, c. 200, § 1, is also set forth below.

The amount which the district attorney for the District of Columbia shall pay to his deputies or assistants, out of the fees of his office, is limited by a provision of Act March 4, 1911, c. 285, § 1, set forth below.

Annual appropriations for payment of regular assistants to district attorneys, who are appointed by the Attorney General, at a fixed annual compensation, and for their expenses, are made by the sundry civil appropriation acts. These appropriations for the fiscal year ending June 30, 1912, are made by Act March 4, 1911, c. 285, § 1, 36 Stat. 1426.

Further appropriations are also made by the same acts for payment of assistants to district attorneys employed by the Attorney General to aid in special cases, as is authorized by Rev. St. §§ 363–366, Comp. St. 1901, pp. 208, 209. See note to Rev. St. § 363, ante, under Title VIII, "The Department of Justice."

A proviso annexed to the appropriation, in each of the recent sundry civil appropriation acts, for [illegible]rict attorneys and expenses of district attorneys and their regular assistants, makes the appropriation available for the payment of the salaries of regularly appointed clerks to district attorneys for services rendered during vacancy in the office of district attorney. The provision for the fiscal year ending June 30, 1912, is by Act March 4, 1911, c. 285, § 1, 36 Stat. 1426.

A further proviso, relating to the payment, from such appropriations, of clerks and messengers in the office of the district attorney for the southern district of New York, and of his office expenses, annexed to the appropriation for the fiscal year ending June 30, 1907, by Act June 30, 1906, c. 3014, § 1, is set forth below. A provision for allowance and payment of expenses of the district attorney for the southern district of New York and his assistants while absent from their official residences on official business, in the same manner and from the same appropriation as similar expenses in other judicial districts, contained in Act March 4, 1907, c. 2918, § 1, and a subsequent provision for allowance and payment of such expenses of district [illegible] their assistants in general, contained in Act May 27, 1908, c. 200, § 1, are also set forth below.

Salaries of marshals; particular districts.

The salary of the marshal for the district of Nebraska, fixed at $3,500 by section 9 of this act, set forth in Comp. St. 1901, p. 613, is $4,000, by Act Feb. 27, 1907, c. 2073, § 13, set forth below.

Instead of the salary of $5,000 for the marshal for the district of Oklahoma, provided by section 9 of this act, the salaries of the marshals for the eastern district and the western district of Oklahoma are fixed at $4,000, by Act March 3, 1909, c. 269, § 21, set forth below.

Each marshal of any Texas district, after July 1, 1910, is to receive a salary of $4,000, by Act June 25, 1910, c. 397, set forth below.

The salary of the marshal for the eastern district of Louisiana, fixed at $3,000 by section 9 of this act, is $4,000, by Act June 25, 1910, c. 411, set forth below.

Marshals; office deputies and clerks; expenses of deputies.

Section 10 of this act, set forth in Comp. St. 1901, p. 615, is expressly amended by Act Feb. 19, 1909, c. 161, set forth below, by striking out, in the provision limiting the amount to be allowed for expenses of deputies to "not to exceed two dollars per day," the word "two," and inserting in place thereof the word "three."

Marshals' field deputies; expenses of deputies.

Section 11 of this act, set forth in Comp. St. 1901, p. 615, is expressly amended by Act March 4, 1911, c. 269, set forth below.

Expense accounts of district attorneys and their assistants, and of marshals and their deputies.

Subsequent provisions relating to accounts for expenses of district attorneys and assistant district attorneys, and the allowance and payment of such accounts, contained in Act May 27, 1908, c. 200, § 1, are set forth below.

Marshals and chief deputy marshals are authorized to administer oaths to deputies and others presenting claims and accounts, by Act Feb. 21, 1911, c. 144, set forth below.

Recent appropriations, in the sundry civil appropriation acts, for salaries, fees, and expenses of marshals and their deputies, are accompanied by a provision that advances to marshals may be made from the proper appropriations immediately upon the passage of the act, but that no disbursements shall be made prior to July 1st, beginning the fiscal year, from the funds thus advanced, or to liquidate expenses for preceding fiscal years. The provision for the fiscal year ending June 30, 1912, is by Act March 4, 1911, c. 285, § 1, 36 Stat. 1426.

ACT MARCH 3, 1903, c. 1007, § 1.

Limitation of compensation not to apply to first assistant district attorney for northern district of Illinois.

* * That the provisions of section eight of the legislative appropriation Act approved May twenty-sixth, eighteen hundred and ninety-six, limiting the compensation of United States assistant district attorney to not exceeding two thousand five hundred dollars per annum, shall not apply to the first assistant district attorney for the northern district of Illinois.

Act March 3, 1903, c. 1007, § 1, 32 Stat. 1141.

This is a proviso annexed to an appropriation for payment of assistants to district attorneys, in the sundry civil appropriation act for the fiscal year ending June 30, 1904, cited above.

All laws fixing the annual salaries of assistants in the office of the district attorney for the southern district of New York are made applicable as fixing the annual salaries of assistants in the office of the district attorney for the northern district of Illinois, by a provision of Act March 4, 1907, c. 2918, § 1, set forth below.

ACT MARCH 3, 1905, c. 1483, § 1. [H. R. 18969.]

Salary of district attorney for southern district of New York.

* * The District Attorney for the southern district of New York shall hereafter receive a salary of ten thousand dollars per annum.

Act March 3, 1905, c. 1483, § 1, 33 Stat. 1207.

This is a provision accompanying appropriations for salaries and expenses of district attorneys in the sundry civil appropriation act for the fiscal year ending June 30, 1906, cited above. It supersedes the provision for a salary of $6,000 to said district attorney contained in Rev. St. § 770, set forth in Comp. St. 1901, p. 600.

All laws fixing the annual salary of the district attorney for the southern district of New York are made applicable as fixing the annual salary of the district attorney for the northern district of Illinois, by a provision of Act March 4, 1907, c. 2918, § 1, set forth below.

ACT JUNE 30, 1906, c. 3914, § 1. [H. R. 19844.]

Salaries of marshals for district of Idaho and southern district of California.

For payment of salaries, fees, and expenses of United States marshals and their deputies * * dollars, to include payment for services rendered in behalf of the United States or otherwise; and the annual salaries of the United States marshals for the district of Idaho and the southern district of California are hereby fixed at four thousand dollars, respectively. Advances to United States marshals, in accord-

ance with existing law, may be made from the proper appropriations, as herein provided, immediately upon the passage of this Act; but no disbursements shall be made prior to July first, nineteen hundred and six, by said disbursing officers from the funds thus advanced, and no disbursements shall be made therefrom to liquidate expenses for the fiscal year nineteen hundred and six or prior years.

Act June 30, 1906, c. 3914, § 1, 34 Stat. 753.

This is a provision of the sundry civil appropriation act for the fiscal year ending June 30, 1907, cited above.

Salaries of district attorneys for district of Idaho and southern district of California; clerks and messengers in office of district attorney for southern district of New York.

For salaries of United States district attorneys and expenses of United States district attorneys and their regular assistants, * * dollars; and the annual salaries of the United States district attorneys for the district of Idaho and the southern district of California are hereby fixed at four thousand dollars, respectively: Provided, That this appropriation shall be available for the payment of the salaries of regularly appointed clerks to United States district attorneys for services rendered during vacancy in the offices of the United States district attorney: Provided further, That clerks and messengers in the office of the United States district attorney for the southern district of New York shall hereafter be paid from this appropriation and subsequent appropriations for salaries and expenses of district attorneys, by the disbursing clerk of the Department of Justice, in such number and at such salaries as may be fixed by the Attorney-General, and that such office expenses of said district attorney as may be approved by the Attorney-General shall also be paid in the same manner and from the same appropriations as similar expenses in other judicial districts, notwithstanding the provisions of section eight hundred and thirty-six, Revised Statutes.

Act June 30, 1906, c. 3914, § 1, 34 Stat. 753.

This is a further provision of the sundry civil appropriation act for the fiscal year ending June 30, 1907, cited above.

The first proviso, as set forth here, relating to "this appropriation" only, is annexed to the similar appropriations in all the recent sundry civil appropriation acts. See, for the fiscal year ending June 30, 1912, Act March 4, 1911, c. 285, § 1, 36 Stat. 1426.

Rev. St. § 836, mentioned in the second proviso, relating to the payment of the office expenses of the district attorney for the southern district of New York, is set forth in Comp. St. 1901, p. 644.

ACT FEB. 27, 1907, c. 2073, § 13. [S. 2769.]

Salary of marshal for district of Nebraska.

That from and after the first day of July, nineteen hundred and seven, the salary of the marshal for the district of Nebraska shall be four thousand dollars per annum.

Act Feb. 27, 1907, c. 2073, § 13, 34 Stat. 1000.

ACT MARCH 4, 1907, c. 2918, § 1. [H. R. 25745.]

Salaries of district attorney for northern district of Illinois and assistants.

All laws fixing the annual salaries of the United States attorney for the southern district of New York, and of assistants in his office, shall hereafter apply in all respects to and be construed as fixing the annual

salaries of the United States attorney for the northern district of Illinois, and of assistants in his office.

Act March 4, 1907, c. 2918, § 1, 34 Stat. 1360.

This is a provision of the sundry civil appropriation act for the fiscal year ending June 30, 1908, cited above.

Traveling expenses of district attorney for southern district of New York and his assistants.

The necessary expenses for lodging and subsistence actually paid, not exceeding four dollars per day, and actual necessary traveling expenses of the district attorney for the southern district of New York and his assistants, while absent from their respective official residences and necessarily employed in going to, returning from, and attending before any United States court, commissioner, or other committing magistrate, and while otherwise necessarily absent from their respective official residences on official business, shall be allowed and paid in the same manner and from the same appropriation as similar expenses in other judicial districts.

Act March 4, 1907, c. 2918, § 1, 34 Stat. 1360.

This is a further provision of the sundry civil appropriation act for the fiscal year ending June 30, 1908, cited above.

A subsequent general provision relating to the allowance and payment of expenses of district attorneys and their assistants, contained in Act May 27, 1908, c. 200, § 1, is set forth below.

ACT MAY 27, 1908, c. 200, § 1. [H. R. 21260.]

Salaries of district attorney for eastern district of Pennsylvania and his first assistant.

* * The annual salary of the United States attorney for the eastern district of Pennsylvania shall be, after the beginning of the fiscal year nineteen hundred and nine, six thousand dollars; and the annual salary of his first assistant shall be, after the beginning of the fiscal year nineteen hundred and nine, such sum as the Attorney General shall from time to time fix and determine, not to exceed four thousand dollars.

Act May 27, 1908, c. 200, § 1, 35 Stat. 375.

This is a provision of the sundry civil appropriation act for the fiscal year ending June 30, 1909, cited above.

Traveling expenses of district attorneys and their assistants; accounts therefor, and allowance and payment thereof.

The necessary expenses for lodging and subsistence actually paid, not exceeding four dollars per day and actual and necessary traveling expenses of the United States district attorneys and their assistants, while absent from their respective official residences and necessarily employed in going to, returning from, and attending before any United States court, commissioner, or other committing magistrate, and while otherwise necessarily absent from their respective official residences on official business shall be allowed and paid in the following manner: That the accounts of the United States attorneys and assistant United States attorneys for expenses herein provided for shall be made out monthly in accordance with rules and regulations prescribed by the Attorney-General. And when said expense accounts are made out, as hereinbefore provided, and verified on oath before an officer authorized by law to administer oaths, they shall be submitted to and examined by one of the judges of the circuit court or district court of the district for which said United States attorney or

assistant United States attorney was appointed, and when approved by said judge, may be allowed and paid by the United States marshal for said district, and the amount of such payments shall be included in said marshal's accounts with the United States, and audited and allowed as now provided by law.

Act May 27, 1908, c. 200, § 1, 35 Stat. 375.

This is a further provision of the sundry civil appropriation act for the fiscal year ending June 30, 1909, cited above.

ACT FEB. 19, 1909, c. 161. [H. R. 16274.]

An Act to Amend Section Ten of Chapter Two Hundred and Fifty-Two, Volume Twenty-Nine, of Public Statutes at Large. (35 Stat. 640.)

Amendment of Act May 28, 1896, c. 252, § 10.

Be it enacted, &c., That section ten of chapter two hundred and fifty-two, volume twenty-nine, Public Statutes at Large, is hereby amended by striking out in the twelfth line of said section the word "two" and inserting in place thereof the word "three," so that said section as amended shall read as follows:

Marshals' office deputies and clerks; expenses of deputies.

"Sec. 10. That when in the opinion of the Attorney-General the public interest requires it, he may, on the recommendation of the marshal, which recommendation shall state the facts as distinguished from conclusions, showing necessity for the same, allow the marshals to employ necessary office deputies and clerical assistance, upon salaries to be fixed by the Attorney-General, from time to time, and paid as hereinafter provided. When any of such office deputies is engaged in the service of any writ, process, subpoena, or other order of the court, or when necessarily absent from the place of his regular employment, on official business, he shall be allowed his actual traveling expenses only, and his necessary and actual expenses for lodging and subsistence, not to exceed three dollars per day, and the necessary actual expenses in transporting prisoners, including necessary guard hire; and he shall make and render accounts thereof as hereinafter provided."

Act Feb. 19, 1909, c. 161, 35 Stat. 640.

Act May 28, 1896, c. 252, § 10, amended by this act, is set forth in Comp. St. 1901, p. 615. The amendment consists in striking out, in the provision limiting the amount to be allowed for expenses of deputies, as originally enacted, to "not to exceed two dollars per day," the word "two," and inserting in place thereof the word "three," as set forth here.

ACT MARCH 3, 1909, c. 269, § 21. [H. R. 21896.]

Salaries of district attorneys and marshals for eastern district and western district of Oklahoma.

Sec. 21. That the United States district attorney for the eastern district of Oklahoma shall receive a salary of four thousand dollars per annum, payable monthly, in twelve equal installments.

The United States district attorney for the western district of Oklahoma shall receive a salary of four thousand dollars per annum, payable monthly, in twelve equal installments.

The United States marshal for the eastern district of Oklahoma shall receive a salary of four thousand dollars per annum, payable monthly, in twelve equal installments.

The United States marshal for the western district of Oklahoma shall receive a salary of four thousand dollars per annum, payable monthly, in twelve equal installments.

Act March 3, 1909, c. 269, § 21, 35 Stat. 843.

ACT JUNE 25, 1910, c. 397. [H. R. 12434.]

An Act to Make Uniform the Salaries of United States District Attorneys and Marshals in Texas. (36 Stat. 828.)

Salaries of district attorneys and marshals of Texas districts.

Be it enacted, &c., That from and after July first, nineteen hundred and ten, each United States district attorney and marshal of any Texas district shall receive as salary the sum of four thousand dollars per annum.

Act June 25, 1910, c. 397, 36 Stat. 828.

ACT JUNE 25, 1910, c. 411. [H. R. 20367.]

An Act Providing for an Increase of Salary for the United States Marshal for the Eastern District of Louisiana. (36 Stat. 838.)

Salary of marshal for eastern district of Louisiana.

Be it enacted, &c., That, commencing with the fiscal year beginning July first, nineteen hundred and ten, the salary of the United States marshal for the eastern district of Louisiana be fixed at the rate of four thousand dollars per annum.

Act June 25, 1910, c. 411, 36 Stat. 838.

ACT FEB. 21, 1911, c. 144. [H. R. 31657.]

An Act to Authorize United States Marshals and their Respective Chief Office Deputies to Administer Certain Oaths. (36 Stat. 927.)

Marshals and their chief deputies authorized to administer oaths to deputies and others presenting accounts.

Be it enacted, &c., That each United States marshal and each chief deputy United States marshal is hereby authorized and empowered to administer oaths to the marshal's deputies and other persons presenting to the marshal claims and accounts for payment: Provided, That the United States marshal or chief deputy marshal shall not be entitled to any fee for administering such oaths.

Act Feb. 21, 1911, c. 144, 36 Stat. 927.

ACT MARCH 4, 1911, c. 269. [H. R. 25192.]

An Act to Amend Section Eleven, Act of May Twenty-eighth, Eighteen hundred and ninety-six. (36 Stat. 1355.)

Amendment of Act May 28, 1896, c. 292, § 11.

Be it enacted, &c., That section eleven of the Act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June thirtieth, eighteen hundred and ninety-seven, approved May twenty-eighth, eighteen hundred and ninety-six, be, and the same is hereby, amended to read as follows:

Marshals' field deputies; expenses of deputies.

"Sec. 11. That at any time when, in the opinion of the marshal of any district, the public interest will thereby be promoted, he may appoint one or more deputy marshals for such district, who shall be

known as field deputies, and, who, unless sooner removed by the district court as now provided by law, shall hold office during the pleasure of the marshal, except as hereinafter provided, and who shall each, as his compensation, receive the gross fees, including mileage, as provided by law, earned by him, not to exceed one thousand five hundred dollars per fiscal year, or at that rate for any part of a fiscal year; and in addition shall be allowed his actual necessary expenses, not exceeding two dollars a day, while endeavoring to arrest, under process, a person charged with or convicted of crime: Provided, That a field deputy may elect to receive actual expenses on any trip in lieu of mileage: Provided further, That in special cases, where in his judgment justice requires, the Attorney-General may make an additional allowance, not, however, in any case to make the aggregate annual compensation of any field deputy in excess of two thousand five hundred dollars nor more than the gross fees earned by such field deputy. The marshal, immediately after making any appointment or appointments under this section, shall report the same to the Attorney-General, stating the facts as distinguished from conclusions constituting the reason for such appointment, and the Attorney-General may at any time cancel any such appointment as the public interest may require."

Time of taking effect of act.

This Act to take effect from and after July first, nineteen hundred and eleven.

Act March 4, 1911, c. 269, 36 Stat. 1355.

Act May 28, 1896, c. 292, § 11, amended by this act, is set forth in Comp. St. 1901, p. 615.

ACT MARCH 4, 1911, c. 285, § 1. [H. R. 32909.]

Salaries of district attorneys for district of New Jersey and district of Nevada.

* * That beginning July first, nineteen hundred and eleven, the salary of the United States attorney for the district of New Jersey shall be five thousand dollars per annum: And provided further, That the annual salary of the United States attorney for the district of Nevada shall be, after the beginning of the fiscal year nineteen hundred and twelve, four thousand dollars.

Act March 4, 1911, c. 285, § 1, 36 Stat. 1426.

These are provisos annexed to the appropriation for salaries, etc., of district attorneys, etc., in the sundry civil appropriation act for the fiscal year ending June 30, 1912, cited above.

Limitation of amounts of payments by district attorney for District of Columbia to deputies, etc., and for expenses, out of fees of office.

The United States district attorney for the District of Columbia shall hereafter pay to his deputies or assistants not exceeding in all twelve thousand dollars per annum; also his clerical and messenger hire, not exceeding eight thousand nine hundred and forty dollars; office rent, fuel, stationery, printing, and other incidental expenses, not exceeding two thousand dollars, out of the fees of his office: Provided, That no expenses other than those above specified shall be allowed.

Act March 4, 1911, c. 285, § 1, 36 Stat. 1426.

This is a further provision of the sundry civil appropriation act for the fiscal year ending June 30, 1912, cited above.

Sec. 798.

Account of payments and moneys in court to be stated by the clerk.

Besides the provisions of this section, set forth in Comp. St. 1901, p. 621, for accounts by clerks to the courts of moneys in court, the Attorney General is directed to require the clerks of the courts to report and account for all moneys received by them in their official capacity, and to prescribe the keeping of dockets by them for recording, reporting, and accounting for such moneys and for recording all fees and emoluments earned by them, by provisions of Act June 30, 1906, c. 3914, § 1, set forth below.

An annual appropriation for the investigation of official acts, records, and accounts of marshals, attorneys, clerks of the courts, and United States commissioners, and the examination for that purpose of their records and dockets by agents of the Attorney General, is made by the sundry civil appropriation acts, substantially as set forth in the note under Rev. St. § 846, in Comp. St. 1901, p. 648. The provision for the fiscal year ending June 30, 1912, is by Act March 4, 1911, c. 285, § 1, 36 Stat. 1424.

ACT JUNE 30, 1906, c. 3914, § 1. [H. R. 19844.]

Reports and accounts by clerks for moneys received; dockets for recording moneys received and fees and emoluments.

That the Attorney-General shall hereafter, under rules and regulations prescribed by him, require the clerks of the United States circuit and district courts, clerks of the Territorial courts, clerks of the United States courts for the Indian Territory, and the clerks of the United States courts in Alaska to report and account for all moneys received by them on account of or as security for fees and costs, and to report and account for all amounts collected or received by them on behalf of the United States on account of judgments, fines, forfeitures, penalties, and costs. The Attorney-General shall also hereafter require such clerks to report and account for any other moneys received by them in their official capacity, whether on behalf of the United States or otherwise, and the Attorney-General shall hereafter prescribe such docket or dockets or other books as he may deem proper to be kept and used by such clerks in recording, reporting, and accounting for moneys mentioned above in this paragraph, and in recording all fees and emoluments earned by them, which dockets or other books shall be kept and used by said clerks in accordance with rules and regulations prescribed by the Attorney-General.

Act June 30, 1906, c. 3914, § 1, 34 Stat. 754.

These are provisions, accompanying an appropriation for fees of clerks, in the sundry civil appropriation act for the fiscal year ending June 30, 1907, cited above.

CHAPTER FIFTEEN.

Juries.

Secs. 800-822.

[Repealed. Act March 3, 1911, c. 231, § 297.]

These sections, constituting the whole of this chapter of the Revised Statutes, set forth in Comp. St. 1901, pp. 623–630, are incorporated in the Judicial Code, Act March 3, 1911, c. 231, chiefly in chapter 12 thereof, and are expressly repealed by § 297 of said act, taking effect

Jan. 1, 1912. Said act is set forth ante, Title XII B, "The Judicial Code."

Rev. St. § 801 was previously repealed by Act June 30, 1879, c. 52, § 2, 21 Stat. 43.

Rev. St. §§ 820, 821, were previously repealed by Act June 30, 1879, c. 52, § 2, 21 Stat. 43, and by Act May 13, 1884, c. 46, § 4, 23 Stat. 21.

The provisions of Act June 30, 1879, c. 52, § 2, also included in this chapter in Comp. St. 1901, p. 624, are incorporated in said Judicial Code, and are superseded thereby, although they are not included among the acts and parts of acts specifically repealed by § 297 of said Code.

Act Aug. 8, 1888, c. 785, also included in this chapter in Comp. St. 1901, p. 624, authorizing circuit and district courts to use interchangeably jurors in either court, is rendered inoperative by the abolition of the circuit courts by said Judicial Code, § 289.

Act March 22, 1882, c. 47, § 5, set forth in Comp. St. 1901, p. 3634, relating to challenges to jurors in prosecutions for bigamy, polygamy, etc., is expressly repealed by § 297 of said Judicial Code.

CHAPTER SIXTEEN.

Fees.

FEES OF ATTORNEYS, SOLICITORS, AND PROCTORS.

Sec. 824.

Attorneys, solicitors, and proctors.

The application of Rev. St. §§ 824–827, and of other provisions relating to fees of attorneys, to the compensation of district attorneys, was superseded, except as to the southern district of New York and the District of Columbia, as stated in the note to Rev. St. § 824 in Comp. St. 1901, p. 633, by the provisions of Act May 28, 1896, c. 252, §§ 6–8, 14–18, Comp. St. 1901, pp. 611–613, 617. Such application is entirely abrogated, except as to the District of Columbia, by the provision of Act March 3, 1905, c. 1483, § 1, set forth below, that district attorneys shall not receive fees in addition to salary. A further provision of the same act increasing the salary of the district attorney for the southern district of New York is set forth ante, under chapter 14 of this Title.

An annual appropriation for fees of the district attorney for the District of Columbia is made by the sundry civil appropriation acts. The provision for the fiscal year ending June 30, 1912, is by Act March 4, 1911, c. 285, § 1, 36 Stat. 1426.

ACT MARCH 3, 1905, c. 1483, § 1. [H. R. 18969.]

District attorneys not to receive fees of office in addition to salary.

* * That in no case except in the District of Columbia shall United States District Attorneys hereafter receive fees of office in addition to the salary allowed them by law. * *

Act March 3, 1905, c. 1483, § 1, 33 Stat. 1207.

This is a proviso annexed to an appropriation for salaries of district attorneys and expenses of them and their regular assistants in the sundry civil appropriation act for the fiscal year ending June 30, 1906, cited above.

Sec. 825.

Fees in revenue cases, and in suits on official bonds.

See note, ante, under Rev. St. § 824.

An annual appropriation for fees of the district attorney for the southern district of New York, under this section, was made by the sundry

civil appropriation acts after the provisions of this section were superseded, as to other district attorneys, by those of Act May 28, 1896, c. 252, §§ 6–8, 14–18, Comp. St. 1901, pp. 611–613, 617. But that appropriation was not continued in the similar acts subsequent to Act March 3, 1905, c. 1483, section 1 of which provided, as set forth above, that district attorneys shall not receive fees of office in addition to salary, and also increased the salary of the district attorney for the southern district of New York, by a provision set forth under chapter 14 of this Title.

CLERKS' FEES.

Sec. 828.

Clerks' fees.

No more than one dollar is to be received from any attorney in connection with his admission to practice in a circuit or district court, by a provision of Act June 28, 1902, c. 1301, § 1, set forth post, under Rev. St. § 833.

The fees and compensation of clerks for services in naturalization proceedings are prescribed, and the accounting for and disposition of fees and other moneys received in such proceedings are regulated by provisions of Act June 29, 1906, c. 3592, §§ 13, 20, 21, set forth post, under Title XXX, "Naturalization."

Annual appropriations for fees of clerks are made by the sundry civil appropriation acts. The provision for the fiscal year ending June 30, 1912, is by Act March 4, 1911, c. 285, § 1, 36 Stat. 1426.

The salary of the clerk of the district court for the northern district of Illinois, authorized by a provision of Act July 31, 1894, c. 174, § 1, Comp. St. 1901, p. 452, is fixed at $3,000 by that provision.

The fees and compensation of the clerk of the circuit and district courts for the district of Montana are to be computed on the same basis as like fees in the district of Oregon, by a provision of Act May 27, 1908, c. 200, § 1, set forth post, under Rev. St. § 840.

MARSHALS' FEES.

Sec. 829.

Marshals' fees.

Annual appropriations for payment of salaries, fees, and expenses of marshals and their deputies are made by the sundry civil appropriation acts, to include payment for services rendered in behalf of the United States or otherwise, and advances to marshals from such appropriations are authorized. The appropriations for the fiscal year ending June 30, 1912, are made by Act March 4, 1911, c. 285, § 1, 36 Stat. 1426.

Sec. 833.

Semi-annual returns of fees by district attorneys, marshals, and clerks.

The provisions of this section, so far as applicable to clerks of district courts and circuit courts, may be regarded as superseded by the similar provisions of Act June 28, 1902, c. 1301, § 1, set forth below.

The clerks are to be required by the Attorney General to report and account for all moneys received by them on account of or as security for fees and costs, and other moneys received by them in their official capacity, by provisions of Act June 30, 1906, c. 3914, § 1, set forth ante, under chapter 14 of this Title.

Fees authorized to be paid to district attorneys and marshals are required, by Act May 28, 1896, c. 252, § 6, Comp. St. 1901, p. 611, to be paid to the clerk of the court having jurisdiction, and by him covered into the treasury of the United States. This requirement was not to apply to the office of the United States district attorney and his as-

sistants for the southern district of New York or for the District of Columbia, by a proviso annexed to section 24 of said Act May 28, 1896, c. 252, set forth in Comp. St. 1901, p. 618. By a subsequent provision of Act March 3, 1905, c. 1483, § 1, set forth above, district attorneys are in no case, except in the District of Columbia, to receive fees of office in addition to salary; the salary of the district attorney for the southern district of New York being fixed at $10,000 per annum, by a further provision of said Act March 3, 1905, c. 1483, § 1, set forth ante, under chapter 14 of this Title.

An annual appropriation for the investigation of official acts, records, and accounts of marshals, attorneys, clerks of the courts, and United States commissioners, and the examination for that purpose of their records and dockets by agents of the Attorney General, is made by the sundry civil appropriation acts, substantially as set forth in the note under Rev. St. § 846, in Comp. St. 1901, p. 648. The provision for the fiscal year ending June 30, 1912, is by Act March 4, 1911, c. 285, § 1, 36 Stat. 1424.

ACT JUNE 28, 1902, c. 1301, § 1.

Semi-annual returns of fees by clerks; naturalization fees; fees on admission of attorneys.

* * That each clerk of the district and circuit courts shall, on the first days of January and July of each year, or within thirty days thereafter, make to the Attorney-General, in such form as he may prescribe, written returns for the half year ending on said days, respectively, of all fees and emoluments of his office of every name and character, and of all necessary expenses of his office, including necessary clerk hire, together with the vouchers for the payment of the same for such last half year; and the word "emoluments" shall be understood as including all amounts received in connection with the admission of attorneys to practice in the court, all amounts received for services in naturalization proceedings, whether rendered as clerk, as commissioner, or in any other capacity, and all other amounts received for services in any way connected with the clerk's office: Provided further, That no amount in excess of one dollar shall be received from any attorney in connection with his admission to practice in a circuit or district court.

Act June 28, 1902, c. 1301, § 1, 32 Stat. 475.

These are provisos annexed to an appropriation for clerks' fees in the sundry civil appropriation act for the fiscal year ending June 30, 1903, cited above. They may be regarded as superseding the provisions of Rev. St. § 833, in their application to clerks of the district and circuit courts.

Similar provisions for annual returns of fees and emoluments and for the rendering and settlement of accounts by the clerk of the Supreme Court and the clerks of the circuit courts of appeals, contained in previous statutes, are set forth in Comp. St. 1901, pp. 651–652.

The Attorney General is directed to require the clerks of the circuit and district courts, the territorial courts, etc., to report and account for all moneys received by them on account of or as security for fees and costs, on account of judgments, etc., or otherwise in their official capacity, and to prescribe the keeping of dockets by them for recording, reporting, and accounting for such moneys, and for recording all fees and emoluments received by them, by provisions of Act June 30, 1906, c. 3914, § 1, set forth ante, under chapter 14 of this Title.

The application of this provision to "amounts received for services in naturalization proceedings," is superseded by subsequent provisions requiring accounting for and payment of all such fees and moneys, contained in Act June 29, 1906, c. 3592, §§ 13, 20, set forth post, under Title XXX, "Naturalization."

Sec. 836.

Sum to be paid to district attorney of southern district of New York for office expenses.

The salary of the district attorney for the southern district of New York is increased from the rate of $6,000 a year, mentioned in this section, as set forth in Comp. St. 1901, p. 644, to $10,000, by a provision of Act March 3, 1905, c. 1483, § 1, set forth ante, under chapter 14 of this Title; and the reference in this section to "the costs and fees allowed him by law" is also affected by the provision of the same act, set forth above, that district attorneys are in no case, except in the District of Columbia, to receive fees of office in addition to salary. And clerks and messengers in the office of the district attorney for the southern district of New York are to be paid from the appropriations for salaries and expenses of district attorneys, and his office expenses are to be paid from the same appropriations as similar expenses in other districts, notwithstanding the provisions of Rev. St. § 836, by a provision of Act June 30, 1906, c. 3914, § 1, set forth ante, under chapter 14 of this Title.

Sec. 837.

District attorney and marshal in Oregon and Nevada.

The application of this section to the compensation of the district attorneys and marshals for the districts of Oregon and Nevada is superseded by the provisions for payment to them of salaries and other compensation, in lieu of the salaries, fees, per centums, and other compensation previously allowed, contained in Act May 28, 1896, c. 252, §§ 6–18, set forth in Comp. St. 1901, pp. 611–617. By section 7 of that act, the salary of the district attorney for the district of Nevada is $3,000, and for the district of Oregon $4,500; and by section 9 the salary of the marshal for the district of Nevada is $2,500, and for the district of Oregon $4,000. The salary of the district attorney for the district of Nevada, after the beginning of the fiscal year 1912, is $4,000, by a provision of Act March 4, 1911, c. 285, § 1, set forth ante, under chapter 14 of this Title.

The provision of the section for double fees to the district attorneys and marshals named was extended to the territories of New Mexico and Arizona, and made applicable to the fees of all officers in those territories. A subsequent provision, of Act July 2, 1890, c. 650, 26 Stat. 212, allowed the district attorneys and marshals to retain of their fees and emoluments such sum as necessary to make their whole compensation including salary $6,000 per year each; but this was superseded by the provisions for payment to them of salaries, etc., contained in Act May 28, 1896, c. 252, §§ 6–18, mentioned above. By sections 7 and 9 of that act, the salary of the district attorney and of the marshal for each territory is $4,000.

Sec. 840.

Clerks in California, Oregon, and Nevada.

The fees and compensation of the clerk of the circuit and district courts for the district of Montana are to be computed on the same basis as like fees in the district of Oregon, by a provision of Act May 27, 1908, c. 200, § 1, set forth below.

ACT MAY 27, 1908, c. 200, § 1. [H. R. 21260.]

Clerk's fees in Montana.

* * That hereafter the fees and compensation of the clerk of the circuit and district court for the district of Montana shall be computed and allowed on the same basis as like fees are allowed, computed, and paid in the district of Oregon.

Act May 27, 1908, c. 200, § 1, 35 Stat. 376.

This is a proviso annexed to an appropriation for fees of clerks in the sundry civil appropriation act for the fiscal year ending June 30,

1909, set forth above. The allowance of clerk's fees and compensation in Oregon, referred to in this provision, is provided for by Rev. St. § 840, Comp. St. 1901, p. 645.

Sec. 846. [*As amended* 1875.]

Accounts of district attorneys, etc., to be certified to by district judge.

The usual annual appropriation for investigation of official acts, records, and accounts of officers, mentioned in the note under this section in Comp. St. 1901, p. 648, is repeated in the sundry civil appropriation acts for recent years. The provision for the fiscal year ending June 30, 1912, is by Act March 4, 1911, c. 285, § 1, 36 Stat. 1424.

ACT MARCH 15, 1898, c. 68, § 8.

Naturalization fees of clerks.

The proviso annexed to this section, set forth in Comp. St. 1901, p. 651, relating to payment by clerks of fees received for naturalization, is superseded by the provisions relating to the same subject contained in Act June 29, 1906, c. 3592, §§ 13, 20, set forth post, under Title XXX, "Naturalization."

WITNESSES' FEES.

Sec. 848.

Witnesses' fees.

Fees and mileage of witnesses on hearings before registers and receivers of land offices are provided for by Act Jan. 31, 1903, c. 344, set forth post, under Title XXXII, "The Public Lands," c. 2.

ACT AUG. 3, 1892, c. 361.

[Superseded. Act May 27, 1908, c. 200, § 1.]

This act, set forth in Comp. St. 1901, p. 655, is superseded by the provisions relating to fees as well as to mileage of jurors and witnesses in the states and territories mentioned, of Act May 27, 1908, c. 200, § 1, set forth below.

ACT MAY 27, 1908, c. 200, § 1. [H. R. 21260.]

Fees and mileage of jurors and witnesses in certain states and territories.

Jurors and witnesses in the United States courts in the States of Wyoming, Montana, Washington, Oregon, California, Nevada, Idaho, Colorado, and Utah, and in the Territories of New Mexico and Arizona shall be entitled to receive for actual attendance at any court or courts and for the time necessarily occupied in going to and returning from the same, three dollars a day, and fifteen cents for each mile necessarily traveled over any stage line, or by private conveyance, and five cents for each mile by any railway or steamship in going to and returning from said courts: Provided, That no constructive or double mileage fees shall be allowed by reason of any person being summoned as both a witness and juror, or as a witness in two or more cases pending in the same court and triable at the same term thereof.

Act May 27, 1908, c. 200, § 1, 35 Stat. 377.

This is a provision of the sundry civil appropriation act for the fiscal year ending June 30, 1909, cited above. It supersedes the similar provisions, relating to mileage of jurors and witnesses in the states and territories mentioned, of Act Aug. 3, 1892, c. 361, set forth in Comp. St. 1901, p. 655.

JURORS' FEES.

Sec. 852.

Fees of grand and petit jurors.

The per diem compensation of jurors is three dollars a day, by Act June 21, 1902, c. 1138, set forth below.

Provisions for fees of jurors and for mileage at a greater rate in certain states and territories, contained in Act May 27, 1908, c. 200, § 1, are set forth ante, under Rev. St. § 848.

ACT JUNE 30, 1879, c. 52, § 2.

[Superseded. Act June 21, 1902, c. 1138.]

This provision, fixing the per diem pay of jurors at two dollars, is superseded by Act June 21, 1902, c. 1138, set forth below.

ACT JUNE 21, 1902, c. 1138.

An Act to Fix the Fees of Jurors in the United States Courts. (32 Stat. 396.)

Per diem compensation of grand and petit jurors.

Be it enacted, &c., That on and after the passage of this Act the per diem pay of each juror, grand or petit, in any court of the United States, shall be three dollars a day instead of two dollars a day as now provided by law.

Act June 21, 1902, c. 1138, 32 Stat. 396.

The provision referred to in this act as fixing the per diem pay of jurors at two dollars is Act June 30, 1879, c. 52, § 2, Comp. St. 1901, p. 656.

CHAPTER SEVENTEEN.

Evidence.

Sec. 858.

[Amended. Act June 29, 1906, c. 3608.]

This section, set forth in Comp. St. 1901, p. 659, is amended by Act June 29, 1906, c. 3608, to read as set forth below.

ACT JUNE 29, 1906, c. 3608. [H. R. 7065.]

An Act to Amend Section Eight hundred and fifty-eight of the Revised Statutes of the United States. (34 Stat. 618.)

Amendment of Rev. St. § 858.

Be it enacted, &c., That section eight hundred and fifty-eight of the Revised Statutes of the United States be, and the same is hereby, amended so as to read as follows:

Competency of witnesses in civil cases to be determined by laws of State or Territory where court is held.

"Sec. 858. The competency of a witness to testify in any civil action, suit, or proceeding in the courts of the United States shall be determined by the laws of the State or Territory in which the court is held."

Act June 29, 1906, c. 3608, 34 Stat. 618.

Rev. St. § 858, amended by this act, is set forth in Comp. St. 1901, p. 659.

Sec. 860.

[Repealed. Act May 7, 1910, c. 216.]

This section, set forth in Comp. St. 1901, p. 661, is repealed by Act May 7, 1910, c. 216, set forth below.

ACT MAY 7, 1910, c. 216. [H. R. 16367.]

An Act to Repeal Section Eight hundred and sixty of the Revised Statutes. (36 Stat. 352.)

Repeal of Rev. St. § 860.

Be it enacted, &c., That section eight hundred and sixty of the Revised Statutes of the United States be, and the same is hereby, repealed.

Act May 7, 1910, c. 216, 36 Stat. 352.

Rev. St. § 860, repealed by this act, is set forth in Comp. St. 1901, p. 661.

Sec. 863.

Depositions de bene esse.

Provisions for taking depositions of witnesses in hearings before registers and receivers of land offices are contained in Act Jan. 31, 1903, c. 344, §§ 4, 5, set forth post, under Title XXXII, "The Public Lands," c. 2.

Provisions for depositions of witnesses in naturalization proceedings are contained in Act June 29, 1906, c. 3592, § 10, set forth post, under Title XXX, "Naturalization."

Sec. 877.

Witnesses; form of subpœna; attendance under.

Provisions relating to subpœnas to witnesses in hearings before registers and receivers of land offices are contained in Act Jan. 31, 1903, c. 344, post, under Title XXXII, "The Public Lands," c. 2.

Sec. 882.

Copies of Department records and papers.

Certified copies of papers, documents, certificates, and records required to be used, filed, recorded, or kept under the provisions of Act June 29, 1906, c. 3592, relating to naturalization, are to be admitted in evidence equally with the originals, by section 28 of said act, set forth post, under Title XXX, "Naturalization."

Copies of schedules and tariffs of rates, etc., and of contracts, etc., between common carriers, filed with the Interstate Commerce Commission, and statistics, etc., in annual reports of carriers to the Commission, preserved as public records in the custody of the secretary of the Commission, are prima facie evidence of what they purport to be, and copies of and extracts from them, certified by the secretary under seal, are to be received in evidence equally with the originals, by provisions of section 16 of Act Feb. 4, 1887, c. 104, as amended by Act June 29, 1906, c. 3591, § 5, set forth post, under Title LVI A, "Regulation of Interstate and Foreign Commerce," c. 1.

Sec. 891.

Copies of records, etc., of General Land Office.

Provisions, similar to those of Rev. St. § 891, Comp. St. 1901, p. 672, for certification of patents, and records, etc., in the General Land Office by the Recorder, as well as by the Commissioner, as provided by this section, are contained in Act April 19, 1904, c. 1396, set forth below.

The transmission and authentication, for use as evidence in the courts,

of original papers on file in the General Land Office, are provided for by Act April 19, 1904, c. 1398, set forth ante, under Title XI, "The Department of the Interior," c. 3.

Registers and receivers of land offices are authorized to furnish transcripts of records in their offices for individuals, and such transcripts, when duly certified, are made admissible as evidence by Act March 22, 1904, c. 748, set forth post, under Title XXXII, "The Public Lands," c. 2.

ACT APRIL 19, 1904, c. 1396. [H. R. 1924.]

An Act Authorizing the Recorder of the General Land Office to Issue Certified Copies of Patents, Records, Books, and Papers. (33 Stat. 185.)

Copies of patents and records, etc., of General Land Office.

Be it enacted, &c., That copies of any patents, records, books, or papers in the General Land Office authenticated by the seal and certified by the recorder of such Office shall be evidence equally with the originals thereof to the same force and effect as when certified by the Commissioner of said Office.

Act April 19, 1904, c. 1396, 33 Stat. 185.

Sec. 892.

Copies of records, etc., of Patent Office.

Provisions similar to those of Rev. St. § 892, Comp. St. 1901, p. 673, relating to copies of records, etc, relating to trade-marks, belonging to the Patent Office, and of certificates of registration of trade-marks, providing for their authentication for use as evidence, are contained in Act Feb. 20, 1905, c. 592, § 11, set forth post, under Title LX, "Patents, Trade-Marks, and Copyrights," c. 2.

CHAPTER EIGHTEEN.

Procedure.

Sec. 984.

ACT JULY 20, 1892, c. 209, § 1.

[Amended. Act June 25, 1910, c. 435.]

This section, set forth in Comp. St. 1901, p. 706, is amended by Act June 25, 1910, c. 435, to read as set forth below.

ACT JUNE 25, 1910, c. 435. [S. 5836.]

An Act to Amend Section One, Chapter Two hundred and nine, of the United States Statutes at Large, Volume Twenty-seven, Entitled "An Act Providing When Plaintiff May Sue as a Poor Person and When Counsel shall be Assigned by the Court," and to Provide for the Prosecution of Writs of Error and Appeals in Forma Pauperis, and for Other Purposes. (36 Stat. 866.)

Amendment of Act July 20, 1892, c. 209, § 1.

Be it enacted, &c., That section one of an Act entitled "An Act providing when plaintiff may sue as a poor person and when counsel shall be assigned by the court," approved July twentieth, eighteen

hundred and ninety-two, be, and the same is hereby, amended so as to read as follows:

Suits and writs of error and appeals by poor persons without prepayment of fees or costs; affidavit of poverty.

"That any citizen of the United States entitled to commence or defend any suit or action, civil or criminal, in any court of the United States, may, upon the order of the court, commence and prosecute or defend to conclusion any suit or action, or a writ of error, or an appeal to the circuit court of appeals, or to the Supreme Court in such suit or action, including all appellate proceedings, unless the trial court shall certify in writing that in the opinion of the court such appeal or writ of error is not taken in good faith, without being required to prepay fees or costs or for the printing of the record in the appellate court or give security therefor, before or after bringing suit or action, or upon suing out a writ of error or appealing, upon filing in said court a statement under oath in writing that because of his poverty he is unable to pay the costs of said suit or action or of such writ of error or appeal, or to give security for the same, and that he believes that he is entitled to the redress he seeks by such suit or action or writ of error or appeal, and setting forth briefly the nature of his alleged cause of action, or appeal."

Act June 25, 1910, c. 435, 36 Stat. 866.

Act July 20, 1892, c. 209, § 1, amended by this act, is set forth in Comp. St. 1901, p. 706.

Sec. 996. [*As amended* 1897.]

This section, set forth in Comp. St. 1901, p. 711, as amended by Act Feb. 19, 1897, c. 265, § 3, is further amended by Act March 3, 1911, c. 224, to read as set forth below.

ACT MARCH 3, 1911, c. 224. [H. R. 18014.]

An Act to Amend Section Nine hundred and ninety-six of the Revised Statutes of the United States as Amended by the Act of February Nineteenth, Eighteen hundred and ninety-seven. (36 Stat. 1083.)

Amendment of Rev. St. § 996.

Be it enacted, &c., That section nine hundred and ninety-six of the Revised Statutes of the United States as amended by the Act of February nineteenth, eighteen hundred and ninety-seven, is hereby amended so as to read as follows:

How moneys deposited to be withdrawn; [moneys remaining unclaimed.]

"Sec. 996. No money deposited as aforesaid shall be withdrawn except by order of the judge or judges of said court, respectively, in term or in vacation, to be signed by such judge or judges, and to be entered and certified of record by the clerk; and every such order shall state the cause in or on account of which it is drawn.

In every case in which the right to withdraw money so deposited has been adjudicated or is not in dispute and such money has remained so deposited for at least five years unclaimed by the person entitled thereto, it shall be the duty of the judge or judges of said court, or its successor, to cause such money to be deposited in the Treasury

of the United States, in the name and to the credit of the United States: Provided, That any person or persons or any corporation or company entitled to any such money may, on petition to the court from which the money was received, or its successor, and upon notice to the United States attorney and full proof of right thereto, obtain an order of court directing the payment of such money to the claimant, and the money deposited as aforesaid shall constitute and be a permanent appropriation for payments in obedience to such orders, and this Act is applicable to all money deposited in the Treasury of the United States in accordance with section nine hundred and ninety-six, Revised Statutes of the United States, as amended February nineteenth, eighteen hundred and ninety-seven."

Act March 3, 1911, c. 224, 36 Stat. 1083.

Rev. St. § 996, amended by this act, is set forth in Comp. St. 1901, p. 711.

PROCEDURE ON ERROR AND APPEAL.

Sec. 1013.

ACT FEB. 13, 1911, c. 47. [S. 6386.]

An Act to Diminish the Expense of Proceedings on Appeal and Writ of Error or of Certiorari. (36 Stat. 901.)

Printed transcript of record on appeal to or writ of error from circuit court of appeals; original documents or other evidence; written transcript not required.

Be it enacted, &c., That in any cause or proceeding wherein the final judgment or decree is sought to be reviewed on appeal to, or by writ of error from, a United States circuit court of appeals the appellant or plaintiff in error shall cause to be printed under such rules as the lower court shall prescribe, and shall file in the office of the clerk of such circuit court of appeals at least twenty days before the case is called for argument therein, at least twenty-five printed transcripts of the record of the lower court, and of such part or abstract of the proofs as the rules of such circuit court of appeals may require, and in such form as the Supreme Court of the United States shall by rule prescribe, one of which printed transcripts shall be certified under the hand of the clerk of the lower court and under the seal thereof, and shall furnish three copies of such printed transcript to the adverse party at least twenty days before such argument: Provided, That either the court below or the circuit court of appeals may order any original document or other evidence to be sent up in addition to the printed copies of the record or in lieu of printed copies of a part thereof; and no written or typewritten transcript of the record shall be required.

Act Feb. 13, 1911, c. 47, § 1, 36 Stat. 901.

Printed record in court below as part of transcript on appeal to or writ of error or certiorari from Supreme Court; transmission and use of uncertified copies; fees; written transcript of part of record printed not required.

Sec. 2. That in any cause or proceeding wherein the final judgment or decree is sought to be reviewed on appeal to or by writ of error or of certiorari from the Supreme Court of the United States, in which

the record has been printed and used upon the hearing in the court below and which substantially conforms to the printed record in said Supreme Court, if there have been at the time of filing the record in the court below twenty-five copies of said printed record, in addition to those provided in the preceding section, lodged with the clerk of the court below, one copy thereof shall be used by the clerk of the court below in the preparation and as a part of the transcript of the record of the court below; and no fee shall be allowed the clerk of the court below in the preparation of the transcript for such part thereof as is included in said printed record so lodged with him. And the clerk of the court below in transmitting the transcript of record to the Supreme Court of the United States for review shall at the same time transmit the remaining uncertified copies of the printed record so lodged with him, which shall be used in the preparation and as a part of the printed record in the Supreme Court of the United States, and the clerk's fee for preparing the record for the printer, indexing the same, supervising the printing and binding and distributing the copies shall be at such rate per folio thereof, exclusive of the printed record so furnished by the clerk of the court below, as the Supreme Court of the United States may from time to time by rule prescribe; and no written or typewritten transcript of so much of the record as shall have been printed as herein provided shall be required.

Act Feb. 13, 1911, c. 47, § 2, 36 Stat. 901.

CRIMINAL PROCEDURE.

Sec. 1014.

Offenders against the United States, how arrested and removed for trial.

The provisions of this section are to apply for the removal of fugitives charged with crime against the United States, to or from the Philippine Islands, by Act Feb. 9, 1903, c. 529, set forth below.

ACT FEB. 9, 1903, c. 529.

An Act to Provide for the Removal of Persons Accused of Crime to and from the Philippine Islands for Trial. (32 Stat. 806.)

Offenders against the United States, removal to or from Philippine Islands.

Be it enacted, &c., That the provisions of section ten hundred and fourteen of the Revised Statutes, so far as applicable, shall apply throughout the United States for the arrest and removal therefrom to the Philippine Islands of any fugitive from justice charged with the commission of any crime or offense against the United States within the Philippine Islands, and shall apply within the Philippine Islands for the arrest and removal therefrom to the United States of any fugitive from justice charged with the commission of any crime or offense against the United States. Such fugitive may, by any judge or magistrate of the Philippine Islands, and agreeably to the usual mode of process against offenders therein, be arrested and imprisoned, or bailed, as the case may be, pending the issuance of a warrant for his removal to the United States, which warrant it shall be the duty of a judge of the court of first instance seasonably to issue, and of the officer or agent of the United States designated for the purpose to

execute. Such officer or agent, when engaged in executing such warrant without the Philippine Islands, shall have all the powers of a marshal of the United States so far as such powers are requisite for the prisoner's safe-keeping and the execution of the warrant.

Act Feb. 9, 1903, c. 529, 32 Stat. 806.

Rev. St. § 1014, mentioned in this act, is set forth in Comp. St. 1901, p. 716.

The provisions of Rev. St. §§ 5409, 5410, Comp. St. 1901, pp. 3658, 3659, which make punishable voluntarily suffering a prisoner, in custody by virtue of process under the laws of the United States, to escape, are made applicable to proceedings under this act by Act Feb. 6, 1905, c. 454, c. 2, set forth post, under Title LXVI, "Extradition."

Sec. 2. [Relates to application of Rev. St. §§ 5278, 5279, to Philippine Islands.]

This section makes the provisions of Rev. St. §§ 5278, 5279, which relate to extradition of fugitives from justice of a State or Territory, applicable to the Philippine Islands, which are to be deemed a Territory within the meaning of those provisions. It is set forth post, under Title LXVI, "Extradition."

CHAPTER NINETEEN.

Limitations.

Sec. 1044.

Offenses not capital.

No person is to be prosecuted for any crime arising under the provisions of Act June 29, 1906, c. 3592, relating to naturalization of aliens, unless the indictment is found or the information is filed within five years after the commission of such crime, by section 24 of said act, set forth post, under Title XXX, "Naturalization."

CHAPTER TWENTY.

The Court of Claims—Organization and Sessions.

Secs. 1049-1058.

[Repealed. Act March 3, 1911, c. 231, § 297.]

These sections, constituting the whole of this chapter of the Revised Statutes, set forth in Comp. St. 1901, pp. 729–732, are incorporated in the Judicial Code, Act March 3, 1911, c. 231, in chapter 7 thereof, and are expressly repealed by § 297 of said act, taking effect Jan. 1, 1912. Said act is set forth ante, Title XII B, "The Judicial Code."

Act June 23, 1874, c. 468, also included in this chapter in Comp. St. 1901, p. 730, is incorporated in said Judicial Code, in § 138, and is superseded thereby.

CHAPTER TWENTY-ONE.

The Court of Claims—Jurisdiction, Powers, and Procedure.

Secs. 1059-1088, 1091-1093.

These sections, constituting the whole of this chapter of the Revised Statutes, set forth in Comp. St. 1901, pp. 732–747, except sections 1089, 1090 of said chapter, are incorporated in the Judicial Code, Act March 3, 1911, c. 231, chiefly in chapter 7 thereof, and are expressly repealed by § 297 of said act, taking effect Jan. 1, 1912. Said act is set forth ante, Title XII B, "The Judicial Code."

Rev. St. § 1079 was previously repealed by Act March 3, 1887, c. 359, § 8, Comp. St. 1901, p. 755, which is repealed by said Judicial Code, § 297.

Rev. St. §§ 1089, 1090, relating to the payment of judgments of the Court of Claims, and to interest on such judgments, not being within the scope of said Judicial Code, are not incorporated in or repealed by that act.

Act March 3, 1883, c. 116, set forth at the end of this chapter in Comp. St. 1901, pp. 748–750, is also incorporated in said Judicial Code and expressly repealed by § 297 thereof.

Act March 3, 1887, c. 359, also set forth, as amended by Act June 27, 1898, c. 503, at the end of this chapter in Comp. St. 1901, pp. 752–758, except sections 4–7 and 10 thereof, is incorporated in said Judicial Code and, with said amendatory act, is expressly repealed by § 297 of said Code.

Sec. 1089.

Payment of judgments.

Payment of final judgments and awards rendered against the United States, under appropriations by Congress, are to be made on settlements by the Auditor for the Treasury, by a provision of Act Feb. 18, 1904, c. 160, § 1, set forth below.

ACT FEB. 18, 1904, c. 160, § 1. [H. R. 10954.]

Payment of judgments to be made on settlements by Auditors.

And hereafter in all cases of final judgments and awards rendered against the United States by the Court of Claims, and of final judgments rendered against the United States by the circuit and district courts of the United States, payment thereof under appropriations made by Congress shall be made on settlements by the auditor for the department or branch of the public service having jurisdiction over the subject-matter out of which the claims arose.

Act Feb. 18, 1904, c. 160, § 1, 33 Stat. 41.

This is a provision, following appropriations for payment of judgments of the Court of Claims, in the urgent deficiency appropriation act for the fiscal year ending June 30, 1904, cited above.

[FRENCH SPOLIATION CLAIMS.]

ACT MARCH 3, 1899, c. 426, § 1.

Awards to next of kin of persons adjudicated bankrupts; certificate by court that personal representative represents next of kin.

The provision of this act set forth in Comp. St. 1901, p. 751, is repeated in the similar act for the year next following, Act May 27, 1902, c. 887, 32 Stat. 218.

[SUITS AGAINST THE UNITED STATES.]

ACT MARCH 3, 1887, c. 359, § 10.

Judgments adverse to United States.

Payment of final judgments rendered against the United States, under appropriations by Congress, are to be made on settlements by the Auditors of the Treasury, by a provision of Act Feb. 18, 1904, c. 160, § 1, set forth above.

[INDIAN DEPREDATION CLAIMS.]

ACT MARCH 3, 1891, c. 538, § 6.

Judgments to be charged against Indian tribes; payment.

Appropriations for payment of judgments rendered by the Court of Claims in Indian depredation cases are accompanied by provisions that said judgments are to be paid after the deductions required by this section "shall have been ascertained and duly certified by the Secretary of the Interior to the Secretary of the Treasury, which certification shall be made as soon as practicable after the passage of this Act, and such deductions shall be made according to the discretion of the Secretary of the Interior, having due regard to the educational and other necessary requirements of the tribe or tribes affected; and the amounts paid shall be reimbursed to the United States at such times and in such proportions as the Secretary of the Interior may decide to be for the interests of the Indian Service." The provision in this language for the fiscal year ending June 30, 1912, is made by the deficiency appropriation act for that year, Act March 4, 1911, c. 240, 36 Stat. 1320.

TITLE XIV.

THE ARMY.

CHAPTER ONE.

Organization.

Sec. 1094.

ACT FEB. 2, 1901, c. 192, §§ 1, 2, 3-9, 10, 12, 13, 16, 18, 19, 21, 22, 23, 24, 26, 28, 36, 37, 41.

Composition of the Army.

The corps of artillery, included in the composition of the Army by Act Feb. 2, 1901, c. 192, § 1, set forth in Comp. St. 1901, p. 784, is reorganized, the coast artillery and the field artillery are separated, and the composition of each is prescribed, by Act Jan. 25, 1907, c. 397, set forth below.

The detachment from the Army at large of enlisted men to perform duty at recruit depots and the military prison is authorized by a provision of Act June 12, 1906, c. 3078, set forth below, and noncommissioned officers, etc., for recruit and prison companies are authorized by a provision of Act March 2, 1907, c. 2511, also set forth below.

The office of Lieutenant General, mentioned in said section, when it becomes vacant, shall not be filled, but shall cease and determine, by a provision of Act March 2, 1907, c. 2511, set forth post, following Rev. St. §§ 1095, 1096.

In addition to the various staff departments and corps of the Army, as constituted by said Act Feb. 2, 1901, c. 192, § 1, a General Staff Corps, composed of officers detailed from the Army at large, is established by Act Feb. 14, 1903, c. 553, set forth below.

The Adjutant-General's Department, included by said Act Feb. 2, 1901, c. 192, § 1, in the composition of the Army, and the officers thereof, except the Adjutant-General, are consolidated with the Record and Pension Office and the officers thereof, to constitute a Military Secretary's Department of the Army and a Military Secretary's Office of the War Department, by provisions of Act April 23, 1904, c. 1485, set forth below. But by provisions of Act March 2, 1907, c. 2511, also set forth below, the Military Secretary's Department of the Army is to be known as the Adjutant-General's Department, and the Military Secretary's Office of the War Department is to be known as the Adjutant-General's Office.

The Medical Department is to consist of a Medical Corps and a Medical Reserve Corps, to be composed as provided, and the Hospital Corps, the Nurse Corps, and dental surgeons, as previously authorized, by Act April 23, 1908, c. 150, set forth below. A Dental Corps, composed of dental surgeons and acting dental surgeons, is attached to the Medical Department, by a provision of Act March 3, 1911, c. 209, also set forth below.

The Porto Rico Provisional Regiment of Infantry, authorized by Act Feb. 2, 1901, c. 192, § 37, Comp. St. 1901, p. 804, is designated the Porto Rico Regiment of Infantry of the United States Army, by Act May 27, 1908, c. 201, set forth below.

Composition of cavalry regiment.

One of the "two farriers and blacksmiths" included by Act Feb. 2, 1891, c. 192, § 2, Comp. St. 1901, p. 784, in each troop of cavalry, is to be designated as "horseshoer," and receive the pay of a sergeant of

cavalry, and the other is to be designated as "farrier," and receive the pay of a corporal of cavalry, by a provision of Act March 23, 1910, c. 115, set forth below.

Artillery Corps.

The provisions of Act Feb. 2, 1901, §§ 3–9, set forth in Comp. St. 1901, pp. 785, 787, relating to the Artillery Corps and the composition thereof, are to a great extent superseded by those of Act Jan. 25, 1907, c. 397, set forth below, which reorganize the artillery and separate the coast artillery and the field artillery.

Composition of infantry regiment.

Recruit and prison companies are to have noncommissioned officers, musicians, artificers, and cooks of the number and grades allowed for companies of infantry, by a provision of Act March 2, 1907, c. 2511, set forth below.

Chaplains.

Provisions relating to promotions and rank of chaplains, previously provided for by Act Feb. 2, 1901, c. 192, § 12, Comp. St. 1901, p. 788, are contained in Act April 21, 1904, c. 1404, set forth below.

A chaplain for the Corps of Engineers is authorized by a provision of Act June 12, 1906, c. 3078, set forth below.

In addition to the twelve chaplains authorized for the Artillery Corps by said Act Feb. 2, 1901, c. 192, § 12, one chaplain for each regiment of field artillery and two for the coast artillery are authorized by Act Jan. 25, 1907, c. 397, § 12, set forth below.

Adjutant-General's Department.

The Adjutant-General's Department, the organization of which was prescribed by Act Feb. 2, 1901, c. 192, § 13, set forth in Comp. St. 1901, p. 789, and the officers thereof, except the Adjutant-General, are consolidated with the Record and Pension Office and the officers thereof, to constitute the Military Secretary's Department of the Army and the Military Secretary's Office of the War Department, by provisions of Act April 23, 1904, c. 1485, set forth below. By a proviso of said act, when the office of Adjutant-General should become vacant, the vacancy so created on the active list of the Army should not be filled; and by further provisions of that act and of Act March 2, 1905, c. 1307, also set forth below, the titles of the offices of Assistant Adjutant-General and of Assistant Chief of the Record and Pension Office were changed to Military Secretary. But by provisions of Act March 2, 1907, c. 2511, also set forth below, the Military Secretary's Department is to be known as the Adjutant-General's Department, the senior in rank of the officers of that Department is to be designated as The Adjutant-General, the other officers of the Department are to be designated as Adjutant-General, and the Military Secretary's Office of the War Department is to be known as the Adjutant-General's Office.

Various other provisions relating to appointments, promotions, rank, details, etc., of officers in the consolidated department so constituted, and in the Military Secretary's Office, since designated the Adjutant-General's Office, as a bureau of the War Department, are contained in Act April 23, 1904, c. 1485, Act March 2, 1905, c. 1307, and Act March 2, 1907, c. 2511, set forth below.

Quartermaster's Department.

Provisions for the increase of the Quartermaster's Department, the composition of which is prescribed by Act Feb. 2, 1901, c. 192, § 16, set forth in Comp. St. 1901, p. 791, are contained in Act March 3, 1911, c. 209, set forth below.

The recent annual Army appropriation acts provide for 200 post quartermaster sergeants. The provision for the fiscal year ending June 30, 1912, is by Act March 3, 1911, c. 209, 36 Stat. p. 1039.

Medical Department.

The provisions of Act Feb. 2, 1901, c. 192, § 18, set forth in Comp. St. 1901, p. 793, relating to the composition of the Medical Department, promotions therein, etc., are to a great extent superseded by those of Act

April 23, 1908, c. 150, set forth below, which provide that the Medical Department shall consist of a Medical Corps and a Medical Reserve Corps, to be composed as prescribed, and the Hospital Corps, the Nurse Corps, and dental surgeons. A Dental Corps, composed of dental surgeons and acting dental surgeons, is attached to the Medical Department, by a provision of Act March 3, 1911, c. 209, also set forth below.

Further provisions relating to promotions in the Medical Corps, contained in Act March 3, 1909, c. 252, are set forth below.

Contract surgeons and contract dental surgeons, whose appointment is provided for by Act Feb. 2, 1901, c. 1485, § 18, set forth in Comp. St. 1901, p. 793, are authorized to transfer or assign their pay accounts, by a provision of Act April 23, 1904, c. 1485, set forth post, under chapter 3 of this Title.

Contract surgeons in charge of hospitals have the same authority as commissioned medical officers, by a further provision of said Act April 23, 1904, c. 1485, set forth below.

The provisions of said Act Feb. 2, 1901, c. 192, § 18, relating to contract dental surgeons, and a subsequent provision of Act March 2, 1907, c. 2511, set forth below, increasing the number of such surgeons, are superseded to some extent by provisions for the organization of a Dental Corps, attached to the Medical Department, composed of dental surgeons and acting dental surgeons, contained in Act March 3, 1911, c. 209, also set forth below. Under said provisions, acting dental surgeons have the same official status, pay, and allowances as the contract dental surgeons previously authorized.

Nurse Corps.

The provisions of Act Feb. 2, 1901, c. 192, § 19, set forth in Comp. St. 1901, p. 795, relating to pay and allowances of the Superintendent and nurses of the Nurse Corps, are superseded by the provisions of Act March 23, 1910, c. 115, set forth post, under chapter 3 of this Title, following Rev. St. § 1261.

Pay Department.

In connection with provisions relating to accounts of officers of the Pay Department, organized as prescribed by Act Feb. 2, 1901, c. 192, § 21, set forth in Comp. St. 1901, p. 796, the assignment to duty in the office of the Paymaster-General of five paymasters' clerks is authorized by a provision of Act March 2, 1905, c. 1307, set forth below.

Composition of Corps of Engineers.

Act Feb. 2, 1901, c. 192, § 22, set forth in Comp. St. 1901, p. 797, prescribing the composition of the Corps of Engineers, is amended by a provision of Act April 23, 1904, c. 1485, set forth below, to read as there set forth.

Provisions for the increase of the Corps of Engineers are contained in Act Feb. 27, 1911, c. 166, § 5, set forth below.

Ordnance Department.

So much of Act Feb. 2, 1901, c. 192, § 23, set forth in Comp. St. 1901, p. 797, as prescribes the constitution of the Ordnance Department, is superseded, and details to the Department from the Army at large are regulated, by Act June 25, 1906, c. 3526, set forth below. And the rank in their respective grades of officers serving by detail in the Department is regulated by a provision of Act March 3, 1909, c. 252, also set forth below.

Signal Corps.

To the Signal Corps, constituted as prescribed by Act Feb. 2, 1901, c. 192, § 24, set forth in Comp. St. 1901, p. 798, there are added one lieutenant colonel, two majors, four captains, and four first lieutenants, by a provision of Act March 2, 1903, c. 975, set forth below.

The appointment by the President of an officer of the Signal Corps, as chief of the telegraph and cipher bureau of the Executive Office, is authorized by a provision of Act March 2, 1903, c. 975, set forth below.

Second-class privates of the Signal Corps are designated as privates, by a provision of Act June 30, 1902, c. 1328, set forth below.

The enlisted force of the Signal Corps is enlarged by appropriations

for increased numbers of noncommissioned officers and men, in Act April 23, 1904, c. 1485, set forth below, which are repeated, substantially, in subsequent Army appropriation acts.

Appointments, promotions, and vacancies in staff, and details thereto from line.

No officer detailed or appointed under Act Feb. 2, 1901, c. 192, § 26, set forth in Comp. St. 1901, p. 799, who has less than four years to serve from the date of his detail or appointment to the date of his retirement, shall serve under such detail or appointment beyond the date of his retirement, by a provision of Act June 30, 1902, c. 1328, set forth below.

Details to the Ordnance Department, under this act, are regulated by Act June 25, 1906, c. 3526, § 2, set forth below.

A General Staff Corps, composed of officers detailed from the Army at large, is established by Act Feb. 14, 1903, c. 553, set forth below.

Provisions relating to promotions and rank of chaplains are contained in Act April 21, 1904, c. 1404, set forth below.

Provisions relating to appointments, promotions, rank, vacancies, etc., in the Adjutant-General's Department, are contained in Act April 23, 1904, c. 1485, Act March 2, 1905, c. 1307, and Act March 2, 1907, c. 2511, set forth below.

Vacancies in grades of field officers and captain; appointment and rank of first and second lieutenants.

The same credit for prior commissioned service as is allowed to a lieutenant of volunteers appointed under Act Feb. 2, 1901, c. 192, § 28, set forth in Comp. St. 1901, p. 801, is to be allowed to a second lieutenant of the Marine Corps appointed second lieutenant of artillery since Feb. 2, 1901, by Act Dec. 20, 1904, c. 20, set forth post, in this chapter, under subchapter "General Provisions of Organization."

Provisions relating to vacancies in the grade of second lieutenant are contained in Act March 3, 1911, c. 209, set forth below.

Enlistment of natives of Philippine Islands; organization as scouts or as troops or companies; officers.

Annual appropriations for the Philippine scouts authorized by Act Feb. 2, 1901, c. 192, § 36, set forth in Comp. St. 1901, p. 803, are made in Army appropriation acts. The appropriation for the fiscal year ending June 30, 1912, is by Act March 3, 1911, c. 209, 36 Stat. 1044.

The office of captain in the Philippine scouts is created by Act May 16, 1908, c. 171, set forth below.

Provisional regiment for service in Porto Rico.

The provisions of Act Feb. 2, 1901, c. 192, § 37, set forth in Comp. St. 1901, p. 804, for a provisional regiment for service in Porto Rico, and subsequent provisions relating to the composition of the regiment, contained in Act March 2, 1903, c. 975, 32 Stat. 934, and Act April 23, 1904, c. 1485, set forth below, are superseded by Act May 27, 1908, c. 201, also set forth below, which designates the regiment the Porto Rico Regiment of Infantry of the United States Army, and provides for its composition and for appointments and promotions of officers therein, etc.

The term of enlistments is prescribed and re-enlistments are provided for by provisions of Act May 11, 1908, c. 163, set forth below.

Badges of military societies.

Provisions similar to those of Act Feb. 2, 1901, c. 192, § 41, set forth in Comp. St. 1901, p. 805, relating to badges adopted by military societies of men who served in the armies and navies of the United States during the Chinese relief expedition of 1900, are contained in Res. Jan. 12, 1903, No. 2, set forth below. And a similar provision relating to the distinctive badge adopted by the Army and Navy Union of the United States is contained in Res. March 2, 1907, No. 18, also set forth below.

ACT JUNE 30, 1902, c. 1328.

Signal Corps; designation of privates.

* * That hereafter second-class privates of the Signal Corps shall be designated as privates, with the same pay and allowances as now allowed by law to second-class privates: * *

Act June 30, 1902, c. 1328, 32 Stat. 509.

This is a proviso annexed to appropriations for the Signal Corps in the Army appropriation act for the fiscal year ending June 30, 1903, cited above. The composition of the Signal Corps is prescribed by Act Feb. 2, 1901, c. 192, § 24, Comp. St. 1901, p. 798.

Subsequent appropriations for a larger enlisted force than the numbers prescribed by Act Feb. 2, 1901, c. 192, § 24, Comp. St. 1901, p. 798, contained in Act April 23, 1904, c. 1485, are set forth below.

Time of service of officers detailed or appointed to staff.

* * That no officer hereafter detailed or appointed under the provisions of section twenty-six of the Act of February second, nineteen hundred and one, who has less than four years to serve from the date of his detail or appointment to the date of his retirement shall serve under such detail or appointment or be paid as if on the active list beyond the date of his retirement.

Act June 30, 1902, c. 1328, 32 Stat. 509.

This is a proviso annexed to an appropriation for pay of the staff in the Army appropriation act for the fiscal year ending June 30, 1903, cited above. Act Feb. 2, 1901, c. 192, § 26, mentioned in this provision, is set forth in Comp. St. 1901, p. 799.

RES. JAN. 12, 1903, No. 2.

Joint Resolution Relating to Military Badges. (32 Stat. 1229.)

Badges of military societies of men who served during Chinese relief expedition.

Resolved, &c., That the distinctive badges adopted by military societies of men who served in the armies and navies of the United States during the Chinese relief expedition of nineteen hundred may be worn upon all occasions of ceremony by officers and men of the Army and Navy of the United States who are members of said organization in their own right.

Res. Jan. 12, 1903, No. 2, 32 Stat. 1229.

A previous similar provision relating to badges of societies of men who served during the Spanish-American War and the incident insurrection in the Philippines is contained in Act Feb. 2, 1901, c. 192, § 41, Comp. St. 1901, p. 805.

A similar provision relating to the distinctive badge adopted by the Army and Navy Union is contained in Res. March 2, 1907, No. 18, set forth below.

ACT FEB. 14, 1903, c. 553. [*As amended* 1903.]

An Act to Increase the Efficiency of the Army. (32 Stat. 830.)

General Staff Corps established.

Be it enacted, &c., That there is hereby established a General Staff Corps, to be composed of officers detailed from the Army at large, under such rules as may be prescribed by the President.

Act Feb. 14, 1903, c. 553, § 1, 32 Stat. 830.

Duties of General Staff Corps.

Sec. 2. That the duties of the General Staff Corps shall be to prepare plans for the national defense and for the mobilization of the military forces in time of war; to investigate and report upon all

questions affecting the efficiency of the Army and its state of preparation for military operations; to render professional aid and assistance to the Secretary of War and to general officers and other superior commanders, and to act as their agents in informing and coordinating the action of all the different officers who are subject under the terms of this Act to the supervision of the Chief of Staff; and to perform such other military duties not otherwise assigned by law as may be from time to time prescribed by the President.

Act Feb. 14, 1903, c. 553, § 2, 32 Stat. 831.

The duties of the Chief of Staff are prescribed by section 4 of this act, set forth below.

Composition of General Staff Corps.

Sec. 3. That the General Staff Corps shall consist of one Chief of Staff and two general officers, all to be detailed by the President from officers of the Army at large not below the grade of brigadier-general; four colonels, six lieutenant-colonels, and twelve majors, to be detailed from the corresponding grades in the Army at large, under such rules for selection as the President may prescribe; twenty captains, to be detailed from officers of the Army at large of the grades of captain or first lieutenant, who while so serving shall have the rank, pay, and allowances of captain mounted. All officers detailed in the General Staff Corps shall be detailed therein for periods of four years, unless sooner relieved. While serving in the General Staff Corps, officers may be temporarily assigned to duty with any branch of the Army. Upon being relieved from duty in the General Staff Corps, officers shall return to the branch of the Army in which they hold permanent commission, and no officer shall be eligible to a further detail in the General Staff Corps until he shall have served two years with the branch of the Army in which commissioned, except in case of emergency or in time of war.

Act Feb. 14, 1903, c. 553, § 3, 32 Stat. 831.

The Chief of Artillery, who after July 1, 1908, is to be designated as the Chief of Coast Artillery, by Act Jan. 25, 1907, c. 397, § 1, set forth below, is an additional member of the General Staff Corps, by section 5 of this act and section 2 of said Act Jan. 25, 1907, c. 397, also set forth below.

Similar provisions for detail of officers from the line of the Army for service in the various staff corps and departments are contained in Act Feb. 2, 1901, c. 192, § 26, Comp. St. 1901, p. 799.

Provisions relating to clerks and other civilian employés in the office of the General Staff, and forbidding details, etc., of clerks or other employés to or from the War Department, contained in Act March 2, 1905, c. 1307, and Act June 22, 1906, c. 3514, § 1, are set forth below.

Duties of Chief of Staff; acts authorizing aids-de-camp and military secretaries not to apply.

Sec. 4. That the Chief of Staff, under the direction of the President or of the Secretary of War, under the direction of the President, shall have supervision of all troops of the line and of the Adjutant-General's, Inspector-General's, Judge-Advocate's, Quartermaster's, Subsistence, Medical, Pay, and Ordnance departments, the Corps of Engineers, and the Signal Corps, and shall perform such other military duties not otherwise assigned by law as may be assigned to him by the President. Duties now prescribed by statute for the Commanding General of the Army as a member of the Board of Ordnance and Fortification and of the Board of Commissioners of the Soldiers' Home shall be

performed by the Chief of Staff or other officer designated by the President. Acts and parts of Acts authorizing aids-de-camp and military secretaries shall not apply to general officers of the General Staff Corps.

Act Feb. 14, 1903, c. 553, § 4, 32 Stat. 831.

The Adjutant-General's Department, placed by this section under the supervision of the Chief of Staff, with its officers, except the Adjutant-General, is consolidated with the Record and Pension Office and its officers to form the Military Secretary's Department of the Army and the Military Secretary's Office of the War Department, by a provision of Act April 23, 1904, c. 1485, set forth below; and, by a proviso annexed thereto, the officers of the consolidated department are subject to the supervision of the Chief of Staff in matters prescribed therein. But the Military Secretary's Department of the Army is to be known as the Adjutant-General's Department, and the Military Secretary's Office of the War Department is to be known as the Adjutant-General's Office, by provisions of Act March 2, 1907, c. 2511, set forth below.

The annual appropriations made in the Army appropriation acts for pay to clerks and messengers at department headquarters and at headquarters of the Army include, since the establishment of the General Staff Corps, appropriations for clerks, etc., at the office of the Chief of Staff. The provision for the fiscal year ending June 30, 1912, is by Act March 3, 1911, c. 209, 36 Stat. 1040.

Chief of Artillery an additional member of General Staff; number of colonels of Artillery; time of taking effect of act.

Sec. 5. That the Chief of Artillery shall hereafter serve as an additional member of the General Staff, and by and with the advice and consent of the Senate shall have the rank, pay, and allowances of a brigadier-general, and when the next vacancy occurs in the office of colonel of artillery it shall not be filled, and thereafter the number of colonels of artillery shall not exceed thirteen; and the provisions of the foregoing sections of this Act shall take effect on August fifteenth, nineteen hundred and three.

Act Feb. 14, 1903, c. 553, § 5, 32 Stat. 831. Act March 3, 1903, c. 995, 32 Stat. 1021.

This section, as originally enacted, contained provisions that "when the next vacancy occurs in the office of brigadier-general of the line, it shall not be filled, and thereafter the number of brigadier-generals of the line, exclusive of the Chief of Artillery, shall not exceed fourteen." It is amended by a provision of Act March 3, 1903, c. 995, cited above, by substituting for the provisions quoted similar provisions relating to colonels of artillery, so as to read as set forth here.

The Chief of Artillery, after July 1, 1908, is to be designated as the Chief of Coast Artillery, and as such is to be an additional member of the General Staff Corps, by Act Jan. 25, 1907, c. 397, §§ 1, 2, set forth below; and section 2 of that act contains provisions as to filling the vacancy caused by the appointment of an officer Chief of Artillery or Chief of Coast Artillery.

The limitation of the number of colonels of artillery contained in this section is superseded by the provisions prescribing the composition of the corps of coast artillery and of the regiments of field artillery contained in Act Jan. 25, 1907, c. 397, §§ 5, 7, set forth below.

ACT MARCH 2, 1903, c. 975.

Signal Corps; additional officers; chief of telegraph and cipher bureau of Executive Office.

* * There shall be added to the Signal Corps of the Army, as now authorized by law, one lieutenant-colonel, two majors, four captains, and four first lieutenants: Provided further, That the vacancies thus created or caused shall be filled first by the promotion of officers

of the Signal Corps, according to seniority, and thereafter by details from the line of the Army: Provided further, That the President be, and is hereby, authorized to appoint, by and with the advice and consent of the Senate, an officer of the Signal Corps as chief of the telegraph and cipher bureau of the Executive Office, who shall have, while so serving, the rank, pay, and allowances of a major.

Act March 2, 1903, c. 975, 32 Stat. 932.

These are provisos annexed to appropriations for pay of officers of the Signal Corps in the Army appropriation act for the fiscal year ending June 30, 1904, cited above. The composition of the Signal Corps is prescribed by Act Feb. 2, 1901, c. 192, § 24, Comp. St. 1901, p. 798. An increased enlisted force is provided for by appropriations in Act April 23, 1904, c. 1485, set forth below.

Porto Rico provisional regiment; enlistment of citizens in Regular Army, and service of regiment outside Island.

* * That citizens of Porto Rico shall be eligible for enlistment in the Regular Army and the Porto Rico Regiment may be ordered for service outside of the island of Porto Rico: * *

Act March 2, 1903, c. 975, 32 Stat. 934.

This is a proviso annexed to appropriations for pay of the regiment in the Army appropriation act for the fiscal year ending June 30, 1904, cited above.

The regiment is designated the Porto Rico Regiment of Infantry of the United States Army, and its composition as such is provided for, by Act May 27, 1908, c. 201, set forth below.

The term of enlistments in the regiment is prescribed, and re-enlistments are provided for, by provisions of Act May 11, 1908, c. 163, set forth below.

ACT APRIL 21, 1904, c. 1404. [S. 2424.]

An Act to Recognize and Promote the Efficiency of Army Chaplains. (33 Stat. 226.)

Chaplains; promotions and rank.

Be it enacted, &c., That hereafter the President may, from time to time, select from among the chaplains of the Army any chaplains having not less than ten years' service, in the grade of captain, who shall have been commended as worthy of special distinction for exceptional efficiency by the regimental or district commanders with whose commands they may be serving as chaplains, approved through regular military channels, and may, with the advice and consent of the Senate, promote such regimental or artillery chaplains to be chaplains with the grade, pay, and allowances of major; every such promotion being made with a view to active service until the statutory age for the compulsory relinquishment thereof, except in cases of physical disability incurred in the line of duty: Provided, That the total number in active service so promoted shall not at any time exceed fifteen, and that the remaining chaplains shall have the grade, pay, and allowances of captain, mounted, after they shall have completed seven years of service: And provided further, That all persons who may hereafter be appointed as chaplains shall have the grade, pay, and allowances of first lieutenant, mounted, until they shall have completed seven years of service.

Act April 21, 1904, c. 1404, § 1, 33 Stat. 226.

Previous provisions relating to chaplains are contained in Act Feb. 2, 1901, c. 192, § 12, Comp. St. 1901, p. 788.

Official designation of chaplains.

Sec. 2. That all officers provided for in this Act shall have a uniform designation in official address as chaplains of their respective regiments or of the Artillery Corps.

Act April 21, 1904, c. 1404, § 2, 33 Stat. 226.

Effect of act as to existing chaplains.

Sec. 3. That nothing in this Act shall be construed as depriving any chaplain of his commission in the Army, or as interfering with existing law pertaining to regimental and corps assignments or transfers, and that nothing herein contained shall be held or construed to increase the number of chaplains, as now authorized by law, or to reduce the grade of any now serving.

Act April 21, 1904, c. 1404, § 3, 33 Stat. 226.

Repeal.

Sec. 4. That all laws and parts of laws inconsistent with the provisions of this Act be, and the same are hereby, repealed.

Act April 21, 1904, c. 1404, § 4, 33 Stat. 226.

ACT APRIL 23, 1904, c. 1485. [H. R. 10670.]

Signal corps; increase of enlisted men.

Signal Corps.

One hundred and thirty-two first-class sergeants, at five hundred and forty dollars each, seventy-one thousand two hundred and eighty dollars.

One hundred and forty-four sergeants, at four hundred and eight dollars each, fifty-eight thousand seven hundred and fifty-two dollars.

One hundred and fifty-six corporals, at two hundred and forty dollars each, thirty-seven thousand four hundred and forty dollars.

Five hundred and fifty-two first-class privates, at two hundred and four dollars each, one hundred and twelve thousand six hundred and eight dollars.

One hundred and sixty-eight privates, at one hundred and fifty-six dollars each, twenty-nine thousand three hundred and twenty-eight dollars.

Twenty-four cooks, at two hundred and forty dollars each, five thousand seven hundred and sixty dollars.

Thirty-six master signal electricians, at nine hundred dollars each, thirty-two thousand four hundred dollars: Provided, That the increase of enlisted men herein authorized shall take effect immediately.

Act April 23, 1904, c. 1485, 33 Stat. 261.

These are appropriations, under the head "Signal Corps," in the Army appropriation act for the fiscal year ending June 30, 1905, cited above, which provide for a considerable increase of the enlisted force of the Signal Corps, as constituted by Act Feb. 2, 1901, c. 192, § 24, Comp. St. 1901, p. 798. Appropriations similar in substance are made by the subsequent Army appropriation acts. The provision for the fiscal year ending June 30, 1912, is by Act March 3, 1911, c. 209, 36 Stat. 1040.

Military Secretary's Department and Military Secretary's Office of War Department established by consolidation of Adjutant-General's Department and Record and Pension Office; appointments, promotions, rank, and titles of officers.

That the officers of the Adjutant-General's Department, except the Adjutant-General, and the officers of the Record and Pension Office

shall hereafter constitute one department of the Army, to be known as the Military Secretary's Department; and the Adjutant-General's Office and the Record and Pension Office, heretofore constituting bureaus of the War Department, shall hereafter constitute a consolidated bureau to be known as the Military Secretary's Office of the War Department. The officers so consolidated shall be borne on one list in the order of rank held by them, and those of them who hold permanent appointments as officers of the Adjutant-General's Department or of the Record and Pension Office shall be entitled to promotion below the grade of brigadier-general, as now provided by law and in the order of their standing on said list. Except as otherwise provided herein, the laws now in force shall continue to govern the appointment, promotion, and detail of all officers of the consolidated department hereby created: Provided, That the officers of the said consolidated department shall be subject to the supervision of the Chief of Staff in all matters pertaining to the command, discipline, or administration of the existing military establishment: Provided further, That no appointments or details to the grade of assistant adjutant-general with the rank of major shall be made until the number of officers of that grade shall be reduced to less than ten, and thereafter the number of officers of said grade in the consolidated department shall be ten: Provided further, That of the officers consolidated as hereinbefore provided the senior in rank, who shall be chief of the consolidated department and the title of whose office is hereby changed to that of the military secretary, shall hereafter have the rank of major-general, and the second senior of said officers shall hereafter have the rank of brigadier-general: Provided further, That when the office of Military Secretary with the rank of major-general shall hereafter become vacant, it shall not be filled with said rank, and thereafter the chief of the Military Secretary's Department shall have the rank of a brigadier-general with the title of The Military Secretary, and there shall be only one officer above the rank of colonel in the said department. Except as hereinafter provided, the remaining offices of the consolidated department shall retain the titles that they now bear: Provided further, That when the office of Adjutant-General shall become vacant the vacancy so created on the active list of the Army shall not be filled, and thereafter the several officers now designated by the title assistant adjutant-general and by the title assistant chief of the Record and Pension Office shall be designated by the title Military Secretary: Provided further, That the chief of the Military Secretary's Department shall be a member of the Board of Commissioners of the United States Soldiers' Home.

Act April 23, 1904, c. 1485, 33 Stat. 262.

These are further provisions, following appropriations for pay of officers in the Adjutant-General's Office, in the Army appropriation act for the fiscal year ending June 30, 1905, cited above.

The Adjutant-General's Department, the officers of which are consolidated by these provisions with the officers of the Record and Pension Office, to form the Military Secretary's Department, was constituted by Act Feb. 2, 1901, c. 192, § 13, set forth in Comp. St. 1901, p. 789. The Record and Pension Office in the War Department was established by Act May 9, 1892, c. 62, set forth in Comp. St. 1901, p. 113, and the officers thereof were included as part of the Army and their rank pre-

scribed by subsequent provisions, re-enacted in Act Feb. 2, 1901, c. 192, §§ 1, 25, Comp. St. 1901, pp. 784, 799.

The Military Secretary's Department of the Army is to be known as the Adjutant-General's Department, the senior in rank of the officers of that department is to be designated as The Adjutant-General and the other officers as Adjutant-General, and the Military Secretary's Office of the War Department is to be known as the Adjutant-General's Office, by provisions of Act March 2, 1907, c. 2511, set forth below.

A further provision of said Act March 2, 1907, c. 2511, for filling a vacancy of lieutenant-colonel in the department, when it shall occur, is also set forth below.

Amendment of Act Feb. 2, 1901, c. 192, § 22.

That section twenty-two of the Act approved February second, nineteen hundred and one, entitled "An Act to increase the efficiency of the permanent military establishment of the United States," be, and the same is hereby, amended so that it shall read as follows:

Composition of Corps of Engineers.

"Sec. 22. That the Corps of Engineers shall consist of one Chief of Engineers with the rank of brigadier-general, of ten colonels, sixteen lieutenant-colonels, thirty-two majors, forty-three captains, forty-three first lieutenants, and forty-three second lieutenants. The enlisted force provided in section eleven of this Act, and the officers serving with the organized battalions thereof, shall constitute a part of the line of the Army: Provided, That the Chief of Engineers shall be appointed as now provided by law, and hereafter vacancies in the Corps of Engineers in all other grades above that of second lieutenant shall be filled by promotion, according to seniority, from the Corps of Engineers. Any vacancies occurring at any time in the grade of second lieutenant shall be left for future promotions from the corps of cadets at the United States Military Academy."

Act April 23, 1904, c. 1485, 33 Stat. 263.

This is a further provision of the Army appropriation act for the fiscal year ending June 30, 1905, cited above. Act Feb. 2, 1901, c. 192, § 22, amended by this provision, is set forth in Comp. St. 1901, p. 797. The amendment changes the numbers of various officers of the corps, and omits a proviso, of a temporary nature, relating to filling vacancies in the grades of first and second lieutenant.

Provisions for the increase of the corps by additional officers of all grades, and for filling vacancies thereby created, are contained in Act Feb. 27, 1911, c. 166, § 5, set forth below.

Contract surgeons in charge of hospitals.

* * That when a contract surgeon is in charge of a hospital he shall have the same authority as a commissioned medical officer.

Act April 23, 1904, c. 1485, 33 Stat. 266.

This is a proviso annexed to an appropriation for pay of contract surgeons in the Army appropriation act for the fiscal year ending June 30, 1905, cited above.

Porto Rico provisional regiment of infantry.

For Porto Rico Provisional Regiment of Infantry, composed of two battalions of four companies each, to include the enlisted men of the present regiment who may be in the service June thirtieth, nineteen hundred and four, and officers as herein provided. The field officers shall be detailed from the officers of the Regular Army of the same grade and shall receive the pay and emoluments of their grade. The present officers of the regiment below the grade of field officers who

are mentally, morally, and physically qualified and have proved efficient in their respective positions may be reappointed by the President, by and with the advice and consent of the Senate (and such officers shall be entitled to preference in such appointments) for a provisional term of four years. Officers so reappointed shall be eligible for promotion in the regiment up to and including the rank of captain, upon examination as to their fitness for such promotion. Vacancies then existing or thereafter occurring in the grade of second lieutenant may be filled by the President, in his discretion, by and with the advice and consent of the Senate, by the appointment of citizens of Porto Rico for the provisional term of four years, whose qualifications for commissions shall be established by such examination as the President may prescribe, who shall also be eligible for promotion in the regiment up to and including the rank of captain, upon an examination as to their fitness. Vacancies not filled as hereinbefore provided by the reappointment or promotion of the present officers or by the appointment or promotion of citizens of Porto Rico, shall be filled by detail from the line of the infantry of the Army of the same grade with the vacancy to be filled. Men hereafter enlisted in the regiment shall be citizens of Porto Rico and shall be enlisted for a term of two years; and except in the case of noncommissioned officers shall not be reenlisted in time of peace. The names of all enlisted men who have served honorably in the regiment shall be kept at the headquarters of the regiment, and these men shall be regarded as a reserve, to be specially considered in time of war. The pay and allowances of officers and enlisted men of the regiment shall be the same as authorized for like grades in the Regular Army.

Act April 23, 1904, c. 1485, 33 Stat. 266.

This is a further provision of the Army appropriation act for the fiscal year ending June 30, 1905, cited above. The provisions thereof relating to the composition of the regiment, and to appointments and promotions of officers, etc., which superseded those of Act Feb. 2, 1901, c. 192, § 37, Comp. St. 1901, p. 804, and Act March 2, 1903, 32 Stat. 934, as to the same subjects, are themselves superseded by Act May 27, 1908, c. 201, set forth below. And the provisions thereof as to the term of enlistments and re-enlistments are superseded by those of Act May 11, 1908, c. 163, as to those subjects, also set forth below.

Effect of act as to existing officers; repeal.

Nothing in this Act shall be so construed as to deprive any officer of his commission or to increase the total number of officers of the Army, except as herein specially provided, and all laws or parts of laws inconsistent with the provisions of this Act are hereby repealed.

Act April 23, 1904, c. 1485, 33 Stat. 276.

This is the concluding provision of the Army appropriation act for the fiscal year ending June 30, 1906, cited above. Various provisions of the act of a permanent nature are set forth above, and others are set forth below under other sections of this and other chapters of this Title.

ACT MARCH 2, 1905, c. 1307. [H. R. 17473.]

Vacancies in office of Assistant Chief of Record and Pension Office; change of title of Assistant Chief of Record and Pension Office, and of Assistant Adjutant-General, to Military Secretary.

* * That any vacancy that shall occur in the office of the Assistant Chief of the Record and Pension Office previous to July first, nineteen

hundred and five, shall be filled by the appointment of a captain of the line of the Army, and vacancies thereafter occurring shall not be filled, and the offices now designated by the title of Assistant Chief of the Record and Pension Office and by the title of Assistant Adjutant-General, shall hereafter be designated by the title of Military Secretary.

Act March 2, 1905, c. 1307, 33 Stat. 830.

This is a proviso annexed to appropriations for pay of officers in the Military Secretary's Department in the Army appropriation act for the fiscal year ending June 30, 1906, cited above.

The office of Assistant Chief of the Record and Pension Office, mentioned in this provision, was authorized by Act Feb. 2, 1901, c. 192, § 25, set forth in Comp. St. 1901, p. 799, and by previous acts referred to in the note under that section.

Previous provisions for the consolidation of the Record and Pension Office and the officers thereof with the Adjutant-General's Office and the officers thereof, to constitute the Military Secretary's Department of the Army and the Military Secretary's Office of the War Department, including provisions for the change of the title Assistant Adjutant-General and Assistant Chief of the Record and Pension Office, contained in Act April 23, 1904, c. 1485, are set forth above.

The Military Secretary's Department of the Army is to be known as the Adjutant-General's Department, the senior in rank of the officers of that department is to be designated as The Adjutant-General and the other officers of the department as Adjutant-General, and the Military Secretary's Office of the War Department is to be known as the Adjutant-General's Office, by provisions of Act March 2, 1907, c. 2511, set forth below.

ACT JUNE 12, 1906, c. 3078. [H. R. 14397.]

Detachments at recruit depots and military prison.

* * That hereafter the Secretary of War shall be authorized to detach from the Army at large such number of enlisted men as may be necessary to perform duty at the various recruit depots and the United States military prison, and of the enlisted men so detached, and while performing such duty, there shall be allowed for each depot and the prison one who shall have the rank, pay, and allowances of battalion or squadron sergeant-major, and for each recruit and prison company one who shall have the rank, pay, and allowances of first sergeant, five the rank, pay, and allowances of sergeant, and six the rank, pay, and allowances of corporal, of the arm of the service to which they respectively belong.

Act June 12, 1906, c. 3078, 34 Stat. 242.

This is a proviso annexed to appropriations for pay of enlisted men in the Army appropriation act for the fiscal year ending June 30, 1907, cited above.

A subsequent provision relating to noncommissioned officers, etc., of recruit and prison companies, contained in Act March 2, 1907, c. 2511, and provisions for temporary appointment of sergeants and corporals and for organization of infantry bands at recruiting depots, contained in Act March 3, 1909, c. 252, are set forth below.

Chaplain for Corps of Engineers.

* * That in addition to the number of chaplains now authorized by law there shall hereafter be one for the Corps of Engineers.

Act June 12, 1906, c. 3078, 34 Stat. 256.

This is a proviso annexed to appropriations for the Engineer Department in the Army appropriation act for the fiscal year ending June 30, 1908, cited above.

ACT JUNE 22, 1906, c. 3514, § 1. [H. R. 16472.]

Clerks and other civilian employés in office of General Staff; detail to or from War Department.

It shall not hereafter be lawful to detail clerks or other civilian employees authorized for the Office of the General Staff for duty, temporary or otherwise, in any office or bureau of the War Department at Washington, District of Columbia, or to detail clerks or other employees from the War Department for service in the Office of the General Staff.

Act June 22, 1906, c. 3514, § 1, 34 Stat. 418.

This is a provision of the legislative, executive, and judicial appropriation act for the fiscal year ending June 30, 1907, cited above. Provisions in the same language, except the word "hereafter," were contained in the similar appropriation acts for the two fiscal years immediately preceding.

The General Staff Corps is established by Act Feb. 14, 1903, c. 553, set forth above.

A similar provision forbidding the assignment to duty with any bureau in the War Department of clerks or other employés at the office of the Chief of Staff, contained in Act March 23, 1910, c. 115, is set forth below.

ACT JUNE 25, 1906, c. 3526. [S. 1540.]

An Act to Increase the Efficiency of the Ordnance Department of the United States Army. (34 Stat. 455.)

Ordnance Department.

Be it enacted, &c., That the Ordnance Department shall consist of one chief of ordnance with the rank of brigadier-general; six colonels, nine lieutenant-colonels, nineteen majors, twenty-five captains, twenty-five first lieutenants, and the enlisted men, including ordnance-sergeants, as now authorized by law.

Act June 25, 1906, c. 3526, § 1, 34 Stat. 455.

This section supersedes the provisions prescribing the composition of the Ordnance Department contained in Act Feb. 2, 1901, c. 192, § 23, set forth in Comp. St. 1901, p. 797.

Provisions relating to the enlisted men of the Ordnance Department, including ordnance-sergeants, are contained in Rev. St. § 1162, Comp. St. 1901, p. 832.

Details to Ordnance Department from Army at large.

Sec. 2. That details to the Ordnance Department under the provisions of the Act of February second, nineteen hundred and one, may be made from the Army at large from the grade in which the vacancy exists, or from the grade below: Provided, That no officer shall be so detailed except upon the recommendation of a board of ordnance officers, and after at least one examination, which shall be open to competition: And provided further, That officers so detailed in grades below that of major shall not be again eligible for such detail until after they shall have served for at least one year out of that department.

Act June 25, 1906, c. 3526, § 2, 34 Stat. 455.

The provisions of Act Feb. 2, 1901, c. 192, § 26, for details to the Ordnance Department, mentioned in this section, are set forth in Comp. St. 1901, p. 799. This section supersedes previous similar provisions, relating to such details to the grade of first lieutenant only, contained in Act March 2, 1903, c. 975, 33 Stat. 942.

The rank in their respective grades of officers serving by detail in the Department is regulated by a provision of Act March 3, 1909, c. 252, set forth below.

ACT JAN. 25, 1907, c. 397. [S. 3923.]

An Act to Reorganize and to Increase the Efficiency of the Artillery of the United States Army. (34 Stat. 861.)

Organization of artillery as coast artillery and field artillery; Chief of Artillery to be Chief of Coast Artillery.

Be it enacted, &c., That the artillery of the United States Army shall consist of the Chief of Artillery, the coast artillery, and the field artillery. The coast artillery and the field artillery shall be organized as hereinafter specified, and the artillery shall belong to the line of the Army: Provided, That on and after July first, nineteen hundred and eight, the Chief of Artillery shall cease to exercise supervision over the field artillery and shall thereafter be designated as the Chief of Coast Artillery.

Act Jan. 25, 1907, c. 397, § 1, 34 Stat. 861.

This act supersedes the provisions of Act Feb. 2, 1901, c. 192, §§ 3–9, set forth in Comp. St. 1901, pp. 785–787, which constituted the artillery arm of the Army the Artillery Corps, comprising two branches, the coast artillery and the field artillery, and prescribed the composition of the Artillery Corps and of each company of coast artillery and each battery of field artillery.

Chief of Artillery or Chief of Coast Artillery an additional member of General Staff Corps; other duties; appointment to vacancy in office, and promotion to position vacated.

Sec. 2. That the Chief of Artillery or Chief of Coast Artillery shall be an additional member of the General Staff Corps, and his other duties shall be prescribed by the Secretary of War.

When a vacancy occurs in the office of the Chief of Artillery or Chief of Coast Artillery the President may appoint to such vacancy, by and with the advice and consent of the Senate, an officer selected from the coast artillery, who shall serve for a period of four years unless reappointed for further periods of four years; and any officer who shall hereafter serve as Chief of Artillery or Chief of Coast Artillery shall, when retired, be retired with the rank, pay, and allowances authorized by law for a brigadier-general on the retired list. The position vacated by an officer appointed Chief of Artillery or Chief of Coast Artillery shall be filled by promotion in that arm according to existing law, but the officer thus appointed shall continue in the same lineal position in his arm which he would have held if he had not been so appointed, and shall be an additional number in the grade from which he was appointed or to which he may be promoted: Provided, That there shall not be at any time in the coast artillery more than one additional officer by reason of the appointment of a Chief of Artillery or Chief of Coast Artillery and the relief of an officer from such duty.

Act Jan. 25, 1907, c. 397, § 2, 34 Stat. 861.

The Chief of Artillery was made an additional member of the General Staff by a provision of the act establishing the General Staff Corps, Act Feb. 14, 1903, c. 553, § 5, set forth above.

Coast artillery defined.

Sec. 3. That the coast artillery is the artillery charged with the care and use of the fixed and movable elements of land and coast fortifications, including the submarine mine and torpedo defenses.

Act Jan. 25, 1907, c. 397, § 3, 34 Stat. 861.

Field artillery defined.

Sec. 4. That the field artillery is the artillery which accompanies an army in the field, and includes light artillery, horse artillery, siege artillery, and mountain artillery.

Act Jan. 25, 1907, c. 397, § 4, 34 Stat. 861.

Composition of corps of coast artillery.

Sec. 5. That the coast artillery shall constitute a corps, and shall consist of one Chief of Coast Artillery with the rank, pay, and allowances of a brigadier-general, as provided in section one of this Act; fourteen colonels; fourteen lieutenant-colonels; forty-two majors; two hundred and ten captains; two hundred and ten first lieutenants, and two hundred and ten second lieutenants; and the captains and lieutenants provided for in this section not required for duty with companies shall be available for duty as staff officers of the various coast artillery commands and for such other details as may be authorized by law and regulations; twenty-one sergeants-major with the rank, pay, and allowances of regimental sergeants-major of infantry; twenty-six master electricians; sixty engineers; seventy-four electrician-sergeants, first class; seventy-four electrician-sergeants, second class; forty-two sergeants-major with the rank, pay, and allowances of battalion sergeants-major of infantry; forty-two master gunners; sixty firemen; one hundred and seventy companies, and fourteen bands, organized as now provided for by law for artillery corps bands.

Act Jan. 25, 1907, c. 397, § 5, 34 Stat. 861.

The provision of this section for master-electricians supersedes a previous provision for adding to the Artillery Corps 25 master electricians, contained in Act March 2, 1903, c. 975, 32 Stat. 930.

Provisions relating to artillery corps bands, mentioned in this section, are contained in Act March 2, 1899, c. 352, § 3, set forth in Comp. St. 1901, p. 808.

Composition of company of coast artillery.

Sec. 6. That each company of coast artillery shall consist of one captain, one first lieutenant, one second lieutenant, one first sergeant, one quartermaster-sergeant, two cooks, two mechanics, two musicians, and such number of sergeants, corporals, and privates as may be fixed by the President in accordance with the requirements of the service to which it may be assigned: Provided, That the total number of sergeants and corporals in the coast artillery, so fixed, shall not exceed one thousand three hundred and sixty and two thousand and forty, respectively, and that the total enlisted strength of the coast artillery, as provided under this Act, shall not exceed nineteen thousand one hundred and forty-seven, exclusive of master electricians, electrician-sergeants, first class, and electrician-sergeants, second class.

Act Jan. 25, 1907, c. 397, § 6, 34 Stat. 862.

Composition of regiments of field artillery.

Sec. 7. That the field artillery shall consist of six regiments, each organized as follows: One colonel, one lieutenant-colonel, two majors, eleven captains, thirteen first lieutenants, and thirteen second lieutenants; two veterinarians, one sergeant-major, one quartermaster-sergeant, one commissary-sergeant, two battalion sergeants-major, two battalion quartermaster-sergeants, two color-sergeants, one band, and six batteries organized into two battalions of three batteries each. Of

the officers herein provided the captains and lieutenants not required for duty with batteries shall be available for detail as regimental and battalion staff officers, and for such other details as may be authorized by law and regulations. Battalion adjutants shall be detailed from the captains, and battalion quartermasters and commissaries from lieutenants. Each field artillery band shall be organized as provided by law for cavalry bands: Provided, That the President in his discretion may increase by nine mounted orderlies the regimental strength herein authorized.

Act Jan. 25, 1907, c. 397, § 7, 34 Stat. 862.

Provisions relating to cavalry bands, mentioned in this section, are contained in Act March 2, 1899, c. 352, § 2, set forth in Comp. St. 1901, p. 809.

Composition of battery of field artillery.

Sec. 8. That each battery of field artillery shall consist of one captain, two first lieutenants, two second lieutenants, one first sergeant, one quartermaster-sergeant, one stable sergeant, one chief mechanic, six sergeants, twelve corporals, four mechanics, three cooks, two musicians, and one hundred and two privates, the commissioned officers to be assigned from among those hereinbefore authorized for the regiment: Provided, That the President in his discretion may increase the number of sergeants in any battery of field artillery to eight, the number of corporals to sixteen, the number of mechanics to seven, the number of musicians to three, and the number of privates to one hundred and forty-nine: Provided further, That nothing contained in this Act shall increase the total number of enlisted men in the line of the Army, together with the native scouts, as authorized by section thirty-six of the Act of Congress approved February second, nineteen hundred and one, entitled "An Act to increase the efficiency of the permanent military establishment of the United States."

Act Jan. 25, 1907, c. 397, § 8, 34 Stat. 862.

Act Feb. 2, 1901, c. 192, § 36, mentioned in this section, is set forth in Comp. St. 1901, p. 803.

One of the "mechanics" authorized for each battery of field artillery is to be designated as "horseshoer," and receive the pay of a sergeant of artillery, by a provision of Act March 23, 1910, c. 115, set forth below.

Mode of effecting separation of coast artillery and field artillery.

Sec. 9. That on and after the approval of this Act the coast artillery and the field artillery shall be permanently separated, the separation to be effected as follows:

All officers in the present Artillery Corps shall remain on one list as regards promotion until sufficient promotions shall have been made, as far as the present number of officers permit, to provide in each grade, together with the officers remaining therein, the total number of officers of the grade provided for in this Act for the coast and field artillery combined. After such promotion they shall, in each grade be assigned by the President to the coast artillery or to the field artillery, according to special aptitude and qualifications and agreeably to individual preference, so far as may be practicable and for the good of the service, such assignments to be permanent; and all officers promoted or appointed in the artillery thereafter shall be commissioned as officers of the coast artillery or the field artillery, as the case may

be, and shall be promoted by seniority in their own branch, subject to the provisions of the laws governing promotion in the Army at large.

Act Jan. 25, 1907, c. 397, § 9, 34 Stat. 863.

Vacancies; promotions and appointments.

Sec. 10. That all vacancies created or caused by this Act which can be filled by promotion of officers now in the Artillery Corps shall be filled by promotion according to seniority, subject to examination as now prescribed by law. Of the vacancies created or caused by this Act which can not be filled by promotion of officers now in the Artillery Corps, one-fifth in each branch shall be filled in each fiscal year until the total number of officers herein provided for shall have been attained. The vacancies remaining in the grade of second lieutenant shall be filled by appointment in the following order: First, of graduates of the United States Military Academy; second, of enlisted men whose fitness for advancement shall have been determined by competitive examination; third, of candidates from civil life; and all such appointments shall be made in accordance with the provisions of existing law.

Act Jan. 25, 1907, c. 397, § 10, 34 Stat. 863.

General provisions as to the order of filling vacancies in the grade of second lieutenant are contained in Act March 3, 1911, c. 209, set forth post, under Rev. St. § 1215.

Pay and allowances of noncommissioned officers and other enlisted men; additional pay, and limitations thereof.

Sec. 11. That the regimental and battalion noncommissioned staff officers herein authorized for regiments of field artillery shall have the pay and allowances of corresponding grades in the cavalry; the battalion quartermaster-sergeant shall have the pay and allowances of sergeant-major, junior grade, of the Artillery Corps; the chief mechanic the pay and allowance of sergeant, and the mechanics of field artillery the pay and allowances of artificers of field artillery; engineer, sixty-five dollars a month and allowances of ordnance-sergeant; electrician-sergeant, first class, forty-five dollars a month and allowances of ordnance-sergeant; electrician-sergeant, second class, thirty-five dollars a month and allowances of ordnance-sergeant; master gunner, the pay and allowances of ordnance-sergeant; fireman, thirty dollars a month and allowances of ordnance-sergeant; and that the rates of pay of all other enlisted men of the coast and the field artillery shall be as now provided by law: Provided, That casemate electricians, observers, first class, and plotters shall receive nine dollars a month in addition to their pay; that chief planters, chief loaders, observers, second class, gun commanders, and gun pointers shall receive seven dollars a month in addition to their pay, and that first-class gunners shall receive two dollars a month and second-class gunners one dollar a month in addition to their pay: Provided further, That the number of casemate electricians shall not exceed forty-four; that the number of observers, first class, shall not exceed one hundred and seventy; that the number of plotters shall not exceed one hundred and seventy; that the number of chief planters shall not exceed forty-four; that the number of chief loaders shall not exceed forty-four; that the number of observers, second class, shall not exceed one hundred and seventy; that the number of gun commanders shall not exceed three hundred and seventy-eight, and that the number of gun pointers shall not exceed three hundred

and seventy-eight: And provided further, That no enlisted man shall receive under this section more than one addition to his pay.

Act Jan. 25, 1907, c. 397, § 11, 34 Stat. 863.

A previous provision for additions to pay of gunners of field artillery, contained in Act April 23, 1904, c. 1485, 33 Stat. 260, was superseded by the similar provision of this section. But the provisions of this section as to rates of pay and additional pay are superseded by the general provisions relating thereto of Act May 11, 1908, c. 163, set forth post, under chapter 3 of this Title.

Additional chaplains for field artillery and coast artillery.

Sec. 12. That in addition to the chaplains now authorized for the Artillery Corps the President is authorized to appoint, by and with the advice and consent of the Senate, and subject to the laws governing appointment of chaplains in the Army, one chaplain for each regiment of field artillery and two for the coast artillery, with the rank, pay, and allowances now authorized by law for chaplains in the Army.

Act Jan. 25, 1907, c. 397, § 12, 34 Stat. 864.

Chaplains for the Artillery Corps, mentioned in this section, 12 in number, were authorized by Act Feb. 2, 1901, c. 192, § 12, set forth in Comp. St. 1901, p. 788.

Repeal.

Sec. 13. That all laws and parts of laws inconsistent with the provisions of this Act are hereby repealed.

Act Jan. 25, 1907, c. 397, § 13, 34 Stat. 864.

ACT MARCH 2, 1907, c. 2511. [H. R. 23551.]

Military Secretary's Department to be known as Adjutant-General's Department, and Military Secretary's Office of War Department, as Adjutant-General's Office; titles of officers of Department.

* * That hereafter the Military Secretary's Department of the Army shall be known as the Adjutant-General's Department, the senior in rank of the officers of said department shall be designated by the title of The Adjutant-General, the other officers of the Department shall be designated by the title of Adjutant-General, and the Military Secretary's Office of the War Department shall be known as the Adjutant-General's Office.

Act March 2, 1907, c. 2511, 34 Stat. 1158.

This is a proviso, annexed to an appropriation for contingent expenses at headquarters of the military divisions and departments, in the Army appropriation act for the fiscal year ending June 30, 1908, cited above.

The Military Secretary's Department of the Army and the Military Secretary's Office of the War Department were established by provisions of Act April 23, 1904, c. 1485, set forth above; and provisions as to the titles of officers thereof, contained in said act and in Act March 2, 1905, c. 1307, are also set forth above.

Recruit and prison companies; noncommissioned officers, etc.

* * That hereafter recruit and prison companies shall have noncommissioned officers, musicians, artificers and cooks of the number and grades allowed by law for companies of infantry.

Act March 2, 1907, c. 2511, 34 Stat. 1160.

This is a proviso annexed to an appropriation for pay of enlisted men in the Army appropriation act for the fiscal year ending June 30, 1908, cited above.

The detachment of enlisted men to perform duty at recruit depots and at the military prison, with certain noncommissioned officers, is authorized by a provision of Act June 12, 1906, c. 3078, set forth above.

Provisions for temporary appointment of sergeants and corporals and

for organization of infantry bands in companies at recruiting depots, contained in Act March 3, 1909, c. 252, are set forth below.

Adjutant-General's Department; promotion to fill vacancy of lieutenant-colonel.

* * That when a vacancy of lieutenant-colonel shall occur in the list of either permanent or detailed officers of that grade in The Military Secretary's Department, the officer now holding a permanent appointment with the rank of major in that department may be promoted to such vacancy.

Act March 2, 1907, c. 2511, 34 Stat. 1161.

This is a proviso annexed to an appropriation for pay of officers in the Military Secretary's Department in the Army appropriation act for the fiscal year ending June 30, 1908, cited above. The Military Secretary's Department is to be known as the Adjutant-General's Department, by a previous provision of this act, set forth above.

Dental surgeons; number; detail to Military Academy.

* * That hereafter the number of dental surgeons authorized by law shall be thirty-one, of which number one shall be detailed to the United States Military Academy.

Act March 2, 1907, c. 2511, 34 Stat. 1163.

This is a proviso annexed to an appropriation for pay of dental surgeons in the Army appropriation act for the fiscal year ending June 30, 1908, cited above. The employment of dental surgeons, not exceeding 30, was authorized by Act Feb. 2, 1901, c. 192, § 18, set forth in Comp. St. 1901, p. 793.

The dental surgeons authorized by this provision were included in the Medical Department of the Army, as constituted by Act April 23, 1908, c. 150, § 1, set forth below.

Subsequent provisions for the organization of a Dental Corps, attached to the Medical Department, composed of dental surgeons and acting dental surgeons, are contained in Act March 3, 1911, c. 209, set forth below.

RES. MARCH 2, 1907, No. 18. [H. J. R. 31.]

Joint Resolution Authorizing the Wearing of the Distinctive Badge Adopted by the Army and Navy Union upon all Occasions of Ceremony. (34 Stat. 1423.)

Badge of Army and Navy Union.

Resolved, &c., That the distinctive badge adopted by the Army and Navy Union of the United States may be worn, in their own right, upon all public occasions of ceremony by officers and enlisted men of the Army and Navy of the United States who are members of said organization.

Res. March 2, 1907, No. 18, 34 Stat. 1423.

Previous similar provisions relating to badges of military societies are contained in Act Feb. 2, 1901, c. 192, § 41, Comp. St. 1901, p. 805, and in Res. Jan. 12, 1903, No. 2, set forth above.

ACT APRIL 23, 1908, c. 150. [S. 1424.]

An Act to Increase the Efficiency of the Medical Department of the United States Army. (35 Stat. 66.)

Medical Department.

Be it enacted, &c., That from and after the approval of this Act the Medical Department of the United States Army shall consist of a Medical Corps and a Medical Reserve Corps, as hereinafter provided;

and the Hospital Corps, the nurse corps, and dental surgeons, as now authorized by law.

Act April 23, 1908, c. 150, § 1, 35 Stat. 66.

This act supersedes the previous provisions prescribing the organization of the Medical Department, Act Feb. 2, 1901, c. 192, § 18, Comp. St. 1901, p. 793.

A Dental Corps, composed of dental surgeons and acting dental surgeons, is attached to the Medical Department, by a provision of Act March 3, 1911, c. 209, set forth below.

Composition of Medical Corps.

Sec. 2. That the Medical Corps shall consist of one Surgeon-General, with rank of brigadier-general, who shall be chief of the Medical Department; fourteen colonels, twenty-four lieutenant-colonels, one hundred and five majors, and three hundred captains or first lieutenants, who shall have rank, pay, and allowances of officers of corresponding grades in the cavalry arm of the service. Immediately following the approval of this Act all officers of the Medical Department then in active service, other than the Surgeon-General, shall be recommissioned in the corresponding grades in the Medical Corps established by this Act in the order of their seniority and without loss of relative rank in the Army, as follows: Assistant surgeons-general, with the rank of colonel, as colonels; deputy surgeons-general, with rank of lieutenant-colonel, as lieutenant-colonels; surgeons, with the rank of major, as majors; assistant surgeons, who at the time of the approval of this Act shall have served three years or more, as captains; and assistant surgeons, with the rank of first lieutenant, who at the time of the approval of this Act shall have served less than three years as such, as first lieutenants; and hereafter first lieutenants shall be promoted to the grade of captain after three years' service in the Medical Corps.

Act April 23, 1908, c. 150, § 2, 35 Stat. 66.

Certain contract surgeons are eligible for appointment in the corps, by a proviso annexed to section 7 of this act, set forth below.

Vacancies in grades; promotions; appointments.

Sec. 3. That promotions in the Medical Corps to fill vacancies in the several grades created or caused by this Act, or hereafter occurring, shall be made according to seniority, but all such promotions and all appointments to the grade of first lieutenant in said corps shall be subject to examination as hereinafter provided: Provided, That the increase in grades of colonel, lieutenant-colonel, and major provided for in this Act shall be filled by promotion each calendar year of not exceeding two lieutenant-colonels to be colonels, three majors to be lieutenant-colonels, fourteen captains to be majors, and of the increase in the grade of first lieutenant not more than twenty-five per centum of the total of such increase shall be appointed in any one calendar year: Provided further, That those assistant surgeons who at the time of the approval of this Act shall have attained their captaincy by reason of service in the volunteer forces under the provisions of the Act of February second, nineteen hundred and one, section eighteen, or who will receive their captaincy upon the approval of this Act by virtue of such service, shall take rank among the officers in or subsequently promoted to that grade, according to date of entrance into the Medical Department of the Army as commissioned officers.

Act April 23, 1908, c. 150, § 3, 35 Stat. 67.

Further provisions relating to promotions in the Medical Corps, contained in Act March 3, 1909, c. 252, are set forth below.

Examination for appointment.

Sec. 4. That no person shall receive an appointment as first lieutenant in the Medical Corps unless he shall have been examined and approved by an army medical board consisting of not less than three officers of the Medical Corps designated by the Secretary of War.

Act April 23, 1908, c. 150, § 4, 35 Stat. 67.

Examination for promotion; retirement for physical disability or other disqualification.

Sec. 5. That no officer of the Medical Corps below the rank of lieutenant-colonel shall be promoted therein until he shall have successfully passed an examination before an army medical board consisting of not less than three officers of the Medical Corps, to be designated by the Secretary of War, such examination to be prescribed by the Secretary of War and to be held at such time anterior to the accruing of the right to promotion as may be for the best interests of the service: Provided, That should any officer of the Medical Corps fail in his physical examination and be found incapacitated for service by reason of physical disability contracted in the line of duty, he shall be retired with the rank to which his seniority entitled him to be promoted; but if he should be found disqualified for promotion for any other reason, a second examination shall not be allowed, but the Secretary of War shall appoint a board of review to consist of three officers of the Medical Corps superior in rank to the officer examined, none of whom shall have served as a member of the board which examined him. If the unfavorable finding of the examining board is concurred in by the board of review, the officer reported disqualified for promotion shall, if a first lieutenant or captain, be honorably discharged from the service with one year's pay; and, if a major, shall be debarred from promotion and the officer next in rank found qualified shall be promoted to the vacancy. If the action of the examining board is disapproved by the board of review, the officer shall be considered qualified and shall be promoted.

Act April 23, 1908, c. 150, § 5, 35 Stat. 67.

Provisions for suspension from promotion and re-examination of any major of the Medical Corps found disqualified for any reason other than physical disability incurred in the line of duty, and for promotion or retirement on such re-examination, contained in Act March 3, 1909, c. 252, are set forth below.

Effect of act as to existing officers.

Sec. 6. That nothing in this Act shall be construed to legislate out of the service any officer now in the Medical Department of the Army, nor to affect the relative rank or promotion of any medical officer now in the service, or who may hereafter be appointed therein, as determined by the date of his appointment or commission, except as herein otherwise provided in section three.

Act April 23, 1908, c. 150, § 6, 35 Stat. 68.

Medical Reserve Corps; appointment, authority, etc., and rank of officers; contract surgeons eligible.

Sec. 7. That for the purpose of securing a reserve corps of medical officers available for military service, the President of the United States is authorized to issue commissions as first lieutenants therein to such graduates of reputable schools of medicine, citizens of the United States, as shall from time to time, upon examination to be prescribed by the Secretary of War, be found physically, mentally, and morally

qualified to hold such commissions, the persons so commissioned to constitute and be known as the Medical Reserve Corps. The commissions so given shall confer upon the holders all the authority, rights, and privileges of commissioned officers of the like grade in the Medical Corps of the United States Army, except promotions, but only when called into active duty, as hereinafter provided, and during the period of such active duty. Officers of the Medical Reserve Corps shall have rank in said corps according to date of their commissions therein, and when employed on active duty, as hereinafter provided, shall rank next below all other officers of like grade in the United States Army: Provided, That contract surgeons now in the military service who receive the favorable recommendation of the Surgeon-General of the Army shall be eligible for appointment in said reserve corps without further examination: Provided further, That any contract surgeon not over twenty-seven years of age at date of his appointment as contract surgeon shall be eligible to appointment in the regular corps.

Act April 23, 1908, c. 150, § 7, 35 Stat. 68.

Service of officers of Medical Reserve Corps on active duty; discharge from corps; applications for appointment in Medical Corps; forfeiture of commission on refusal of active duty.

Sec. 8. That in emergencies the Secretary of War may order officers of the Medical Reserve Corps to active duty in the service of the United States in such numbers as the public interests may require, and may relieve them from such duty when their services are no longer necessary: Provided, That nothing in this Act shall be construed as authorizing an officer of the Medical Reserve Corps to be ordered upon active duty as herein provided who is unwilling to accept such service, nor to prohibit an officer of the Medical Reserve Corps not designated for active duty from service with the militia, or with the volunteer troops of the United States, or in the service of the United States in any other capacity, but when so serving with the militia or with volunteer troops, or when employed in the service of the United States in any other capacity, an officer of the Medical Reserve Corps shall not be subject to call for duty under the terms of this section: And provided further, That the President is authorized to honorably discharge from the Medical Reserve Corps any officer thereof whose services are no longer required: And provided further, That officers of the Medical Reserve Corps who apply for appointment in the Medical Corps of the Army may, upon the recommendation of the Surgeon-General, be placed on active duty by the Secretary of War and ordered to the Army Medical School for instruction and further examination to determine their fitness for commission in the Medical Corps: And provided further, That any officer of the Medical Reserve Corps who is subject to call and who shall be ordered upon active duty as herein provided and who shall be unwilling and refuse to accept such service shall forfeit his commission.

Act April 23, 1908, c. 150, § 8, 35 Stat. 68.

Officers of Medical Reserve Corps on active duty subject to Army regulations; rights as to pay and allowances, retirement, and pension; appointment of medical officers of volunteers in time of war.

Sec. 9. That officers of the Medical Reserve Corps when called upon active duty in the service of the United States, as provided in sec-

tion eight of this Act, shall be subject to the laws, regulations, and orders for the government of the Regular Army, and during the period of such service shall be entitled to the pay and allowances of first lieutenants of the Medical Corps with increase for length of service now allowed by law, said increase to be computed only for time of active duty: Provided, That no officer of the Medical Reserve Corps shall be entitled to retirement or retirement pay, nor shall he be entitled to pension except for physical disability incurred in the line of duty while in active duty: And provided further, That nothing in this Act shall be construed to prevent the appointment in time of war of medical officers of volunteers in such numbers and with such rank and pay as may be provided by law.

Act April 23, 1908, c. 150, § 9, 35 Stat. 68.

Repeal.

Sec. 10. That all Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

Act April 23, 1908, c. 150, § 10, 35 Stat. 69.

ACT MAY 11, 1908, c. 163. [H. R. 17288.]

Porto Rico regiment of infantry; term of enlistment; re-enlistments.

* * That men hereafter enlisted in the Porto Rico Provisional Regiment of Infantry shall be enlisted for a period of three years and may be reenlisted, such enlistments and reenlistments to be subject to the regulations governing the Army at large, with such modifications as to physical requirements as the President may prescribe.

Act May 11, 1908, c. 163, 35 Stat. 114.

This is a proviso annexed to appropriations for pay of enlisted men in the Army appropriation act for the fiscal year ending June 30, 1909, cited above. It supersedes previous provisions as to enlistment and reenlistment, contained in Act April 23, 1904, c. 1485, set forth above.

The regiment is designated the Porto Rico Regiment of Infantry of the United States Army by Act May 27, 1908, c. 201, § 1, set forth below.

ACT MAY 16, 1908, c. 171. [S. 652.]

An Act to Create the Office of Captain in the Philippine Scouts. (35 Stat. 163.)

Philippine Scouts; captains; appointment.

Be it enacted, &c., That the office of captain in the Philippine Scouts is hereby created as a grade of rank in the military establishment. Such captains shall be selected from officers of the grade of first lieutenants in said scouts, and shall be given provisional appointments for periods of four years each, and no such appointments shall be continued for a second or subsequent period unless the officers' conduct shall have been satisfactory in every respect: Provided, That the number of officers provisionally appointed under the terms of this Act shall not at any time exceed the number of companies of said native troops which may be formed by the President from time to time for service in the Philippine Islands.

Act May 16, 1908, c. 171, 35 Stat. 163.

The Philippine Scouts are authorized and their organization prescribed by Act Feb. 2, 1901, c. 192, § 36, Comp. St. 1901, p. 803.

ACT MAY 27, 1908, c. 201. [H. R. 18618.]

An Act Fixing the Status of the Porto Rico Provisional Regiment of Infantry. (35 Stat. 392.)

Porto Rico regiment of infantry; designation; composition.

Be it enacted, &c., That on and after the thirtieth day of June, nineteen hundred and eight, the Porto Rico Provisional Regiment of Infantry shall be designated the Porto Rico Regiment of Infantry of the United States Army. It shall be composed of the two existing battalions of the Porto Rico Provisional Regiment of Infantry.

Act May 27, 1908, c. 201, § 1, 35 Stat. 392.

Previous provisions relating to the organization of the regiment are Act Feb. 2, 1901, c. 192, § 37, Comp. St. 1901, p. 804, and Act March 2, 1903, c. 975, Act April 23, 1904, c. 1485, and Act May 11, 1908, c. 163, set forth above.

Field officers; detail.

Sec. 2. That the field officers of said regiment shall be one lieutenant-colonel and two majors, who shall be detailed for four years by the President from officers not below the rank of captain of the Army.

Act May 27, 1908, c. 201, § 2, 35 Stat. 392.

Captains and lieutenants.

Sec. 3. That the present captains and lieutenants of the Porto Rico Provisional Regiment of Infantry appointed or who were reappointed after a mental, physical, and professional examination, may be recommissioned as officers of the Porto Rico Regiment of Infantry.

Act May 27, 1908, c. 201, § 3, 35 Stat. 392.

Vacancies in grade of second lieutenant; appointment of citizens of Porto Rico.

Sec. 4. That vacancies in the grade of second lieutenant may be filled by the President in his discretion by the appointment of citizens of Porto Rico whose qualifications for commissions shall be established by examination.

Act May 27, 1908, c. 201, § 4, 35 Stat. 392.

Promotions; confirmation of appointments and promotions; rank, pay and allowances, and rights of officers; retirement.

Sec. 5. That promotions to the grade of first lieutenant and captain shall be according to seniority within the regiment, subject to the examination provided by law. All appointments and promotions herein provided for shall be made with the advice and consent of the Senate. Officers of the Porto Rico Regiment of Infantry shall have the same rank, pay, rights, and allowances provided by law for officers of similar rank in the Army of the United States, except as herein provided with regard to promotion. Any of the officers provided for by section three who may have become incapacitated for active service by reason of disability incident to the service shall be placed upon the retired list with the rank to which they would otherwise be entitled.

Act May 27, 1908, c. 201, § 5, 35 Stat. 392.

Repeal.

Sec. 6. That all laws or parts of laws inconsistent with the provisions of this Act are hereby repealed.

Act May 27, 1908, c. 201, § 6, 35 Stat. 392.

ACT MARCH 3, 1909, c. 252. [H. R. 26915.]

School detachments at service schools.

* * That from the enlisted force of the army now provided by law the President may authorize the organization of school detachments at each of the service schools, and may authorize the appointment therein of such noncommissioned officers, mechanics, artificers, farriers, horseshoers, and cooks as may be necessary for the administration of such school: Provided, That nothing herein shall be construed as to authorize an increase in the total number of enlisted men of the army now authorized by law.

Act March 3, 1909, c. 252, 35 Stat. 733.

These are provisos annexed to an appropriation under the heading "United States Service Schools" in the Army appropriation act for the fiscal year ending June 30, 1910, cited above. Said appropriation is set forth below in the note under Act Jan. 29, 1887, c. 72, § 1, following Rev. St. § 1120.

Examination for promotion in Medical Corps; suspension from promotion of major found disqualified; re-examination; retirement.

* * That any major of the Medical Corps on the active list of the army who at his first examination for promotion to the grade of lieutenant-colonel in said corps, has been or shall hereafter be found disqualified for such promotion for any reason other than physical disability incurred in the line of duty shall be suspended from promotion and his right thereto shall pass successively to such officers next below him in rank in said corps as are or may become eligible to promotion under existing law during the period of his suspension; and any officer suspended from promotion, as hereinbefore provided, shall be reexamined as soon as practicable after the expiration of one year from the date of the completion of the examination that resulted in his suspension; and if on such reexamination he is found qualified for promotion, he shall again become eligible thereto; but if he is found disqualified by reason of physical disability incurred in line of duty, he shall be retired, with the rank to which his seniority entitles him to be promoted; and if he is not found disqualified by reason of such physical disability, but is found disqualified for promotion for any other reason, he shall be retired without promotion.

Act March 3, 1909, c. 252, 35 Stat. 737.

This is a proviso annexed to the appropriation for pay of officers in the Medical Department in the Army appropriation act for the fiscal year ending June 30, 1910, cited above.

Provisions for examination for promotion in the Medical Corps and for retirement for physical disability or other disqualification, are contained in Act April 23, 1908, c. 150, § 5, set forth above.

Temporary sergeants and corporals at recruiting depots.

* * That hereafter the Secretary of War may authorize the temporary appointment of such number of sergeants and corporals in the companies at the general recruiting depots as may be necessary for the proper control and instruction of the varying number of recruits attached to such companies; * *

Act March 3, 1909, c. 252, 35 Stat. 741.

This is a proviso annexed to the appropriation for purchase of subsistence supplies in the Army appropriation act for the fiscal year ending June 30, 1910, cited above.

Previous provisions for detachments at recruit depots, and for non-

commissioned officers, etc., thereat, contained in Act June 12, 1906, c. 3078, and Act March 2, 1907, c. 2511, are set forth above.

Infantry bands at recruiting depots.

* * That hereafter one of the companies at each recruiting depot shall have the organization of an infantry band, to which recruits showing an aptitude for music may be attached for examination and instruction before assignment to organizations in the Army; * *

Act March 3, 1909, c. 252, 35 Stat. 745.

This is a proviso annexed to the appropriation for transportation of the Army and its supplies in the Army appropriation act for the fiscal year ending June 30, 1910, cited above.

Previous provisions for detachments at recruit depots, and for musicians, etc., thereat, contained in Act June 12, 1906, c. 3078, and Act March 2, 1907, c. 2511, are set forth above.

Ordnance Department; rank of officers.

Hereafter officers serving by detail in the Ordnance Department, under the Acts of February second, nineteen hundred and one, and June twenty-fifth, nineteen hundred and six, shall take rank in their respective grades from the dates of their rank under their original detail in said grades.

Act March 3, 1909, c. 252, 35 Stat. 751.

This is a provision under the head "Ordnance Department" in the Army appropriation act for the fiscal year ending June 30, 1910, cited above. The provisions of Act Feb. 2, 1901, c. 192, § 26, mentioned therein, are set forth in Comp. St. 1901, p. 799, and those of Act June 25, 1906, c. 3526, § 2, also mentioned therein, are set forth above.

ACT MARCH 23, 1910, c. 115. [H. R. 15384.]

Composition of troop of cavalry; horseshoer; farrier; composition of battery of field artillery; horseshoer.

* * That one of the two "blacksmiths and farriers" now authorized by law for each troop of cavalry shall hereafter be designated as "horseshoer" and receive the pay of a sergeant of cavalry, and the other shall hereafter be designated as "farrier" and receive the pay of a corporal of cavalry; and that one of the "mechanics" now authorized by law for each battery of field artillery shall hereafter be designated as "horseshoer" and receive the pay of a sergeant of artillery.

Act March 23, 1910, c. 115, 36 Stat. 245.

This is a proviso annexed to the appropriation for pay of enlisted men in the Army appropriation act for the fiscal year ending June 30, 1911, cited above.

A previous provision that one of the two "blacksmiths and farriers" authorized for each troop of cavalry be designated "farrier," and the other "horseshoer" contained in Act March 3, 1909, c. 252, 35 Stat. 735, is superseded by this provision.

Clerks and other civilian employés at headquarters of divisions, departments, posts commanded by general officers, and office of Chief of Staff; assignment to duty in War Department.

Pay to Clerks, Messengers, and Laborers at Headquarters of Divisions, and Departments, and posts commanded by general officers, and Office of the Chief of Staff.

* * And said clerks and messengers and laborers shall be employed and assigned by the Secretary of War to the offices and positions in which they are to serve: Provided, That no clerk, messenger, or laborer at headquarters of divisions, departments, posts commanded

by general officers, or office of the Chief of Staff, shall be assigned to duty with any bureau in the War Department.

Act March 23, 1910, c. 115, 36 Stat. 246.

These are provisions accompanying appropriations for specified numbers of clerks, messengers, and laborers, in the Army appropriation act for the fiscal year ending June 30, 1911, cited above. Provisions similar to these, to a greater or less extent, accompanied the appropriations for the same purposes in previous years. These provisions are repeated in the same language in the Army appropriation act for the fiscal year ending June 30, 1912, Act March 3, 1911, c. 209, 36 Stat. 1040.

A similar provision relating to the office of the General Staff, contained in Act June 22, 1906, c. 3514, § 1, is set forth above.

ACT FEB. 27, 1911, c. 166, § 5. [H. R. 28632.]

Composition of Corps of Engineers; increase; additional officers; payment of officers from appropriations for river and harbor improvements; detail of assistant engineers employed by Engineer Bureau; filling vacancies; assignment of graduating cadets; appointments from civil life; examinations for appointment.

Sec. 5. That the Corps of Engineers of the United States Army is hereby increased by five colonels, six lieutenant colonels, nineteen majors, seventeen captains, and thirteen first lieutenants. The increase in each grade hereby provided for shall be extended over a period of five years as nearly as practicable, and the original vacancies hereby created in each grade shall be filled by promotion from the next lower grade in accordance with existing law: Provided, That officers of the Corps of Engineers, when on duty under the Chief of Engineers, connected solely with the work of river and harbor improvements may, while so employed, be paid their pay and commutation of quarters from the appropriations for the work or works upon which they are employed: Provided further, That whenever it shall be necessary, in order to properly prosecute works of river and harbor improvement, the Chief of Engineers is authorized to detail for duty in charge of river and harbor districts or as members of boards of engineers any assistant engineers in the employ of the Engineer Bureau of the War Department. Vacancies in the grade of second lieutenant in the Corps of Engineers shall hereafter be filled, as far as may be consistent with the interests of the military service, by promotions from the Corps of Cadets at the United States Military Academy: Provided, That vacancies remaining in any fiscal year after the assignment of cadets of the class graduating in that fiscal year may be filled from civil life as hereinafter provided: And provided further, That the proportion of any graduating class assigned to the Corps of Engineers shall not be less than the proportion which the total number of officers authorized at date of graduation for that corps bears to the total number of officers authorized at same date for all branches of the Army to which cadets are eligible for promotion upon graduation, except when such a proportionate number is more than the number of vacancies existing at date of graduation plus the number of retirements due to occur in the Corps of Engineers prior to the first day of the following January. To become eligible for examination and appointment, a civilian candidate for the appointment as second lieutenant must be an unmarried citizen of the United States between the ages of twenty-one and twenty-nine, who holds a diploma showing graduation in an engineering

course from an approved technical school, and is eligible for appointment as a junior engineer under the Engineer Bureau of the War Department. Selection of eligible civilians for appointment, including term of probation, shall be made as the result of such competitive examination into the mental, moral, and physical qualifications, and under such rules and regulations as shall be recommended by the Chief of Engineers and approved by the Secretary of War.

Act Feb. 27, 1911, c. 166, § 5, 36 Stat. 957.

This section is part of the river and harbor appropriation act cited above.

ACT MARCH 3, 1911, c. 209. [H. R. 31237.]

Composition of Quartermaster's Department; increase; additional officers.

* * That the Quartermaster's Department is hereby increased by two colonels, three lieutenant colonels, seven majors, and eighteen captains, the vacancies thus created to be filled by promotion and detail in accordance with section twenty-six of the Act approved February second, nineteen hundred and one.

Act March 3, 1911, c. 209, 36 Stat. 1045.

This is a proviso of the Army appropriation act for the fiscal year ending June 30, 1912, cited above.

Remount detachments at remount depots; noncommissioned officers, etc.

* * That hereafter from the enlisted force of the Army now provided by law the President may authorize the organization of remount detachments at each of the remount depots, and may authorize the appointment therein of such noncommissioned officers, mechanics, artificers, farriers, horseshoers, and cooks as may be necessary for the administration of such remount depots: Provided, That nothing herein shall be so construed as to authorize an increase in the total number of enlisted men of the Army now authorized by law.

Act March 3, 1911, c. 209, 36 Stat. 1049.

These are further provisos annexed to the appropriation for horses in the Army appropriation act for the fiscal year ending June 30, 1912, cited above.

Dental Corps attached to Medical Department; composition of corps; appointments and promotions; rank; right to command; pay and allowances; qualifications for appointment; examinations.

Hereafter there shall be attached to the Medical Department a dental corps, which shall be composed of dental surgeons and acting dental surgeons, the total number of which shall not exceed the proportion of one to each thousand of actual enlisted strength of the Army; the number of dental surgeons shall not exceed sixty, and the number of acting dental surgeons shall be such as may, from time to time, be authorized by law. All original appointments to the dental corps shall be as acting dental surgeons, who shall have the same official status, pay, and allowances as the contract dental surgeons now authorized by law. Acting dental surgeons who have served three years in a manner satisfactory to the Secretary of War shall be eligible for appointment as dental surgeons, and, after passing in a satisfactory manner an examination which may be prescribed by the Secretary of War, may be commissioned with the rank of first lieutenant in the dental corps to fill the vacancies existing therein. Officers of the dental corps shall have rank in such corps according to date of

their commissions therein and shall rank next below officers of the Medical Reserve Corps. Their right to command shall be limited to the dental corps. The pay and allowances of dental surgeons shall be those of first lieutenants, including the right to retirement on account of age or disability, as in the case of other officers: Provided, That the time served by dental surgeons as acting dental or contract dental surgeons shall be reckoned in computing the increased service pay of such as are commissioned under this Act. The appointees as acting dental surgeons must be citizens of the United States between twenty-one and twenty-seven years of age, graduates of a standard dental college, of good moral character and good professional education, and they shall be required to pass the usual physical examination required for appointment in the Medical Corps, and a professional examination which shall include tests of skill in practical dentistry and of proficiency in the usual subjects of a standard dental college course: Provided, That the contract dental surgeons attached to the Medical Department at the time of the passage of this Act may be eligible for appointment as first lieutenants, dental corps, without limitation as to age: And provided further, That the professional examination for such appointment may be waived in the case of contract dental surgeons in the service at the time of the passage of this Act whose efficiency reports and entrance examinations are satisfactory. The Secretary of War is authorized to appoint boards of three examiners to conduct the examinations herein prescribed, one of whom shall be a surgeon in the Army and two of whom shall be selected by the Secretary of War from the commissioned dental surgeons.

Act March 3, 1911, c. 209, 36 Stat. 1054.

These are provisions of the Army appropriation act for the fiscal year ending June 30, 1912, cited above.

Previous provisions relating to contract dental surgeons were contained in Act Feb. 2, 1901, c. 1485, § 18, set forth in Comp. St. 1901, p. 793, and Act March 2, 1907, c. 2511, set forth above.

Secs. 1095, 1096.

RES. FEB. 5, 1895, No. 9.

Lieutenant-General; grade revived.

The office of Lieutenant-General, revived by this resolution, set forth in Comp. St. 1901, p. 806, and included in the composition of the Army by Act Feb. 2, 1901, c. 192, § 1, Comp. St. 1901, p. 784, is to cease when it shall become vacant, by a provision of Act March 2, 1907, c. 2511, set forth below.

ACT MARCH 2, 1907, c. 2511. [H. R. 23551.]

Lieutenant-General; vacancy not to be filled, and office to cease.

* * That when the office of Lieutenant-General shall become vacant it shall not thereafter be filled, but said office shall cease and determine: Provided further, That nothing in this provision shall affect the retired list.

Act March 2, 1907, c. 2511, 34 Stat. 1160.

This is a proviso annexed to an appropriation for pay of officers in the Army appropriation act for the fiscal year ending June 30, 1908, cited above. The grade of Lieutenant-General was revived by Res. Feb. 5, 1905, No. 9, Comp. St. 1901, p. 806, and was included in the composition of the Army by Act Feb. 2, 1901, c. 192, § 1, Comp. St. 1901, p. 784.

Sec. 1098.

Aids of major and brigadier generals.

Acts and parts of acts authorizing aids-de-camp and military secretaries do not apply to general officers of the General Staff Corps, by a provision of the act establishing the corps, Act Feb. 14, 1903, c. 553, § 4, set forth above.

Sec. 1111. [*As amended* 1901.]

Band; [Military Academy.]

Rev. St. § 1111, as amended by Act March 2, 1901, c. 804, set forth in Comp. St. 1901, p. 810, prescribing the composition of the Military Academy Band, is further amended by a provision of Act March 3, 1905, c. 1404, set forth below. Further provisions relating to the pay of enlisted men of the band and field musicians of the Military Academy, contained in Act May 28, 1908, c. 214, are also set forth below.

ACT MARCH 3, 1905, c. 1404. [H. R. 17984.]

Amendment of Rev. St. § 1111.

Section eleven hundred and eleven of the Revised Statutes is hereby amended to read as follows:

Band; Military Academy.

"Sec. 1111. The Military Academy band shall hereafter consist of one teacher of music, who shall be the leader of the band, one enlisted band sergeant and assistant leader, and of forty enlisted musicians. The teacher of music shall receive the pay of a second lieutenant, not mounted; the enlisted band sergeant and assistant leader shall receive six hundred dollars per year; and of the enlisted musicians of the band, twelve shall each receive thirty-four dollars per month, twelve shall each receive twenty-five dollars per month, and the remaining sixteen shall each receive seventeen dollars per month, and each of the aforesaid enlisted men shall also be entitled to the clothing, fuel, rations, and other allowances of musicians of cavalry; and the said teacher of music, the band sergeant and assistant leader, and the enlisted musicians of the band shall be entitled to the same benefits in respect to pay, emoluments, and retirement arising from longevity, re-enlistment, and length of service as are, or may hereafter become, applicable to other officers or enlisted men of the Army."

Act March 3, 1905, c. 1404, 33 Stat. 853.

This is a provision of the Military Academy appropriation act for the fiscal year ending June 30, 1906, cited above. Rev. St. § 1111, amended by this provision, is set forth, as previously amended, in Comp. St. 1901, p. 810.

Further provisions relating to the pay of the band and field musicians of the Military Academy, contained in Act May 28, 1908, c. 214, are set forth below.

ACT MAY 28, 1908, c. 214. [H. R. 21875.]

Pay of band, field musicians, etc., Military Academy.

For pay of the Military Academy band, field musicians, general army service, cavalry and artillery detachment, and enlisted men on detached service, and extra pay for enlisted men on special duty:

For pay of military band, one band sergeant and assistant leader, nine hundred dollars;

Twelve enlisted musicians, at forty-five dollars per month, six thousand four hundred and eighty dollars;

Twelve enlisted musicians, at thirty-six dollars per month, five thousand one hundred and eighty-four dollars;

Sixteen enlisted musicians, at thirty dollars per month, five thousand seven hundred and sixty dollars;

Additional pay for length of service, two thousand two hundred and sixty-eight dollars;

Clothing on discharge, one thousand one hundred dollars;

Travel allowance to enlisted men on discharge, seventy-five dollars;

For interest on deposits of enlisted men on discharge, three hundred dollars;

For pay of field musicians: One sergeant, six hundred dollars;

One corporal, two hundred and fifty-two dollars;

Twenty-two privates, at one hundred and eighty dollars each, three thousand nine hundred and sixty dollars;

Additional pay for length of service, five hundred and sixteen dollars;

Clothing on discharge, five hundred dollars;

Travel allowance to enlisted men on discharge, fifty dollars;

Interest on deposits due enlisted men on discharge, forty dollars;

Hereafter the monthly pay during the first enlistment of enlisted men of the band and field musicians of the United States Military Academy shall be as hereinbefore stated, and the continuous service pay of all grades shall be the same as provided in the Act approved May eleventh, nineteen hundred and eight, entitled "An Act making appropriation for the support of the Army for the fiscal year ending June thirtieth, nineteen hundred and nine:" Provided, That the band or members thereof and the field musicians of the Military Academy shall not receive remuneration for furnishing music outside the limits of the military reservation when the furnishing of such music places them in competition with local civilian musicians.

Act May 28, 1908, c. 214, 35 Stat. 431.

These are provisions of the Military Academy appropriation act for the fiscal year ending June 30, 1909, cited above.

The provisions relating to continuous service pay of Act May 11, 1908, c. 163, mentioned in these provisions, are set forth post, under chapter 3 of this Title.

Sec. 1116.

General qualifications [of enlisted men].

Citizens of Porto Rico are eligible for enlistment in the Regular Army, by a provision of Act March 2, 1903, c. 975, set forth above.

Sec. 1120.

ACT JAN. 29, 1887, c. 72, § 1.

School of instruction for cavalry and light artillery.

The usual annual appropriation for military service schools, mentioned in the note under this section, in Comp. St. 1901, p. 816, is repeated in the Army appropriation acts for subsequent fiscal years. The appropriation for the year ending June 30, 1912, is as follows:

"United States Service Schools: To provide means for the theoretical and practical instruction at the Staff College (including the Army School of the Line, Army Field Engineer School, and the Army Signal School) at Fort Leavenworth, Kansas, and the Mounted Service School at Fort Riley, Kansas, by the purchase of text-books, books of reference, scientific and professional papers, the purchase of modern instru-

ments and material for theoretical and practical instruction, and for all other absolutely necessary expenses, to be allotted in such proportions as may, in the opinion of the Secretary of War, be for the best interests of the military service, twenty-five thousand dollars." Act March 3, 1911, c. 209, 36 Stat. 1037.

Other appropriations, for expenses of the Army War College, incidental expenses of the Coast Artillery School, etc., are made by the same act.

ACT OCT. 1, 1890, c. 1259, § 2.

Civil officers authorized to arrest deserters.

The appropriation for apprehension of deserters and escaped military prisoners mentioned in the note under this section, in Comp. St. 1901, p. 817, is repeated in subsequent Army appropriation acts. The appropriation for the fiscal year ending June 30, 1912, is by Act March 3, 1911, c. 209, 36 Stat. 1048.

Sec. 1122.

Rank, etc., of chaplains.

Provisions relating to promotions and rank of chaplains, subsequent to those of Act Feb. 2, 1901, c. 192, § 12, set forth in Comp. St. 1901, p. 788, are contained in Act April 21, 1904, c. 1404, set forth above.

Sec. 1131.

ACT FEB. 24, 1891, c. 284.

Expert accountant in Inspector-General's Department.

The appropriation for pay of the accountant mentioned in this provision is repeated in the Army appropriation acts for subsequent fiscal years. The appropriation for the fiscal year ending June 30, 1912, is by Act March 3, 1911, c. 209, 36 Stat. 1043.

Sec. 1132.

ACT JULY 5, 1884, c. 217.

Post quartermaster sergeants.

The recent annual Army appropriation acts provide for 200 post quartermaster sergeants. The provision for the fiscal year ending June 30, 1912, is by Act March 3, 1911, c. 209, 36 Stat. 1039.

ACT JULY 1, 1898, c. 544.

Military storekeeper.

The military storekeeper on duty as doorkeeper to the President was continued in that employment, with the full pay and allowances of his grade from the date of his retirement until relieved by the President, by a provision of Act June 30, 1902, c. 1328, 32 Stat. 511.

Sec. 1133.

Duties [of Quartermaster's Department].

The provisions of Act March 2, 1901, c. 803, set forth in Comp. St. 1901, p. 2495, regulating the purchase of supplies, etc., and the making of contracts by the Quartermaster's Department, are repeated in the subsequent Army appropriation acts. See post, note, under Title XLIII, "Public Contracts."

Provisions for the purchase of horses from mounted line officers ordered for duty over seas or changed to another station are contained in Act March 23, 1910, c. 115, set forth post, under Title XLIII, "Public Contracts."

A provision for crediting deductions made from carriers, on account of loss of or damage to military stores in transit, to the proper appropriation or funds out of which such or similar stores shall be replaced, contained in Act March 2, 1905, c. 1307, is set forth below.

A provision making funds received for military stores transferred by the staff departments of the Army to the Insular Department of the

Philippines, or for work done, available for the procurement of like military stores, contained in Act June 12, 1906, c. 3078, is set forth below.

A provision making moneys arising from disposition of supplies available throughout the following fiscal year, contained in Act March 23, 1910, c. 115, is set forth below.

The number of civilian employés in the Quartermaster's Department and the amount to be paid to them are limited by a provision of Act March 3, 1911, c. 209, set forth below.

ACT MARCH 2, 1905, c. 1307. [H. R. 17473.]

Application of deductions made from carriers for loss of or damage to military stores in transit.

Hereafter moneys arising from deductions made from carriers on account of the loss of or damage to military stores in transit shall be credited to the proper appropriation or funds out of which such or similar stores shall be replaced * *.

Act March 2, 1905, c. 1307, 33 Stat. 840.

This is a provision of the Army appropriation act for the fiscal year ending June 30, 1906, cited above.

ACT JUNE 12, 1906, c. 3078. [H. R. 14397.]

Application of funds received from transfer of military stores, etc., to Insular Department of Philippines.

Hereafter all funds received as the value of military stores transferred by the several staff departments of the Army to the Insular Department of the Philippines, or work done, shall be deposited in the Treasury of the United States and remain available during the fiscal year in which the transaction occurred and the following year for the procurement of like military stores to replace those so transferred.

Act June 12, 1906, c. 3078, 34 Stat. 258.

This is a provision of the Army appropriation act for the fiscal year ending June 30, 1907, cited above. A similar provision, without the word "hereafter," and the words "or work done," was contained in previous Army appropriation acts.

ACT MARCH 23, 1910, c. 115. [H. R. 15384.]

Moneys from disposition of supplies or stores to remain available throughout following fiscal year.

Hereafter all moneys arising from disposition of serviceable quartermaster's supplies or stores, authorized by law and regulations, shall remain available throughout the fiscal year following that in which the disposition was effected, for the purposes of that appropriation from which such supplies were authorized to be supplied at the time of the disposition.

Act March 23, 1910, c. 115, 36 Stat. 257.

This is a provision of the Army appropriation act for the fiscal year ending June 30, 1911, cited above.

ACT MARCH 3, 1911, c. 209. [H. R. 31237.]

Surplus products, etc., of ice machines, steam laundries, and electric plants; sale or disposal thereof; use of proceeds.

* * For the fiscal year ending June thirtieth, nineteen hundred and twelve, whenever the ice machines, steam laundries, and electric plants shall not come in competition with private enterprise for sale to the public, and in the opinion of the Secretary of War it becomes necessary to the economical use and administration of such ice machines, steam laundries, and electric plants as have been or may here-

after be established in pursuance of law, surplus ice may be disposed of, laundry work may be done for other branches of the Government, and surplus electric light and power may be sold on such terms and in accordance with such regulations as may be prescribed by the Secretary of War: Provided, That the funds received from such sales and in payment for such laundry work shall be used to defray the cost of operation of said ice, laundry, and electric plants; and the sales and expenditures herein provided for shall be accounted for in accordance with the methods prescribed by law, and any sums remaining, after such cost of maintenance and operation have been defrayed, shall be deposited in the Treasury to the credit of the appropriation from which the cost of operation of such plant is paid, * *

Act March 3, 1911, c. 209, 36 Stat. 1048.

This is a provision of the Army appropriation act for the fiscal year ending June 30, 1912, cited above. Though in terms applicable only to the particular year, it is repeated in each of the recent annual Army appropriation acts.

Civilian employees in Quartermaster's Department; limitation of number and amount of salary.

* * That the number of and total sum paid for civilian employees in the Quartermaster General's Department, including those paid from the fund appropriated for regular supplies, incidental expenses, barracks and quarters, Army transportation, clothing, camp and garrison equipage, shall be limited to the actual requirements of the service, and that no employee paid therefrom shall receive a salary of more than one hundred and fifty dollars per month, except upon the approval of the Secretary of War. * *

Act March 3, 1911, c. 209, 36 Stat. 1049.

This is a proviso of the Army appropriation act for the fiscal year ending June 30, 1912, cited above.

Sec. 1136. [*As amended* 1877.]

Permanent barracks.

The appropriation under the heading "Barracks and Quarters" in the Army appropriation act for the fiscal year ending June 30, 1912, is accompanied by a proviso "That no part of the moneys so appropriated shall be paid for commutation of fuel or quarters to officers or enlisted men," Act March 3, 1911, c. 209, 36 Stat. 1049.

The appropriations in the recent sundry civil appropriation acts, for buildings at military posts, are accompanied by restrictions on the use of the money appropriated. In the act for the fiscal year ending June 30, 1912, the provision is: "But no part of this sum shall be used for the purchase of land, for construction of buildings at coast artillery posts, nor for the establishment of any military prison." Act March 4, 1911, c. 285, § 1, 36 Stat. 1398.

Sec. 1137.

ACT MARCH 2, 1903, c. 975

Transport service not to be discontinued without action of Congress.

* * That no action looking to the discontinuance of the transport service shall be taken without further action of Congress.

Act March 2, 1903, c. 975, 32 Stat. 939.

This is a proviso annexed to an appropriation for transportation of the Army, etc., in the Army appropriation act for the fiscal year ending June 30, 1904, cited above.

ACT MARCH 2, 1905, c. 1307. [H. R. 17473.]

Steamships in transport service not to be disposed of without consent of Congress.

* * And hereafter no steamship in the transport service of the United States shall be sold or disposed of without the consent of Congress having been first had or obtained; * *

Act March 2, 1905, c. 1307, 33 Stat. 837.

This is a provision accompanying an appropriation for transportation of the Army and its supplies in the Army appropriation act for the fiscal year ending June 30, 1906, cited above. Similar provisions, without the word "hereafter," were contained in the appropriation acts for the years immediately preceding. And the provision is repeated, in the language set forth here, in the appropriation acts for subsequent years, Act June 12, 1906, c. 3078, 34 Stat. 253, and Act March 2, 1907, c. 2511, 34 Stat. 1170.

ACT MARCH 23, 1910, c. 115. [H. R. 15384.]

Transportation of baggage on change of station.

* * That hereafter baggage in excess of regulation change of station allowances may be shipped with such allowances, and reimbursement collected for transportation charges on such excess; * *

Act March 23, 1910, c. 115, 36 Stat. 255.

This is a proviso annexed to an appropriation for transportation of the Army and its supplies in the Army appropriation act for the fiscal year ending June 30, 1911, cited above.

Transportation of officers' horses on change of station.

* * and hereafter transportation may be furnished for the owned horses of an officer, not exceeding the number authorized by law, from point of purchase to his station, when he would have been entitled to and did not have his authorized number of owned horses shipped upon his last change of station, and when the cost of shipment does not exceed that from his old to his new station; * *

Act March 23, 1910, c. 115, 36 Stat. 255.

This is a further provision accompanying the appropriation for transportation of the Army and its supplies in the Army appropriation act for the fiscal year ending June 30, 1911, cited above.

Provisions for payment for transportation of officers' authorized horses during the fiscal years 1909, 1910 are made by Act March 3, 1911, c. 209, 36 Stat. 1053.

ACT MARCH 3, 1911, c. 209. [H. R. 31237.]

Transportation on vessels for officers, etc., of Revenue-Cutter Service and for secretaries and supplies of Young Men's Christian Association.

* * That hereafter when, in the opinion of the Secretary of War, accommodations are available, transportation on vessels of the Army transport service may be furnished the officers, employés, and enlisted men of the Revenue-Cutter Service, and their families, without expense to the United States, and also secretaries and supplies of the Army and Navy department of the Young Men's Christian Association: * *

Act March 3, 1911, c. 209, 36 Stat. 1051.

This is a proviso annexed to the appropriation for transportation of the Army and its supplies in the Army appropriation act for the fiscal year ending June 30, 1912, cited above. A similar provision, without the word "hereafter," and applying to the Young Men's Christian As-

sociation only, was contained in the similar act for the preceding year, Act March 23, 1910, c. 115, 36 Stat. 256.

Transportation for merchandise to Island of Guam.

* * That hereafter when there is cargo space available without displacing military supplies, transportation may be provided for merchandise of American production consigned to residents and mercantile firms of the island of Guam, rates and regulations therefor to be prescribed by the Secretary of War: * *

Act March 3, 1911, c. 209, 36 Stat. 1051.

This is a further proviso annexed to the appropriation for transportation of the Army and its supplies in the Army appropriation act for the fiscal year ending June 30, 1912, cited above. A similar provision, without the word "hereafter," was contained in the similar act for the preceding year, Act March 23, 1910, c. 115, 36 Stat. 256.

Transportation of officers in performance of duties.

* * That hereafter in the performance of their official and military duties officers of the Army are authorized, under such regulations as may be established by the Secretary of War, to use means of transportation herein provided for: * *

Act March 3, 1911, c. 209, 36 Stat. 1051.

This is a further proviso annexed to the appropriation for transportation of the Army and its supplies in the Army appropriation act for the fiscal year ending June 30, 1912, cited above.

ACT MARCH 4, 1911, c. 285, § 1. [H. R. 32909.]

Interment or preparation and transportation of remains of officers, soldiers, civilian employés, etc.; reimbursement of expenses borne by individuals.

Disposition of remains of officers, soldiers, civilian employés, and so forth: For the expenses of interment, or of preparation and transportation to their homes or to such national cemeteries as may be designated by proper authority, in the discretion of the Secretary of War, of the remains of officers, including acting assistant surgeons, and enlisted men of the Army active list; for the expenses of interment, or of preparation and transportation to their homes, of the remains of civil employés of the Army in the employ of the War Department who die abroad, inclusive of Alaska, or on Army transports; for the expenses of removal of remains from abandoned posts to permanent military posts or national cemeteries, including the remains of federal soldiers, sailors, or marines interred in fields or abandoned private and city cemeteries; and in any case where the expenses of burial or shipment of the remains of officers or enlisted men of the Army who die on the active list are borne by individuals, where such expenses would have been lawful claims against the Government, reimbursement to such individuals may be made of the amount allowed by the Government for such services, to be paid out of the funds appropriated by this Act, but no reimbursement shall be made under this Act of such expenses incurred prior to the first day of July, nineteen hundred and ten, * *

Act March 4, 1911, c. 285, § 1, 36 Stat. 1400.

This is a provision of the sundry civil appropriation act for the fiscal year ending June 30, 1912, cited above. A provision in the same language was contained in the similar act for the fiscal year 1911, and

similar provisions were made for several previous years, in part in the Army appropriation acts and in part in the sundry civil appropriation acts for those years, respectively.

Sec. 1141.

Duties [of Subsistence Department].

In the recent Army appropriation acts the appropriation for purchase of subsistence supplies contains a provision requiring the appropriation "to be expended under the direction of the Secretary of War, and accounted for as 'subsistence of the Army.' and for that purpose to constitute one fund." The provision for the fiscal year ending June 30, 1912, is by Act March 3, 1911, c. 209, 36 Stat. 1047.

ACT MARCH 3, 1911, c. 209. [H. R. 31237.]

Subsistence supplies furnished to other bureaus of War Department or to other executive departments; price; payment.

* * That hereafter when under the Army Regulations subsistence supplies are furnished to another bureau of the War Department, or to another executive department of the Government or employés thereof, payment therefor shall be made in cash by the proper disbursing officer of the bureau, office, or department concerned, or by the employé to whom the sale is made. When the transaction is between two bureaus of the War Department the price to be charged shall be the contract or invoice price of the supplies. When the transaction is between the Subsistence Department and another executive department of the Government or employés thereof, the price to be charged shall include the contract or invoice price and ten per centum additional to cover wastage in transit, and the cost of transportation.

Act March 3, 1911, c. 209, 36 Stat. 1047.

This is a proviso annexed to the appropriation for the Subsistence Department in the Army appropriation act for the fiscal year ending June 30, 1912, cited above.

Sec. 1158.

Engineers; limits of duty.

The organization of a board of five engineer officers required to perform the duties imposed by the Chief of Engineers, and to consider and report on all reports and surveys for river and harbor improvements, is provided for by Act June 13, 1902, c. 1079, § 3, post, under Title LXIII, "Rivers and Harbors."

The appointment of one officer of the Corps of Engineers of the Army as a member of a proposed international commission to investigate and report on the conditions of the waters of the Great Lakes and the St. Lawrence River is provided for by Act June 13, 1902, c. 1079, § 4, post, under Title LXIII, "Rivers and Harbors."

The employment of engineers of the Army in the construction of the Isthmian Canal is authorized by Act June 28, 1902, c. 1302, § 7, post, under Title LXIII, "Rivers and Harbors," subchapter "Isthmian Canal."

Sec. 1159.

ACT JUNE 6, 1896, c. 338.

Ordnance storekeeper; rank.

The ordnance storekeeper with the rank of major, on duty as disbursing officer and assistant to the Chief of Ordnance, as provided by this act, when retired was to be retired with the rank of lieutenant colonel, by a provision of Act June 30, 1902, c. 1328, 32 Stat. 511.

Sec. 1166.

ACT MARCH 3, 1909, c. 252. [H. R. 26915.]

Sales of ordnance stores to civilian employés and others.

Sales of ordnance stores are authorized to civilian employees of the army and to The American National Red Cross under such regulations as may be prescribed by the Secretary of War.

Act March 3, 1909, c. 252, 35 Stat. 750.

This is a provision of the Army appropriation act for the fiscal year ending June 30, 1910, cited above.

Sales of articles of ordnance property to officers of Army and Marine Corps.

Articles of ordnance property may be sold by the Chief of Ordnance to officers of the Navy and Marine Corps, for their use in the public service, in the same manner as these articles are now sold to officers of the army.

Act March 3, 1909, c. 252, 35 Stat. 751.

This is a further provision of the Army appropriation act for the fiscal year ending June 30, 1910, cited above.

Sales of ordnance property to educational and other institutions for maintaining the ordnance and ordnance stores issued to them are authorized by a provision of Act May 11, 1908, c. 163, set forth post, under Title XVII, "Arms, Armories, and Arsenals," subtitle "Ordnance Materials, Stores, and Supplies."

The sale of surplus obsolete small arms, etc., to patriotic organizations for military purposes, is authorized by Act May 28, 1908, c. 215, § 14, set forth post, under Title XVII, "Arms, Armories, and Arsenals," subtitle "Ordnance Materials, Stores, and Supplies."

Sec. 1167.

Semiannual reports.

The returns to the Chief of Ordnance, required by this section to be made quarterly, are to be made semiannually, by a provision of Act Feb. 25, 1903, c. 755, § 1, set forth below.

ACT FEB. 25, 1903, c. 755, § 1.

Semiannual returns of ordnance property.

That returns of ordnance property now required to be made quarterly to the Chief of Ordnance shall hereafter be made semiannually.

Act Feb. 25, 1903, c. 755, § 1, 32 Stat. 885.

This is a provision of the legislative, executive, and judicial appropriation act for the fiscal year ending June 30, 1904, cited above. The returns mentioned in this provision are required by Rev. St. § 1167, Comp. St. 1901, p. 833.

Sec. 1168.

ACT JUNE 23, 1874, c. 458, § 4.

[Superseded. Act April 23, 1908, c. 150, §§ 1–5.]

The provisions of this act and of Act July 27, 1892, c. 270, set forth in Comp. St. 1901, pp. 835, 836, following Rev. St. § 1168, relating to rank, grades, and promotion of officers of the Medical Department, as well as the subsequent provisions of Act Feb. 2, 1901, c. 192, § 18, Comp. St. 1901, p. 793, relating to the same subjects, are superseded by those of Act April 23, 1908, c. 150, §§ 1–5, set forth ante, under Rev. St. § 1094.

ACT JULY 27, 1892, c. 270.

[Superseded. Act April 23, 1908, c. 150, §§ 1–5.]

See note under Act June 23, 1874, c. 458, § 4, above.

Sec. 1172.

[Superseded. Act April 23, 1908, c. 150, §§ 2–5.]

The provisions of this section, set forth in Comp. St. 1901, p. 836, for examinations for appointment and promotion in the Medical Department, are superseded by those of Act April 23, 1908, c. 150, §§ 2–5, set forth ante, following Rev. St. § 1094. Subsequent provisions as to examinations for promotion, contained in Act March 3, 1909, c. 252, are also set forth ante, under Rev. St. § 1094.

Sec. 1178.

[Repealed in part. Act May 27, 1908, c. 200, § 1.]

So much of this section, set forth in Comp. St. 1901, p. 839, as makes a permanent indefinite appropriation to purchase trusses for soldiers, is repealed by a provision of Act May 27, 1908, c. 200, § 1, set forth below.

ACT MARCH 3, 1883, c. 93.

Sales of medical supplies to civilian employés.

The provision of this act, set forth in Comp. St. 1901, p. 839, is superseded by the provision relating to the same subject contained in Act April 23, 1904, c. 1485, set forth below.

ACT APRIL 23, 1904, c. 1485. [H. R. 10670.]

Sales of medical supplies to civilian employés.

* * That hereafter civilian employees of the Army stationed at military posts may, under regulations to be made by the Secretary of War, purchase necessary medical supplies when prescribed by a medical officer of the Army.

Act April 23, 1904, c. 1485, 33 Stat. 273.

This is a proviso annexed to appropriations for the Medical Department in the Army appropriation act for the fiscal year ending June 30, 1905, cited above. It is repeated in the same language in the similar appropriation act for the fiscal year ending June 30, 1906, Act March 2, 1905, c. 1307, 33 Stat. 839.

A provision making moneys arising from dispositions of medical and hospital supplies available to replace such supplies, contained in Act June 12, 1906, c. 3078, is set forth below.

ACT JUNE 12, 1906, c. 3078. [H. R. 14397.]

Application of moneys arising from dispositions of medical and hospital supplies.

* * That hereafter all moneys arising from dispositions of serviceable medical and hospital supplies authorized by law and regulation shall constitute one fund on the books of the Treasury Department, which shall be available to replace medical and hospital supplies throughout the fiscal year in which the dispositions were effected and throughout the following fiscal year.

Act June 12, 1906, c. 3078, 34 Stat. 256.

This is a proviso annexed to an appropriation for the Medical and Hospital Department in the Army appropriation act for the fiscal year ending June 30, 1907, cited above.

ACT MAY 27, 1908, c. 200, § 1. [H. R. 21260.]

Repeal in part of Rev. St. § 1178; annual estimates for purchase of trusses for soldiers to be submitted.

So much of section eleven hundred and seventy-eight of the Revised Statutes of the United States as makes a permanent indefinite appro-

priation to purchase trusses for soldiers is repealed, to take effect after June thirtieth, nineteen hundred and nine, and estimates of sufficient sums for the purchase of such trusses shall be submitted to Congress for the fiscal year nineteen hundred and ten, and annually thereafter, in the regular Book of Estimates.

Act May 27, 1908, c. 200, § 1, 35 Stat. 367.

This is a provision of the sundry civil appropriation act for the fiscal year ending June 30, 1909, cited above. Rev. St. § 1178, repealed in part by this provision, is set forth in Comp. St. 1901, p. 839.

Secs. 1179-1181.

ACT MARCH 1, 1887, c. 311, § 1.

Hospital Corps, attached to Medical Department.

The composition of the Hospital Corps is changed, and alterations in its organization are authorized, by provisions of Act March 2, 1903, c. 975, set forth below.

The Hospital Corps is included in the Medical Department as constituted by Act April 23, 1908, c. 150, § 1, set forth ante, under Rev. St. § 1094.

ACT MARCH 2, 1903, c. 975.

Hospital Corps, composition and organization.

* * That hereafter the Hospital Corps of the United States Army shall consist of sergeants first class, sergeants, corporals, privates first class, and privates; the rank and pay of sergeants first class, sergeants, and privates first class shall be as now provided by law for hospital stewards, acting hospital stewards, and privates of the Hospital Corps; corporals shall receive twenty dollars per month and privates sixteen dollars, with such increase on account of length of service as is now or may hereafter be allowed by law to other enlisted men. That the Secretary of War is authorized to organize companies of instruction, ambulance companies, field hospital, and other detachments of the Hospital Corps as the necessities of the service may require.

Act March 2, 1903, c. 975, 32 Stat. 930.

These are provisions of the Army appropriation act for the fiscal year ending June 30, 1904, cited above. The previous provisions relating to the corps, referred to in these provisions, are contained in Act March 1, 1887, c. 311, and subsequent statutes, set forth in Comp. St. 1901, pp. 839-841.

ACT JUNE 12, 1906, c. 3078. [H. R. 14397.]

Patients in hospital at Fort Bayard to be subject to articles of war.

* * That all persons admitted to treatment in the general hospital at Fort Bayard, New Mexico, shall, while patients in said hospital, be subject to the rules and articles for the government of the armies of the United States: * *

Act June 12, 1906, c. 3078, 34 Stat. 255.

This is a proviso annexed to an appropriation for the Medical and Hospital Department of the Army in the Army appropriation act for the fiscal year ending June 30, 1907, cited above.

The hospital is to be open to officers and men of the Navy and Marine Corps by a provision of Act March 2, 1907, c. 2511, set forth below.

ACT MARCH 2, 1907, c. 2511. [H. R. 23551.]

Hospital at Fort Bayard to be opened to officers and men of Navy and Marine Corps.

* * That the hospital at Fort Bayard, New Mexico, for the treatment of tuberculosis, shall be opened to the treatment of the officers and men of the Navy and Marine Corps.

Act March 2, 1907, c. 2511, 34 Stat. 1172.

This is a proviso annexed to an appropriation for construction and repair of hospitals in the Army appropriation act for the fiscal year ending June 30, 1908, cited above.

Sec. 1188.

Duties of paymasters.

Provisions relating to disbursements by and accounts of paymasters, in regard to the pay of the Army, contained in Act March 2, 1905, c. 1307, are set forth below.

ACT MARCH 2, 1905, c. 1307. [H. R. 17473.]

Disbursement of pay and accounts of officers of Pay Department; assignment of paymasters' clerks to duty in office of Paymaster-General.

All the money hereinbefore appropriated for pay of the Army and miscellaneous shall be disbursed and accounted for by officers of the Pay Department as pay of the Army, and for that purpose shall constitute one fund: Provided, That hereafter all the accounts of individual paymasters shall be analyzed under the several heads of the appropriation and recorded in detail by the Paymaster-General of the Army before said accounts are forwarded to the Treasury Department for final audit, and the Secretary of War may hereafter authorize the assignment to duty in the office of the Paymaster-General, not to exceed five paymasters' clerks, now authorized by law.

Act March 2, 1905, c. 1307, 33 Stat. 832.

These are provisions, following the appropriations for pay of the Army and miscellaneous mentioned therein, in the Army appropriation act for the fiscal year ending June 30, 1906, cited above.

The provision for disbursement of and accounting for the pay of the Army as one fund is repeated from preceding Army appropriation acts, in which, as in this act, it in terms relates to "the money hereinbefore appropriated," and is therefore applicable only to the appropriations for the particular fiscal year. The provision is repeated in subsequent similar acts, with an exception of "the appropriation for mileage of officers and contract surgeons when authorized by law." The provision for the fiscal year ending June 30, 1912, is by Act March 3, 1911, c. 209, 36 Stat. 1044.

A similar provision that the appropriation for pay of the Military Academy "shall be disbursed and accounted for by officers of the Pay Department as pay of the Military Academy, and for that purpose shall constitute one fund," is contained in the recent Military Academy appropriation acts. The provision for the fiscal year ending June 30, 1912, is by Act March 4, 1911, c. 207, 36 Stat. 1021.

Further provisions that no part of the sums appropriated for support of the Regular Army shall be used for the expenses of the organized militia while engaged in joint encampment, etc., of the Regular Army and militia, under Act Jan. 21, 1903, c. 196, § 15, and that all payments to the militia under that section shall be made solely from the sums appropriated for such purpose, contained in Act April 23, 1904, c. 1485, and Act March 2, 1905, c. 1307, are set forth post, under Title XVI, "The Militia."

Sec. 1189.

Periods of payment.

The daily rate for computation of pay for fractional parts of a month is fixed by a provision of Act June 12, 1906, c. 3078, set forth post, under chapter 3 of this Title.

Sec. 1190.

Paymasters' clerks.

The assignment to duty in the office of the Paymaster-General of "not to exceed five paymasters' clerks," who are provided for by Rev. St. § 1190, Comp. St. 1901, p. 843, is authorized by a provision of Act March 2, 1905, c. 1307, set forth ante, under Rev. St. § 1094.

OF PROMOTIONS, BREVETS, AND CERTIFICATES OF MERIT.

Sec. 1204.

ACT OCT. 1, 1890, c. 1241, § 1. [*As amended* 1892.]

Promotions by seniority, subject to examination.

Line officers on the active list below the grade of colonel, who lost in lineal rank through the system of regimental promotion in force before Act Oct. 1, 1890, c. 1241, set forth in Comp. St. 1901, p. 849, may be advanced to higher grades, up to the grade of colonel, by a provision of Act March 3, 1911, c. 209, set forth below.

Provisions subsequent to those of Act Oct. 1, 1890, c. 1241, § 1, set forth in Comp. St. 1901, p. 849, and to those referred to in the note under that section, relating to promotions and rank of chaplains, are contained in Act April 21, 1904, c. 1404, set forth above; and relating to appointments, promotions, rank, vacancies, etc., in the Military Secretary's Department of the Army, which by a provision of Act March 2, 1907, c. 2511, set forth above, is to be known as the Adjutant-General's Department, in Act April 23, 1904, Act March 2, 1905, c. 1307, and said Act March 2, 1907, c. 2511, also set forth above.

Provisions relating to promotions in the Medical Department, as constituted by Act April 23, 1908, c. 150, are contained in sections 2, 3, and 5 of that act, set forth above, under Rev. St. § 1094.

ACT MARCH 3, 1911, c. 209. [H. R. 31237.]

Advancement to higher grades of officers who lost in lineal rank through former system of lineal promotion.

On and after the passage of this Act, every line officer on the active list below the grade of colonel who has lost in lineal rank through the system of regimental promotion in force prior to October first, eighteen hundred and ninety, may, in the discretion of the President, and subject to examination for promotion as prescribed by law, be advanced to higher grades in his arm up to and including the grade of colonel, in accordance with the rank he would have been entitled to hold had promotion been lineal throughout his arm or corps since the date of his entry into the arm or corps to which he permanently belongs: Provided, That officers advanced to higher grades under the provisions of this Act shall be additional officers in those grades: Provided further, That nothing in this Act shall operate to interfere with or retard the promotion to which any officer would be entitled under existing law: And provided further, That the officers advanced to higher grades under this Act shall be junior to the officers who now

rank them under existing law, when these officers have reached the same grade.

Act March 3, 1911, c. 209, 36 Stat. 1058.

This is a provision of the Army appropriation act for the fiscal year ending June 30, 1912, cited above.

The former system of promotion, mentioned in this provision, was prescribed by Rev. St. § 1204, superseded by Act Oct. 1, 1890, c. 1241, set forth in Comp. St. 1901, p. 849.

Sec. 1215.

ACT JUNE 18, 1878, c. 263, § 3.

Appointment of second lieutenants.

Provisions subsequent to those of this section and of Act July 30, 1892, c. 328, set forth in Comp. St. 1901, p. 855, relating to the order of appointments to fill vacancies in the grade of second lieutenant, contained in Act March 3, 1911, c. 209, are set forth below.

ACT MARCH 3, 1911, c. 209. [H. R. 31237.]

Vacancies in grade of second lieutenant; order of appointment.

* * That hereafter vacancies in the grade of second lieutenant occurring in any fiscal year shall be filled by appointment in the following order, namely: First, of cadets graduated from the United States Military Academy during that fiscal year; second, of enlisted men whose fitness for promotion shall have been determined by competitive examination; third, of candidates from civil life between the ages of twenty-one and twenty-seven years. The President is authorized to make rules and regulations to carry these provisions into effect: * *

Act March 3, 1911, c. 209, 36 Stat. 1045.

This is a proviso of the Army appropriation act for the fiscal year ending June 30, 1912, cited above.

Sec. 1216. [*As amended* 1891, 1892.]

Certificates of merit for privates.

Medals of honor, to be presented to officers, noncommissioned officers, and privates, for distinguished gallantry in action, and to replace such medals formerly issued, are authorized by provisions of Act April 23, 1904, c. 1485, set forth below.

The issue of a duplicate of any medal, made and presented, under any act or resolution of Congress. to any officer or person in the United States on account of distinguished or meritorious services, which has been lost or destroyed through no fault of the beneficiary, is authorized by Res. April 15, 1904, No. 23, set forth below.

A national trophy and medals and other prizes to be contested for annually, said contest to be open to the Army, Navy, Marine Corps, and the National Guard or organized militia of the several States, Territories, and of the District of Columbia, are provided for by an appropriation, repeating similar previous appropriations, in Act March 3, 1911, c. 209, set forth below.

RES. APRIL 15, 1904, No. 23. [S. J. R. 9.]

Joint Resolution Authorizing the Issue of Duplicate Medals where the Originals have been Lost or Destroyed. (33 Stat. 588.)

Duplicates of medals presented for distinguished or meritorious services, and lost or destroyed.

Resolved, &c., That in any case where the President of the United States has heretofore, under any Act or resolution of Congress,

caused any medal to be made and presented to any officer or person in the United States on account of distinguished or meritorious services, on a proper showing made by such person to the satisfaction of the President that such medal has been lost or destroyed through no fault of the beneficiary, and that diligent search has been made therefor, the President is hereby authorized to cause to be prepared and delivered to such person a duplicate of such medal, the cost of which shall be paid out of any money in the Treasury not otherwise appropriated.

Res. April 15, 1904, No. 23, 33 Stat. 588.

The issue of medals of honor to replace medals issued under Res. July 12, 1862, No. 52, 12 Stat. 623, and Act March 3, 1863, c. 79, § 6, 12 Stat. 751, is authorized by provisions of Act April 23, 1904, c. 1485, set forth below.

ACT APRIL 23, 1904, c. 1485. [H. R. 10670.]

Medals of honor for distinguished gallantry in action.

For three thousand medals of honor to be prepared, with suitable emblematic devices, upon the design of the medal of honor heretofore issued, or upon an improved design, together with appropriate rosettes or other insignia to be worn in lieu of the medal, and to be presented by direction of the President, and in the name of Congress, to such officers, noncommissioned officers, and privates as have most distinguished, or may hereafter most distinguish, themselves by their gallantry in action, twelve thousand dollars: Provided, That the Secretary of War be, and he is hereby, authorized and directed to use so many of the medals and rosettes or other insignia provided for by this Act as may be necessary to replace the medals that have been issued under the joint resolution of Congress approved July twelfth, eighteen hundred and sixty-two, and section six of the Act of Congress approved March third, eighteen hundred and sixty-three: And provided further, That whenever it shall appear from official records in the War Department that any officer or enlisted man of the Army so distinguished himself in action as to entitle him to the award of the Congressional medal of honor under the provisions of the sixth section of the Act of Congress approved March third, eighteen hundred and sixty-three, entitled, "An Act making appropriations for the sundry civil expenses of the Government for the year ending June thirtieth, eighteen hundred and sixty-four, and for the year ending the thirtieth of June, eighteen hundred and sixty-three, and for other purposes," the fact that the person who so distinguished himself has since become separated from the military service, or that the award of the medal to him was not specifically recommended or applied for while he was in the said service, shall not be held to prevent the award and presentation of the medal to such person under the provisions of the law hereinbefore cited.

Act April 23, 1904, c. 1485, 33 Stat. 274.

Res. July 12, 1862, No. 52, 12 Stat. 623, mentioned in this provision, was as follows:

"Resolved," etc., "That the President of the United States be, and he is hereby, authorized to cause two thousand 'Medals of Honor' to be prepared with suitable emblematic devices, and to direct that the same be presented, in the name of Congress, to such noncommissioned officers and privates as shall most distinguish themselves by their gallantry in action, and other soldier-like qualities, during the present insurrection.

And that the sum of ten thousand dollars be, and the same is hereby, appropriated out of any money in the treasury not otherwise appropriated, for the purpose of carrying this resolution into effect."

Act March 3, 1863, c. 79, § 6, 12 Stat. 751, also mentioned in this provision, was as follows:

"And be it further enacted, That the President cause to be struck from the dies recently prepared at the United States mint for that purpose, 'Medals of Honor' additional to those authorized by the act [resolution] of July twelfth, eighteen hundred and sixty-two, and present the same to such officers, noncommissioned officers, and privates as have most distinguished or who may hereafter most distinguish themselves in action; and the sum of twenty thousand dollars is hereby appropriated out of any money in the treasury not otherwise appropriated, to defray the expenses of the same."

The provisions of the resolution and act set forth here, being temporary in their nature, were not incorporated into the Revised Statutes.

Further provisions relating to medals to be replaced under this act are contained in Res. Feb. 27, 1907, No. 17, set forth below.

Provisions for medals of honor, etc., to officers and men of the Navy, are contained in Res. May 4, 1898, No. 30, set forth in Comp. St. 1901, p. 1002, and in previous acts mentioned in that resolution and cited in the note thereunder, in Comp. St. 1901, p. 1002.

RES. FEB. 27, 1907, No. 17. [H. J. R. 223.]

Joint Resolution Relating to the Holders of Medals of Honor. (34 Stat. 1422.)

Medals of honor replaced not required to be surrendered.

Resolved, &c., That the holders of medals of honor under the Act approved July twelfth, eighteen hundred and sixty-two, and section six of the Act approved March third, eighteen hundred and sixty-three, shall not be required to surrender such medals in case such medals are replaced, in pursuance of the provisions of the Act of Congress approved April twenty-third, nineteen hundred and four; and that wherever the holders of such medals of honor have surrendered them, in order to receive the medals provided for by said Act approved April twenty-third, nineteen hundred and four, such medals shall be returned to them: Provided, That no recipient of both medals shall wear both medals at the same time.

Res. Feb. 27, 1907, No. 17, 34 Stat. 1422.

The provisions of Res. July 12, 1862, No. 52, and of Act March 3, 1863, c. 79, § 6, mentioned in this resolution, are set forth in the note under the provision, also mentioned therein, of Act April 23, 1904, c. 1485, set forth above.

ACT MARCH 3, 1911, c. 209. [H. R. 31237.]

National trophy, medals, and prizes, for annual contest, open to Army, Navy, Marine Corps, and National Guard or organized militia of States, etc.

National trophy and medals for rifle contests: For the purpose of furnishing a national trophy and medals and other prizes to be provided and contested for annually, under such regulations as may be prescribed by the Secretary of War, said contest to be open to the Army, Navy, Marine Corps, and the National Guard or organized militia of the several States, Territories, and of the District of Columbia, members of rifle clubs and civilians, and for the cost of the trophy, prizes, and medals herein provided for, and for the promotion of rifle practice throughout the United States, including the reimbursement of necessary expenses of members of the National Board

for the Promotion of Rifle Practice, to be expended for the purposes hereinbefore prescribed under the direction of the Secretary of War, ten thousand dollars.

Act March 3, 1911, c. 209, 36 Stat. 1058.

This is a provision accompanying appropriations for the Ordnance Department in the Army appropriation act for the fiscal year ending June 30, 1912, cited above.

Similar provisions were contained in several preceding annual Army appropriation acts.

Appropriations are also made in said acts for supplying meals or furnishing commutation of rations to enlisted men of the Regular Army and the organized militia who may be competitors in the national rifle match. The provision for the fiscal year ending June 30, 1912, is by Act March 3, 1911, c. 209, 36 Stat. 1058.

GENERAL PROVISIONS OF ORGANIZATION.

Sec. 1217.

Commissions now held not vacated.

Provisions similar to those of Rev. St. § 1217, set forth in Comp. St. 1901, p. 857, as to the effect on existing commissions of acts making changes in the organization of the Army, are usually inserted in such acts, as in Act Feb. 2, 1901, c. 192, § 39, set forth in Comp. St. 1901, p. 805, relating to the composition and organization of the Army, and in Act April 21, 1904, c. 1404, § 3, set forth above, applying to chaplains, and in the concluding clause of Act April 23, 1904, c. 1485, also set forth above, applying to officers generally.

Sec. 1219.

Time of actual service considered in fixing rank.

In computing time of service as a commissioned officer to determine relative rank as provided by Rev. St. § 1219, set forth in Comp. St. 1901, p. 858, persons appointed first or second lieutenants in the Regular Army who had served as volunteers subsequent to April 21, 1898, take rank in the respective grades according to seniority as determined by prior commissioned service, by provisions of the Act authorizing such appointments, Act Feb. 2, 1901, c. 192, § 28, set forth in Comp. St. 1901, p. 801.

The same credit for prior commissioned service is to be allowed a second lieutenant of the Marine Corps appointed second lieutenant of artillery since February 2, 1901, in determining his lineal and relative rank, as to a lieutenant of volunteers appointed under said Act Feb. 2, 1901, c. 192, § 28, mentioned above, by Act Dec. 20, 1904, c. 20, set forth below.

ACT DEC. 20, 1904, c. 20. [S. 2114.]

An Act to Fix the Rank of Certain Officers in the Army. (33 Stat. 595.)

Credit for time of prior commissioned service in Marine Corps in determining rank.

Be it enacted, &c., That any second lieutenant of the United States Marine Corps who may have been appointed second lieutenant of artillery since the second day of February, nineteen hundred and one, and prior to the passage of this Act, shall, in determining his lineal and relative rank, be entitled to the same credit for prior commissioned service as a lieutenant of volunteers appointed under the Act entitled "An Act to increase the efficiency of the permanent military establish-

ment of the United States," approved February second, nineteen hundred and one.

Act Dec. 20, 1904, c. 20, 33 Stat. 595.

Act Feb. 2, 1901, c. 192, § 28, mentioned in this act, which provides for credit for prior commissioned service to persons appointed first or second lieutenant in the Regular Army, who served as volunteers subsequent to April 21, 1898, is set forth in Comp. St. 1901, p. 801.

Sec. 1225. [*As amended* 1888.]

Officers and arms for colleges [and other educational institutions].

The provisions of Rev. St. § 1225, as amended, set forth in Comp. St. 1901, p. 861, and further amended by subsequent provisions set forth in Comp. St. 1901, pp. 863-866, relating to the detail of officers of the Army and Navy to educational institutions, are further amended, so as to permit additional details of retired officers and noncommissioned officers of the Army and Navy, by Act April 21, 1904, c. 1403, set forth below.

ACT NOV. 3, 1893, c. 13.

[Amended. Act March 3, 1909, c. 252.]

This act, set forth in Comp. St. 1901, p. 863, is amended by a provision of Act March 3, 1909, c. 252, set forth below.

ACT FEB. 26, 1901, c. 607, §§ 1, 2.

Retired officers detailed as instructors in military drill and tactics in schools.

In addition to the provisions of this act, set forth in Comp. St. 1901, p. 865, for the detail of retired officers as instructors in schools, such detail of retired noncommissioned officers is authorized, and schools in the territories are included, by a further amendment of Rev. St. § 1225, by Act April 21, 1904, c. 1403, set forth below.

Compensation of officers detailed.

In addition to the provisions of this section, set forth in Comp. St. 1901, p. 865, for compensation of retired officers detailed as instructors in schools, compensation of noncommissioned officers authorized to be so detailed is provided for, by a further amendment of Rev. St. § 1225, by Act April 21, 1904, c. 1403, § 2, set forth below.

ACT APRIL 21, 1904, c. 1403. [S. 1399.]

An Act to Amend Section Twelve Hundred and Twenty-Five of Revised Statutes, so as to Provide for Detail of Retired Officers of the Army and Navy to Assist in Military Instruction in Schools. (33 Stat. 225.)

Retired officers and noncommissioned officers detailed as instructors in military drill and tactics in schools.

Be it enacted, &c., That section twelve hundred and twenty-five of the Revised Statutes, concerning the detail of officers of the Army and Navy to educational institutions, be, and the same is hereby, amended so as to permit the President to detail under the provisions of that Act, and in addition to the detail of the officers of the Army and Navy now authorized to be detailed under the existing provisions of said Act, such retired officers and noncommissioned officers of the Army and Navy of the United States as in his judgment may be required for that purpose to act as instructors in military drill and tactics in schools in the United States and Territories where such instructions shall have been authorized by the educational authorities

thereof, and where the services of such instructors shall have been applied for by said authorities.

Act April 21, 1904, c. 1403, § 1, 33 Stat. 225.

Previous provisions for the detail for the same purposes of "retired officers," not including noncommissioned officers, to "schools in the United States," not expressly mentioning schools in the territories, but otherwise identical with those of this section, are contained in Act Feb. 26, 1901, c. 607, § 1, set forth in Comp. St. 1901, p. 865.

Compensation of officers and noncommissioned officers detailed.

Sec. 2. That no detail shall be made under this Act to any school unless it shall pay the cost of commutation of quarters of the retired officers or noncommissioned officers detailed thereto and the extra-duty pay to which they may be entitled by law to receive for the performance of special duty: Provided, That no detail shall be made under the provisions of this Act unless the officers and noncommissioned officers to be detailed are willing to accept such position: Provided further, That they shall receive no compensation from the Government other than their retired pay.

Act April 21, 1904, c. 1403, § 2, 33 Stat. 225.

Previous provisions for compensation of "retired officers" detailed for the same purposes are contained in Act Feb. 26, 1901, c. 607, § 2, set forth in Comp. St. 1901, p. 865. By this section compensation is also provided for retired noncommissioned officers authorized by this act to be so detailed, and express provision is made that officers and noncommissioned officers detailed shall receive no compensation from the government other than their retired pay.

Issue of ordnance and ordnance stores to schools.

Sec. 3. That the Secretary of War is authorized to issue at his discretion, and under proper regulations to be prescribed by him, out of ordnance and ordnance stores belonging to the Government, and which can be spared for that purpose, upon the approval of the governors of the respective States and Territories, such number of the same as may be required for military instruction and practice by such school, and the Secretary shall require a bond in each case, for double the value of the property, for the care and safe-keeping thereof and for the return of the same when required.

Act April 21, 1904, c. 1403, § 3, 33 Stat. 226.

Previous provisions identical with this section, except the words "and Territories," following the words "the respective States," are contained in Act Feb. 26, 1901, c. 607, § 3, set forth in Comp. St. 1901, p. 865.

Time of taking effect of act.

Sec. 4. That this Act shall take effect immediately.

Act April 21, 1904, c. 1403, § 4, 33 Stat. 226.

ACT MARCH 3, 1909, c. 252. [H. R. 26915.]

Amendment of Act Nov. 3, 1893, c. 13; pay and allowances of retired officers detailed to educational institutions.

* * That the Act approved November third, eighteen hundred and ninety-three, authorizing the detail of officers of the army and navy to educational institutions, be amended so as to provide that retired officers, when so detailed, shall receive the full pay and allowances of their rank, except that the limitations on the pay of officers of the Army above the grade of major as provided in the Acts of

March second, nineteen hundred and five, and June twelfth, nineteen hundred and six, shall remain in force.

Act March 3, 1909, c. 252, 35 Stat. 738.

This is a proviso annexed to the appropriation for pay of retired officers in the Army appropriation act for the fiscal year ending June 30, 1910, cited above. Act Nov. 3, 1893, c. 13, amended thereby, is set forth in Comp. St. 1901, p. 863. And the provisions of Act March 2, 1905, c. 1307, and Act June 12, 1906, c. 3078, mentioned as limiting the pay of officers above the grade of major, are set forth post, under chapter 2 of this Title.

ACT APRIL 19, 1910, c. 174. [H. R. 20579.]

Details of officers requested by governments of Cuba and Panama.

The consent of Congress is hereby granted to the acceptance by officers of the army, in the discretion of the President, of such military details under the Governments of Cuba and Panama as may be requested by the Presidents of these Republics: Provided, That such details shall not exceed five in number: And provided further, That no officer so detailed shall receive any present, emolument, office, or title of any kind whatever from the Government of Cuba or Panama.

Act April 19, 1910, c. 174, 36 Stat. 324.

This is a provision of the Military Academy appropriation act for the fiscal year ending June 30, 1911, cited above.

ACT MARCH 3, 1911, c. 209. [H. R. 31237.]

Detail of officer of Medical Corps to American Red-Cross.

* * That hereafter the Secretary of War is hereby authorized to detail an officer of the Medical Corps to take charge of the first-aid department of the American Red Cross.

Act March 3, 1911, c. 209, 36 Stat. 1041.

This is a proviso annexed to an appropriation for pay of the Medical Department in the Army appropriation act for the fiscal year ending June 30, 1912, cited above.

Details of officers of active list as inspectors and instructors of organized militia; number and proportion of officers detached; filling vacancies in grade of second lieutenant.

Upon the request of the governors of the several States and Territories concerned, the President may detach officers of the active list of the Army from their proper commands for duty as inspectors and instructors of the Organized Militia, as follows, namely: Not to exceed one officer for each regiment and separate battalion of infantry, or its equivalent of other troops: Provided, That line officers detached for duty with the Organized Militia under the provisions hereof, together with those detached from their proper commands, under the provisions of law, for other duty the usual period of which exceeds one year, shall be subject to the provisions of section twenty-seven of the Act approved February second, nineteen hundred and one, with reference to details to the staff corps, but the total number of detached officers hereby made subject to these provisions shall not exceed two hundred: And provided further, That the number of such officers detached from each of the several branches of the line of the Army shall be in proportion to the authorized commissioned strength of that branch; they shall be of the grades first lieutenant to colonel, inclusive, and the number detached from each grade shall be in proportion to the number in that grade now provided by law for the whole Army. The vacancies hereby caused or created

in the grade of second lieutenant shall be filled in accordance with existing law, one-half in each fiscal year until the total number of vacancies shall have been filled: * *

Act March 3, 1911, c. 209, 36 Stat. 1045.

These are provisions of the Army appropriation act for the fiscal year ending June 30, 1912, cited above.

Act Feb. 2, 1901, c. 192, § 27, mentioned in one of these provisions, is set forth in Comp. St. 1901, p. 800.

Sec. 1227.

Army corps badges.

Provisions authorizing the wearing of badges adopted by military societies of men who served in the armies and navies of the United States during the Chinese relief expedition of 1900 are contained in Res. Jan. 12, 1903, No. 2, set forth above.

Sec. 1229.

ACT JAN. 19, 1911, c. 22. [S. 7635.]

An Act Authorizing the President to Drop Officers from the Rolls of the Army under Certain Conditions. (36 Stat. 894.)

Officers dropped for absence without leave or confinement in prison after conviction by civil court.

Be it enacted, &c., That the President be, and he is hereby, authorized to drop from the rolls of the army any officer who is absent from duty three months without leave, or who has been absent in confinement in a prison or penitentiary for more than three months after final conviction by a civil court of competent jurisdiction; and no officer so dropped shall be eligible for reappointment.

Act Jan. 19, 1911, c. 22, 36 Stat. 894.

Sec. 1230.

ACT APRIL 14, 1890, c. 80.

[Amended. Act June 25, 1910, c. 393.]

This act, set forth in Comp. St. 1901, p. 872, is amended by Act June 25, 1910, c. 393, to read as set forth below.

ACT JUNE 25, 1910, c. 393. [H. R. 4301.]

An Act for the Relief of Soldiers and Sailors who Enlisted or Served under Assumed Names, while Minors or Otherwise, in the Army or Navy, during the War of the Rebellion, the War with Spain, or the Philippine Insurrection. (36 Stat. 824.)

Amendment of Act April 14, 1890, c. 80.

Be it enacted, &c., That the Act entitled "An Act for the relief of soldiers and sailors who enlisted or served under assumed names, while minors or otherwise, in the army or navy, during the war of the rebellion," approved April fourteenth, eighteen hundred and ninety, be, and the same is hereby, amended to read as follows:

Discharges, etc., of persons who enlisted or served under assumed names, in Army or Navy, during war of the rebellion, war with Spain, or Philippine insurrection.

That the Secretary of War and the Secretary of the Navy be, and they are hereby, authorized and required to issue certificates of dis-

charge or orders of acceptance of resignation, upon application and proof of identity, in the true name of such persons as enlisted or served under assumed names, while minors or otherwise, in the army and navy during the war of the rebellion, the war with Spain, or the Philippine insurrection, and were honorably discharged therefrom. Applications for said certificates of discharge or amended orders of acceptance of resignation may be made by, or on behalf of, persons entitled to them; but no such certificate or order shall be issued where a name was assumed to cover a crime or to avoid its consequence.

Act June 25, 1910, c. 393, § 1, 36 Stat. 824.

Act April 14, 1890, c. 80, amended by this act, is set forth in Comp. St. 1901, p. 872. The amendment consists in including, besides persons who served during the war of the rebellion, those who served in the war with Spain or the Philippine insurrection.

Amendment of title of act.

Sec. 2. That the title of said act be amended so as to read as follows: "An Act for the relief of soldiers and sailors who enlisted or served under assumed names, while minors or otherwise, in the army or navy, during the war of the rebellion, the war with Spain, or the Philippine insurrection."

Act June 25, 1910, c. 393, § 2, 36 Stat. 824.

Sec. 1233.

ACT JULY 7, 1898, c. 583.

Enlistment of cooks.

An appropriation for prizes for enlisted men who graduate from the Army schools for bakers and cooks is made by a provision of Act March 3, 1911, c. 209, set forth below.

ACT MARCH 3, 1911, c. 209. [H. R. 31237.]

Prizes for graduates from Army schools for bakers and cooks.

* * for providing prizes to be established by the Secretary of War for enlisted men of the Army who graduate from the Army schools for bakers and cooks, the total amount of such prizes at the various schools not to exceed nine hundred dollars per annum; * *

Act March 3, 1911, c. 209, 36 Stat. 1046.

This is a provision accompanying an appropriation for the Subsistence Department in the Army appropriation act for the fiscal year ending June 30, 1912, cited above. A similar appropriation was made by the Army appropriation acts for preceding years.

Sec. 1240.

ACT JUNE 13, 1890, c. 423.

Expenditures at posts.

No military post within the United States is to be established without the express authority of Congress, by a provision of Act March 2, 1905, c. 1307, set forth below.

The appropriations for construction and enlargement of buildings at military posts in the recent sundry civil appropriation acts are accompanied by restrictions on the purposes for which the sum appropriated is to be used, which are repeated from year to year, and by limitations of the amounts to be expended for quarters for officers, etc., which are made permanent in the provision for the fiscal year ending June 30, 1911, Act June 25, 1910, c. 384, § 1, set forth below.

ACT JULY 16, 1892, c. 195.

Expenditures for post gardens or exchanges.

Appropriations for the construction, equipment, and maintenance of suitable buildings at military posts and stations for the conduct of the post exchange, school, library, reading, lunch, amusement rooms, and gymnasium, including repairs to buildings erected at private cost in the operation of the Act approved May 31, 1902, which is set forth below, to be expended in the discretion and under the direction of the Secretary of War, are contained in the Army appropriation acts for recent years. The provision for the fiscal year ending June 30, 1912, is by Act March 3, 1911, c. 209, 36 Stat. 1050.

ACT MAY 31, 1902, c. 943.

An Act for the Authorization of the Erection of Buildings by the International Committee of Young Men's Christian Associations on Military Reservations of the United States. (32 Stat. 382.)

Permission for erection on military reservations of buildings for work of Young Men's Christian Associations.

Be it enacted, &c., That authority is hereby given to the Secretary of War, in his discretion, to grant permission by revocable license to the International Committee of Young Men's Christian Associations of North America to erect and maintain, on the military reservations within the United States or its island possessions, such buildings as their work for the promotion of the social, physical, intellectual, and moral welfare of the garrisons may require, under such regulations as the Secretary of War may impose.

Act May 31, 1902, c. 943, 32 Stat. 282.

Repairs to buildings erected in the operation of this act are provided for in the recent Army appropriation acts. The provision for the fiscal year ending June 30, 1912, is by Act March 3, 1911, c. 209, 36 Stat. 1050.

ACT MARCH 2, 1905, c. 1307. [H. R. 17473.]

Military posts not to be established without express authority of Congress.

* * That hereafter no military post within the United States shall be established without the express authority of Congress.

Act March 2, 1905, c. 1307, 33 Stat. 836.

This is a proviso annexed to the appropriation for barracks and quarters in the Army appropriation act for the fiscal year ending June 30, 1906, cited above.

ACT JUNE 25, 1910, c. 384, § 1. [H. R. 25552.]

Military posts; limitation of expenditures for quarters for officers.

Military posts: For the construction and enlargement at military posts of such buildings as in the judgment of the Secretary of War may be necessary, including the installation therein of plumbing, and of heating and lighting apparatus; but no part of this sum shall be used for the purchase of land, for construction of buildings at coast artillery posts, nor for the establishment of any military prison, * * dollars: Provided, That hereafter no money appropriated for military posts shall be expended for the construction of quarters for officers of the army, or for barracks and quarters for the artillery the total cost of which, including the heating and plumbing apparatus, wiring and fixtures, shall exceed, in the case of quarters of a general officer, the sum of fifteen thousand dollars, of a colonel or an offi-

cer above the rank of captain, twelve thousand dollars, and of an officer of and below the rank of captain, nine thousand dollars.

Act June 25, 1910, c. 384, § 1, 36 Stat. 721.

These are provisions of the sundry civil appropriation act for the fiscal year ending June 30, 1911, cited above. Similar provisions, without the word "hereafter" in the proviso, were annexed to the appropriation for the preceding year, in Act May 27, 1908, c. 200, § 1, 35 Stat. 363. In the appropriation for the fiscal year ending June 30, 1912, Act March 4, 1911, c. 285, § 1, 36 Stat. 1398, these provisions are repeated, except the proviso, which became permanent by the use of the word "hereafter" in this act.

A proviso to the same effect, annexed to the appropriation in this act for "barracks and quarters, seacoast defenses," is not repeated in said appropriation for the fiscal year 1912.

A proviso similar to that in this act is annexed to the appropriations for "barracks and quarters, Philippine Islands," in recent Army appropriation acts. The provision for the fiscal year ending June 30, 1912, is by Act March 3, 1911, c. 209, 36 Stat. 1052.

CHAPTER TWO.

Retirement.

Sec. 1244.

ACT MARCH 3, 1883, c. 93, § 1.

Unlimited retirements.

Before retirement of an officer above the rank of colonel, except for disability or having reached the age of sixty-four years, service of at least one year in that rank is required by a provision of Act June 12, 1906, c. 3078, set forth below.

ACT JUNE 12, 1906, c. 3078. [H. R. 14397.]

Service before retirement of officer of rank above that of colonel.

* * That hereafter no officer holding a rank above that of colonel shall be retired except for disability or on account of having reached the age of sixty-four years until he shall have served at least one year in such rank.

Act June 12, 1906, c. 3078, 34 Stat. 245.

This is a proviso annexed to an appropriation for pay of officers on the retired list in the Army appropriation act for the fiscal year ending June 30, 1907, cited above.

ACT JUNE 22, 1910, c. 312. [S. 1021.] [*As amended* 1911. S. 9351.]

An Act Providing for the Retirement of Certain Medical Officers of the Army. (36 Stat. 580.)

Retirement of officers of Medical Reserve Corps.

Be it enacted, &c., That any officer of the Medical Reserve Corps who shall have reached the age of seventy years, and whose total active service in the Army of the United States, Regular or Volunteer, as such officer, and as contract or acting assistant surgeon, and as an enlisted man, shall equal forty years, may thereupon, in the discretion of the President, be placed upon the retired list of the Army with the rank, pay, and allowances of a first lieutenant.

Act June 22, 1910, c. 312, 36 Stat. 580. Act March 4, 1911, c. 252, 36 Stat. 1348.

As originally enacted, this act contained, after the words "enlisted

man," the words "in the war of the rebellion," which were stricken out by amendment by Act March 4, 1911, c. 252, cited above.

ACT MARCH 3, 1911, c. 209. [H. R. 31237.]

Retirement of veterinarians.

* * That hereafter so much of section twenty, of the Act approved February second, nineteen hundred and one, as provides that veterinarians shall receive the pay and allowances of second lieutenants, mounted, shall be interpreted to authorize their retirement under the laws governing the retirement of second lieutenants.

Act March 3, 1911, c. 209, 36 Stat. 1042.

This is a proviso annexed to an appropriation for pay of veterinarians in the Army appropriation act for the fiscal year ending June 30, 1912, cited above.

Army paymasters' clerks are entitled to the same right of retirement with the same retired pay as Navy paymasters' clerks, by a provision of Act March 3, 1911, c. 209, set forth post, in chapter 3 of this title, following Rev. St. § 1261.

Sec. 1245.

For disability.

Provisions for retirement of officers of the Medical Department, for physical disability or other disqualification, on examination for promotion, contained in Act April 23, 1908, c. 150, § 3, and Act March 3, 1909, c. 252, are set forth ante, under Title 1 of this chapter.

Sec. 1254.

Retired rank.

Officers of certain grades, who served with credit during the civil war, and possessing other requirements prescribed, retired for certain specified causes, may be placed on the retired list with the rank and retired pay of one grade above that actually held at the time of retirement, as prescribed by Rev. St. § 1254, set forth in Comp. St. 1901, p. 887, by a provision of Act April 23, 1904, c. 1485, and a further provision of Act March 2, 1907, c. 2511, set forth below.

ACT APRIL 23, 1904, c. 1485. [H. R. 10670.]

Rank and pay on retirement of officers who served with credit during the civil war.

* * That any officer of the Army below the grade of brigadier-general who served with credit as an officer or as an enlisted man in the regular or volunteer forces during the civil war prior to April ninth, eighteen hundred and sixty-five, otherwise than as a cadet, and whose name is borne on the official register of the Army, and who has heretofore been, or may hereafter be, retired on account of wounds or disability incident to the service, or on account of age or after forty years' service, may, in the discretion of the President, by and with the advice and consent of the Senate, be placed on the retired list of the Army with the rank and retired pay of one grade above that actually held by him at the time of retirement: Provided, That this Act shall not apply to any officer who received an advance of grade since the date of his retirement or who has been restored to the Army and placed on the retired list by virtue of the provisions of a special Act of Congress. * *

Act April 23, 1904, c. 1485, 33 Stat. 264.

This is a provision following an appropriation for pay of officers on the retired list in the Army appropriation act for the fiscal year ending June 30, 1905, cited above.

A further provision of the same act for assignment of retired officers

to active duty of various kinds, with full pay and allowances, is set forth post, under Rev. St. § 1259.

A subsequent provision for retirement of officers holding the rank of brigadier-general, who served during the civil war, contained in Act March 2, 1907, c. 2511, is set forth below.

ACT MARCH 2, 1907, c. 2511. [H. R. 23551.]

Rank and pay on retirement of officers who served with credit during the civil war.

* * That officers who served creditably in the regular or volunteer forces during the civil war prior to April ninth, eighteen hundred and sixty-five, and who now hold the rank of brigadier-general on the active list of the Army, having previously held that rank for three years or more, shall, when retired from active service, have the rank and retired pay of major-general.

Act March 2, 1907, c. 2511, 34 Stat. 1163.

This is a proviso annexed to an appropriation for pay of officers on the retired list in the Army appropriation act for the fiscal year ending June 30, 1908, cited above.

ACT MARCH 4, 1911, c. 266. [H. R. 24256.]

An Act to Authorize Commissions to Issue in the Cases of Officers Retired or Advanced on the Retired List with Increased Rank. (36 Stat. 1354.)

Commissions to retired officers of Army, Navy, or Marine Corps advanced in rank.

Be it enacted, &c., That commissioned officers of the Army, Navy, and Marine Corps on the retired list whose rank has been or shall hereafter be advanced by operation of or in accordance with law shall be entitled to and shall receive commissions in accordance with such advanced rank.

Act March 4, 1911, c. 266, 36 Stat. 1354.

A previous act, Act May 6, 1910, c. 200, 36 Stat. 347, containing a similar provision relating to officers of the Army only, is superseded by this act.

Sec. 1258.

Number on the retired list.

Nothing in the provision of Act March 2, 1907, c. 2511, that the office of Lieutenant-General shall cease, is to affect the retired list, by a further proviso annexed to said provision as set forth ante, under chapter 1 of this Title.

Sec. 1259.

Assignment to duty.

The detail of retired officers for service in connection with the organized militia in the States and Territories, and other duties not involving service with troops, is authorized by provisions of Act March 2, 1903, c. 975, Act April 23, 1904, c. 1485, and Act March 3, 1911, c. 209, set forth below.

ACT MARCH 2, 1903, c. 975.

Detail for service in connection with organized militia.

* * That in addition to the detail of retired officers now authorized by law, it shall hereafter be lawful for the Secretary of War to detail, whenever in his judgment the public interests require it, not exceeding twenty retired officers for service in connection with the organized militia in the States or Territories, upon the request of the

governor thereof, and such retired officers shall be entitled, while so employed, to receive the full pay and allowances of their respective grades.

Act March 2, 1903, c. 975, 32 Stat. 932.

This is a proviso annexed to an appropriation for pay of officers on the retired list in the Army appropriation act for the fiscal year ending June 30, 1904, cited above.

More comprehensive provisions for assignment of retired officers, with their consent, to active duty of various kinds, not involving service with troops, contained in Act April 23, 1904, c. 1485, are set forth below.

ACT APRIL 23, 1904, c. 1485. [H. R. 10670.]

Assignment to active duty not involving service with troops.

* * And the Secretary of War may assign retired officers of the Army, with their consent, to active duty in recruiting, for service in connection with the organized militia in the several States and Territories upon the request of the governor thereof, as military attachés, upon courts-martial, courts of inquiry and boards, and to staff duties not involving service with troops; and such officers while so assigned shall receive the full pay and allowances of their respective grades.

Act April 23, 1904, c. 1485, 33 Stat. 264.

This is a provision accompanying an appropriation for pay of officers on the retired list in the Army appropriation act for the fiscal year ending June 30, 1905, cited above.

Previous provisions for the detail of retired officers for service in connection with the organized militia, contained in Act March 2, 1903, c. 975, are set forth above.

The provisions of this act apply to retired officers assigned to active duty as members of the board of road commissioners for Alaska, under a provision of Act March 3, 1911, c. 209, set forth below.

The detail of officers of the Army to attend encampments of, and for duty in connection with, the organized militia, is provided for by Act Jan. 21, 1903, §§ 19, 20, post, under Title XVI, "The Militia"; and such detail of instructors from the Regular Army for the militia when assembled on the national military parks is provided for by Act May 15, 1896, c. 182, § 2, set forth in Comp. St. 1901, p. 975.

Subsequent provisions as to the pay and allowances of retired officers above the grade of major, assigned to active duty, contained in Act March 2, 1905, c. 1307, are set forth post, under chapter 3 of this Title.

ACT MARCH 3, 1911, c. 209. [H. R. 31237.]

Assignment to active duty as members of board of road commissioners for Alaska.

* * That hereafter the Secretary of War may, in his discretion, assign suitable retired officers of the Army to active duty as members of the board of road commissioners for Alaska, and in the case of any officer so assigned the provisions of so much of the Act of Congress approved April twenty-third, nineteen hundred and four, entitled "An Act making appropriations for the support of the Army for the fiscal year ending June thirtieth, nineteen hundred and five, and for other purposes," as relates to the assignment of retired officers to active duty shall apply.

Act March 3, 1911, c. 209, 36 Stat. 1052.

This is a proviso annexed to an appropriation for construction, etc., of military and post roads, etc., in Alaska, in the Army appropriation act for the fiscal year ending June 30, 1912, cited above.

The provisions of Act April 23, 1904, c. 1485, mentioned in this provision, are set forth above.

Provisions for the detail of retired officers to educational institutions are contained in Rev. St. § 1260, and other acts set forth or referred to

under that section in Comp. St. 1901, p. 890, and in amendments of Rev. St. § 1225, set forth in Comp. St. 1901, pp. 863-866, and ante. under chapter 1 of this Title.

Sec. 1260.

ACT FEB. 14, 1885, c. 67.

[Superseded. Act March 2, 1907, c. 2515.]

This act and the provision of Act March 16, 1896, c. 59, set forth in Comp. St. 1901, pp. 890, 891, relating to retirement of enlisted men, are superseded by a provision of Act March 2, 1907, c. 2515, set forth below.

In computing length of service of enlisted men for retirement, service as commissioned officers of United States Volunteers, or as such in the Porto Rico Provisional Regiment or in the Philippine Scouts, is to be counted, by provisions of Act June 30, 1902, c. 1328, and Act June 12, 1906, c. 3078, set forth below; and credit for double the actual time of service in China is to be given, by a provision of Act March 2, 1903, c. 975, set forth below; and by a provision of Act April 23, 1904, c. 1485, also set forth below, credit is thereafter to be given for double the time of actual service in China, Cuba, the Philippine Islands, the Island of Guam, Alaska, and Panama, but double credit is not to be given for service thereafter rendered in Porto Rico or the Territory of Hawaii.

ACT MARCH 16, 1896, c. 59.

[Superseded. Act March 2, 1907, c. 2515.]

The provision of this act, set forth in Comp. St. 1901, p. 891, for a monthly allowance to retired enlisted men, is superseded by a similar provision contained in Act March 2, 1907, c. 2515, set forth below.

ACT JUNE 30, 1902, c. 1328.

Length of service to entitle men to continuous service pay and to retirement.

* * That all enlisted men of the Regular Army who served as commissioned officers of United States Volunteers organized in eighteen hundred and ninety-eight and eighteen hundred and ninety-nine, or who have served or may be now serving as such in the Porto Rico Provisional Regiment or in the Philippine Scouts, who, upon their muster out, have returned or may return to the ranks of the Regular Army, shall have such period of service counted as if it had been rendered as enlisted men, and that they be entitled to all continuous-service pay and to count, in computing the time necessary to enable them to retire, as enlisted men.

Act June 30, 1902, c. 1328, 32 Stat. 512. Act March 2, 1903, c. 975, 32 Stat. 934.

This is a proviso annexed to an appropriation for pay of Philippine Scouts in the Army appropriation act for the fiscal year ending June 30, 1903, repeated in the similar act for the fiscal year ending June 30, 1904, cited above.

A similar provision relating to men appointed commissioned officers of Philippine Scouts subsequent to March 2, 1903, contained in Act June 12, 1906, c. 3078, is set forth below.

ACT MARCH 2, 1903, c. 975.

Length of service for retirement; credit for double time of service in China.

* * That hereafter, in computing the length of service for retirement, credit shall be given soldiers for double the time of their

actual service in China, the same as is now given in Porto Rico, Cuba, and the Philippine Islands.

Act March 2, 1903, c. 975, 32 Stat. 933.

This is a proviso, annexed to an appropriation for pay of the enlisted men on the retired list, in the Army appropriation act for the fiscal year ending June 30, 1904, cited above. Similar credit for service in Porto Rico, Cuba, or in the Philippine Islands, referred to in this provision, is to be given by a provision of Act May 26, 1900, c. 586, set forth in Comp. St. 1901, p. 891.

Different provisions for computing the length of service for retirement, as to giving credit for double the time for services thereafter rendered, contained in Act April 23, 1904, c. 1485, are set forth below.

ACT APRIL 23, 1904, c. 1485. [H. R. 10670.]

Length of service for retirement; credit for double time of service in China, Cuba, the Philippine Islands, the Island of Guam, Alaska, and Panama.

* * That hereafter in computing the length of service for retirement, credit shall be given [illegible] for double the time of their actual service in China, Cuba, the Philippine Islands, the Island of Guam, Alaska, and Panama; but double credit shall not be given for service hereafter rendered in Porto Rico or the Territory of Hawaii.

Act April 23, 1904, c. 1485, 33 Stat. 264.

This is a proviso annexed to an appropriation for pay of the enlisted men on the retired list in the Army appropriation act for the fiscal year ending June 30, 1905, cited above. Previous provisions for similar credit contained in Act March 2, 1903, c. 975, are set forth or referred to above.

ACT JUNE 12, 1906, c. 3078. [H. R. 14397.]

Length of service to entitle men to continuous service pay and to retirement; credit for service in Philippine Scouts.

* * That all enlisted men of the Regular Army who have been appointed commissioned officers of Philippine Scouts subsequent to March second, nineteen hundred and three, or who may hereafter be so appointed, and who, upon their muster out, have returned or may return to the ranks of the Regular Army, shall have such period of service counted as if it had been rendered as enlisted men, and that they be entitled to all continuous service pay and to count, in computing the time necessary to enable them to retire, as enlisted men.

Act June 12, 1906, c. 3078, 34 Stat. 248.

This is a proviso annexed to appropriations for pay of Philippine Scouts in the Army appropriation act for the fiscal year ending June 30, 1907, cited above. A previous similar provision contained in Act June 30, 1902, c. 1328, is set forth above.

ACT MARCH 2, 1907, c. 2515. [S. 3638.]

An Act Providing for the Retirement of Noncommissioned Officers, Petty Officers and Enlisted Men of the Army, Navy, and Marine Corps of the United States. (34 Stat. 1217.)

Retirement of enlisted men of Army, Navy, or Marine Corps; pay and allowances.

Be it enacted, &c., That when an enlisted man shall have served thirty years either in the Army, Navy, or Marine Corps, or in all, he shall, upon making application to the President, be placed upon the retired list, with seventy-five per centum of the pay and allowances he may then be in receipt of, and that said allowances shall be as follows: Nine dollars and fifty cents per month in lieu of rations and clothing and six dollars and twenty-five cents per month in lieu of

quarters, fuel and light: Provided, That in computing the necessary thirty years' time all service in the Army, Navy, and Marine Corps shall be credited.

Act March 2, 1907, c. 2515, § 1, 34 Stat. 1217.

This act may be regarded as superseding the previous less comprehensive provisions for retirement of enlisted men of the Army or the Marine Corps, contained in Act Feb. 14, 1885, c. 67, and Act March 16, 1896, c. 59, set forth in Comp. St. 1901, pp. 890, 891.

Payment to retired enlisted men in the employment of the Isthmian Canal Commission of salaries and wages in addition to their retired pay is authorized by a provision of Act March 4, 1909, c. 298, § 1, set forth post, under chapter 3 of this Title.

Repeal.

Sec. 2. That all Acts and parts of Acts, so far as they conflict with the provisions of this Act, are hereby repealed.

Act March 2, 1907, c. 2515, § 2, 34 Stat. 1218.

CHAPTER THREE.

Pay and Allowances.

Sec. 1261.

Rates of pay.

The rates of pay of certain grades of officers of the Army, fixed by this section, set forth in Comp. St. 1901, p. 893, are changed by provisions of Act May 11, 1908, c. 163, set forth below.

The official salary of army officers appointed or employed under the Isthmian Canal act, Act June 28, 1902, c. 1302, set forth post, under Title LXIII, "Rivers and Harbors," subchapter "Isthmian Canal," is required to be deducted from the salary or compensation authorized by said act, by section 7 thereof.

The rates of pay and allowances of the superintendent and members of the Female Nurse Corps are fixed by provisions of Act March 23, 1910, c. 115, set forth below.

The pay and allowances of paymasters' clerks are regulated by a provision of Act March 3, 1911, c. 209, set forth below.

ACT APRIL 26, 1898, c. 191, § 7.

Increase of pay of officer exercising, in time of war, command higher than his grade.

Provisions relating to readjustment of disallowances or stoppages on account of payments for exercise of higher command between April 26, 1898, and March 18, 1907, are contained in the Army appropriation act for the fiscal year ending June 30, 1912, Act March 3, 1911, c. 209, 36 Stat. 1039.

ACT MARCH 2, 1901, c. 803.

Increase of pay of officers and enlisted men serving beyond the limits of the States of the Union and the contiguous Territories.

The provisions of this act set forth in Comp. St. 1901, p. 896, are repeated, without the last two provisos there set forth, in the Army appropriation act for the fiscal year ending June 30, 1903, Act June 30, 1902, c. 1328, as set forth below.

ACT JUNE 30, 1902, c. 1328.

Increase of pay of officers and enlisted men serving beyond the limits of the States of the Union and the contiguous Territories.

* * That hereafter the pay proper of all commissioned officers and enlisted men serving beyond the limits of the States comprising the

Union and the Territories of the United States contiguous thereto shall be increased ten per centum for officers and twenty per centum for enlisted men over and above the rates of pay proper as fixed by law for time of peace, and the time of such service shall be counted from the date of departure from said States to the date of return thereto.

Act June 30, 1902, c. 1328, 32 Stat. 512.

This is a proviso annexed to the appropriation for increase on pay of commissioned officers serving at foreign stations in the Army appropriation act for the fiscal year ending June 30, 1903, cited above. A similar provision contained in the Army appropriation for the preceding year, Act March 2, 1901, c. 803, is set forth in Comp. St. 1901, p. 896. Appropriations for such increase on pay are made in the similar acts for subsequent years. The provision for the fiscal year ending June 30, 1912, is by Act March 3, 1911, c. 209, 36 Stat. 1043.

Increase of pay for such service "as now provided by law," is continued by a provision of Act May 11, 1908, c. 163, set forth below.

The same rate of pay for officers and enlisted men serving on Army transports in the Philippine Archipelago as for those serving at shore stations beyond the limits of the United States is authorized by a further provision of Act May 11, 1908, c. 163, set forth below.

ACT MAY 11, 1908, c. 163. [H. R. 17288.] [*As amended* 1909.]

Rates of pay of certain grades of officers; mounts, and allowances therefor; officers of Navy not affected.

That hereafter the annual pay of officers of the Army of the several grades herein mentioned shall be as follows: Major-general, eight thousand dollars; brigadier-general, six thousand dollars; colonel, four thousand dollars; lieutenant-colonel, three thousand five hundred dollars; major, three thousand dollars; captain, two thousand four hundred dollars; first lieutenant, two thousand dollars; second lieutenant, one thousand seven hundred dollars. And the pay of cadets at the Military Academy shall hereafter be six hundred dollars a year. That hereafter the United States shall furnish mounts and horse equipments for all officers of the Army below the grade of major required to be mounted, but in case any officer below the grade of major required to be mounted provides himself with suitable mounts at his own expense, he shall receive an addition to his pay of one hundred and fifty dollars per annum if he provides one mount, and two hundred dollars per annum if he provides two mounts. Section twelve hundred and sixty-seven of the Revised Statutes of the United States is hereby amended to read as follows: "In no case shall the pay of a colonel exceed five thousand dollars a year; the pay of a lieutenant-colonel exceed four thousand five hundred dollars a year, or the pay of a major exceed four thousand dollars a year:" Provided, That nothing in this section is intended to increase or change or shall be construed as increasing or changing the present pay or allowances of any officer in the United States Navy; and section thirteen of an Act entitled "An Act to reorganize and increase the efficiency of the personnel of the Navy and Marine Corps of the United States," approved March third, eighteen hundred and ninety-nine, shall not be construed as changing the pay of any naval officer by reason of the provisions of this Act.

Act May 11, 1908, c. 163, 35 Stat. 108.

There are provisions of the Army appropriation act for the fiscal year ending June 30, 1909, cited above. Previous provisions fixing rates of pay of such officers are contained in Rev. St. § 1261, Comp. St. 1901, p. 893. Rev. St. § 1267, amended by this paragraph, is set forth in

Comp. St. 1901, p. 898. Act March 3, 1899, c. 413, § 13, mentioned in the proviso at the end of this paragraph, is set forth in Comp. St. 1901, p. 1072.

These provisions are not to be construed so as to reduce the pay or allowances previously authorized for any officer or enlisted man, by a further provision of the act, set forth post, following Rev. St. § 1280.

Allowances on death of officer or enlisted man on active list; designation of and payment to beneficiary.

That hereafter immediately upon official notification of the death from wounds or disease not the result of his own misconduct of any officer or enlisted man on the active list of the Army, the Paymaster-General of the Army shall cause to be paid to the widow of such officer or enlisted man, or to any other person previously designated by him, an amount equal to six months' pay at the rate received by such officer or enlisted man at the date of his death, less seventy-five dollars in the case of an officer and thirty-five dollars in the case of an enlisted man. From the amount thus reserved the Quartermaster's Department shall be reimbursed for expenses of interment, and the residue, if any, of the amount reserved shall be paid subsequently to the designated person. The Secretary of War shall establish regulations requiring each officer and enlisted man to designate the proper person to whom this amount shall be paid in case of his death, and said amount shall be paid to that person from funds appropriated for the pay of the Army.

Act May 11, 1908, c. 163, 35 Stat. 108. Act March 3, 1909, c. 252, 35 Stat. 735.

This is a further provision of the Army appropriation act for the fiscal year ending June 30, 1909, amended by a provision of the similar act for the fiscal year ending June 30, 1910, cited above. The amendment consists in striking out, after the words "death from wounds or disease," the words "contracted in line of duty," and inserting in lieu thereof the words "not the result of his own misconduct," as set forth here.

Increase of pay for service beyond the limits of the states of the Union and the contiguous territories.

That increase of pay for service beyond the limits of the States comprising the Union, and the territories of the United States contiguous thereto, shall be as now provided by law.

Act May 11, 1908, c. 163, 35 Stat. 110.

This is a further provision of the Army appropriation act for the fiscal year ending June 30, 1910, cited above. Previous provisions for increase of pay, referred to in this provision, contained in Act June 30, 1902, c. 1328, are set forth above.

Increase of pay of officers and enlisted men serving on army transports in Philippine Archipelago.

* * That officers and enlisted men who have served on army transports in the Philippine Archipelago at any time since May twenty-sixth, nineteen hundred, under the control and orders of the commanding general, Philippines Division, or who may hereafter so serve, shall be entitled to receive the same rate of pay as is provided by law for officers and enlisted men serving at shore stations beyond the limits of the United States.

Act May 11, 1908, c. 163, 35 Stat. 114.

This is a proviso annexed to the appropriation for increase of pay to enlisted men in the Army appropriation act for the fiscal year ending June 30, 1910, cited above. Provisions for increase of pay for service beyond the limits of the United States, contained in Act June 30, 1902, c. 1328, are set forth above.

ACT MARCH 23, 1910, c. 115. [H. R. 15384.]

Rates of pay and allowances of Superintendent and members of Female Nurse Corps.

* * and the Superintendent and members of the Female Nurse Corps shall hereafter be paid at the following rates: Superintendent Nurse Corps, one thousand eight hundred dollars per annum; female nurses, fifty dollars per month for the first period of three years' service; fifty-five dollars per month for the second period of three years' service; sixty dollars per month for the third period of three years' service; and sixty-five dollars per month after nine years' service in said Nurse Corps; and all female nurses shall hereafter be entitled, in addition to the rates of pay as herein provided, to ten dollars per month when serving beyond the limits of the States comprising the Union and the Territories of the United States contiguous thereto (excepting Porto Rico and Hawaii), and to cumulative leave of absence with pay at the rate of thirty days for each calendar year of service in said corps; and when serving as chief nurses their pay may be increased by authority of the Secretary of War, such increase not to exceed thirty dollars per month; and the Superintendent shall be entitled to the same allowances, when on duty, as the members of the Nurse Corps.

Act March 23, 1910, c. 115, 36 Stat. 249.

These are provisions accompanying appropriations for pay of the Superintendent and nurses in the Army appropriation act for the fiscal year ending June 30, 1911, cited above.

ACT MARCH 3, 1911, c. 209. [H. R. 31237.]

Pay and allowances of paymasters' clerks; retirement and retired pay.

Hereafter the pay and allowances of Army paymasters' clerks shall be the same as provided by law for Navy paymasters' clerks on shore duty, and they shall also be entitled to the same right of retirement with the same retired pay as is now allowed Navy paymasters' clerks: Provided, That Army paymasters' clerks shall be subject to the rules and articles of war.

Act March 3, 1911, c. 209, 36 Stat. 1044.

This is a provision of the Army appropriation act for the fiscal year ending June 30, 1912, cited above.

Navy paymasters' clerks receive the same pay and allowances and have the same rights of retirement as warrant officers of like length of service in the Navy, by a provision of Act May 13, 1908, c. 166, as amended by Act June 24, 1910, c. 378, set forth post, under Title XV, "The Navy," c. 8, following Rev. St. § 1556.

Sec. 1262.

Service pay.

No further increase of longevity pay is to be allowed to retired officers, except officers retired on account of wounds received in battle, by a provision of Act March 2, 1903, c. 975, set forth below.

Sec. 1265.

ACT JULY 29, 1876, c. 239.

Leave of absence without deduction of pay.

Provisions relating to leave credits for volunteer service to officers appointed to the Regular Army from the volunteer service are contained in a proviso of Act June 30, 1902, c. 1328, set forth below.

A provision relating to the times of taking effect and terminating of

leaves to be absent from the Philippine Islands, contained in Act March 2, 1907, c. 2511, is set forth below.

The provisions of Rev. St. § 1330, authorizing leaves of absence to officers of the Military Academy, are extended to officers on duty as instructors at the service schools, by a provision of Act March 23, 1910, c. 115, set forth below.

ACT JUNE 30, 1902, c. 1328.

Leaves of absence, credits for volunteer service.

* * That officers appointed to the Regular Army from the volunteer service, whose service has been continuous, shall, in the computation of leaves of absence after their appointment in the Regular Army, be entitled to the leave credits which accrued to them as volunteer officers where such leave credits were not availed of during their volunteer service.

Act June 30, 1902, c. 1328, 32 Stat. 508.

This is a proviso annexed to an appropriation for pay of officers for length of service in the Army appropriation act for the fiscal year ending June 30, 1903, cited above.

ACT MARCH 2, 1907, c. 2511. [H. R. 23551.]

Leaves of absence from Philippine Islands, times of taking effect and terminating.

* * That leaves to be absent from the Philippine Islands, other than to return to the United States, which may be granted officers of the Army serving in said islands and sailing from Manila, shall be regarded as taking effect on the dates such officers reach Manila, and as terminating on the dates of their departure from Manila, in returning to their stations.

Act March 2, 1907, c. 2511, 34 Stat. 1171.

This is a proviso annexed to an appropriation for transportation of the Army in the Army appropriation act for the fiscal year ending June 30, 1908, cited above.

ACT MARCH 23, 1910, c. 115. [H. R. 15384.]

Leaves of absence to officers on duty as instructors at service schools.

United States service schools: * * That the provisions of section thirteen hundred and thirty, Revised Statutes, authorizing leaves of absence to certain officers of the Military Academy, during the period of the suspension of the ordinary academic studies, without deduction from pay and allowances, be, and are hereby, extended to include officers on duty exclusively as instructors at the service schools on approval of the officer in charge of said schools.

Act March 23, 1910, c. 115, 36 Stat. 244.

This is a proviso annexed to an appropriation for the "United States service schools" in the Army appropriation act for the fiscal year 1911, cited above.

Rev. St. § 1330, the provisions of which are extended by this act, is set forth in Comp. St. 1901, p. 935.

Sec. 1267.

[Amended. Act May 11, 1908, c. 163.]

This section, set forth in Comp. St. 1901, p. 898, is amended by a provision of Act May 11, 1908, c. 163, set forth ante, following Rev. St. § 1261, to read as follows:

"In no case shall the pay of a colonel exceed five thousand dollars a year; the pay of a lieutenant-colonel exceed four thousand five hundred dollars a year, or the pay of a major exceed four thousand dollars a year."

Sec. 1268.

To be paid monthly.

Further provisions relating to monthly payments to be made under the provisions of Army appropriation acts are contained in a paragraph of Act June 12, 1906, c. 3078, set forth below.

Provisions relating to disbursements by and accounts of paymasters, in regard to the pay of the Army, contained in Act March 2, 1905, c. 1307, are set forth ante, under chapter 1 of this Title.

ACT APRIL 23, 1904, c. 1485. [H. R. 10670.]

Assignment of pay by contract surgeons and contract dental surgeons.

* * That hereafter contract surgeons and contract dental surgeons on duty in Alaska, Hawaii, the Philippine Islands, and Porto Rico may transfer or assign their pay accounts, when due and payable, in the methods now provided by regulations for commissioned officers of the Army: * *

Act April 23, 1904, c. 1485, 33 Stat. 266.

This is a proviso annexed to an appropriation for pay of contract surgeons in the Army appropriation act for the fiscal year ending June 30, 1905, cited above. A similar provision, without the word "hereafter," was contained in the Army appropriation act for the preceding year, Act March 2, 1903, c. 975, 32 Stat. 933.

A provision for assignment of pay by commissioned officers of the Army, contained in Act March 2, 1907, c. 2511, is set forth below.

ACT JUNE 12, 1906, c. 3078. [H. R. 14397.]

Annual or monthly compensation; rules for division of time and computation of pay.

Hereafter, where the compensation of any person in the military service of the United States is annual or monthly the following rules for division of time and computation of pay for services rendered are hereby established: Annual compensation shall be divided into twelve equal installments, one of which shall be the pay for each calendar month; and in making payments for a fractional part of a month one-thirtieth of one of such installments, or of a monthly compensation, shall be the daily rate of pay. For the purpose of computing such compensation and for computing time for services rendered during a fractional part of a month in connection with annual or monthly compensation, each and every month shall be held to consist of thirty days, without regard to the actual number of days in any calendar month, thus excluding the thirty-first of any calendar month from the computation and treating February as if it actually had thirty days. Any person entering the service of the United States during a thirty-one day month and serving until the end thereof shall be entitled to pay for that month from the date of entry to the thirtieth day of said month, both days inclusive; and any person entering said service during the month of February and serving until the end thereof shall be entitled to one month's pay, less as many thirtieths thereof as there were days elapsed prior to date of entry: Provided, That for one day's unauthorized absence on the thirty-first day of any calendar month one day's pay shall be forfeited.

Act June 12, 1906, c. 3078, 34 Stat. 248.

This is a provision of the Army appropriation act for the fiscal year ending June 30, 1907, cited above.

A previous similar but less specific provision relating to the same sub-

ject contained in Act March 2, 1903, c. 975, 32 Stat. 934, may be regarded as superseded by this provision.

Similar rules for computation of the compensation of any person in the service of the United States are prescribed by Act June 30, 1906, c. 3914, § 6, set forth post, under Title XIX, "Provisions Applicable to Several Classes of Officers."

ACT MARCH 2, 1907, c. 2511. [H. R. 23551.]

Assignment of pay by commissioned officers.

* * That hereafter all commissioned officers of the Army may transfer or assign their pay accounts, when due and payable, under such regulations and restrictions as the Secretary of War may prescribe.

Act March 2, 1907, c. 2511, 34 Stat. 1159.

This is a proviso annexed to an appropriation for pay of officers in the Army appropriation act for the fiscal year ending June 30, 1908, cited above. A similar provision, without the word "hereafter," was contained in the Army appropriation act for the preceding year, Act June 12, 1906, c. 3078, 34 Stat. 241.

Sec. 1270. [*As amended* 1877.]

Allowance of fuel, quarters, and forage.

Nothing in any other act is to be construed so as to deprive officers of the Army of forage, bedding, shoeing, or shelter for their authorized number of horses, or of any means of transportation or maintenance therefor for which provision is made by the Army appropriation act, Act March 3, 1909, c. 252, by a provision of that act set forth below.

The authorized number of owned horses of an officer are not to be deprived, because he is separated from them by the nature of his military service, of forage, etc., by a provision of Act March 23, 1910, c. 115, set forth below.

ACT JUNE 18, 1878, c. 263, § 8.

Fuel to be sold, and forage in kind to be furnished, to officers.

A provision similar to that of section 8 of this act, set forth in Comp. St. 1901, p. 899, for furnishing fuel to officers, contained in Act June 12, 1906, c. 3078, is set forth below.

A subsequent provision that heat and light for quarters for officers and enlisted men shall be furnished at the expense of the United States, contained in Act March 2, 1907, c. 2511, is also set forth below.

ACT JUNE 18, 1878, c. 263, § 9.

[Amended. Act March 2, 1907, c. 2511.]

Section 9 of this act, set forth in Comp. St. 1901, p. 899, relating to quarters for officers and commutation thereof, is amended by a provision of Act March 2, 1907, c. 2511, set forth below.

ACT JUNE 12, 1906, c. 3078. [H. R. 14397.]

Fuel to officers.

* * That hereafter fuel may be furnished to commissioned officers on the active list by the Quartermaster's Department, for the actual use of such officers only, at the rate of three dollars per cord for standard oak wood, or at an equivalent rate for other kinds of fuel, the amount so furnished to each to be limited to the officer's actual personal necessities as certified to by him: * *

Act June 12, 1906, c. 3078, 34 Stat. 250.

This is a proviso annexed to an appropriation for regular supplies of the Quartermaster's Department in the Army appropriation act for the fiscal year ending June 30, 1907, cited above.

A subsequent provision that heat and light for quarters for officers and

enlisted men shall be furnished at the expense of the United States, contained in Act March 2, 1907, c. 2511, is set forth below.

ACT MARCH 2, 1907, c. 2511. [H. R. 23551.]

Heat and light for quarters.

* * That hereafter the heat and light actually necessary for the authorized allowance of quarters for officers and enlisted men shall be furnished at the expense of the United States under such regulations as the Secretary of War may prescribe: * *

Act March 2, 1907, c. 2511, 34 Stat. 1167.

This is a proviso annexed to the same appropriation and following the provision set forth above in the Army appropriation act for the fiscal year ending June 30, 1908, cited above.

By a proviso annexed to the appropriation for barracks and quarters in the recent Army appropriation acts, no part of the moneys so appropriated is to be paid for commutation of fuel or for quarters to officers or enlisted men. The provision for the fiscal year ending June 30, 1912, is by Act March 3, 1911, c. 209, 36 Stat. 1049.

Amendment of Act June 17, 1878, c. 263, § 9; quarters in kind, and commutation.

* * That section nine of an Act approved June seventeenth, eighteen hundred and seventy-eight (Twentieth Statutes at Large, page one hundred and fifty-one), be, and the same is hereby, amended to read as follows: "That at all posts and stations where there are public quarters belonging to the United States officers may be furnished with quarters in kind in such public quarters, and not elsewhere, by the Quartermaster's Department, assigning to the officers of each grade, respectively, such number of rooms as is stated in the following table, namely: Second lieutenants, two rooms; first lieutenants, three rooms; captains, four rooms; majors, five rooms; lieutenant-colonels, six rooms; colonels, seven rooms; brigadier-generals, eight rooms; major-generals, nine rooms; lieutenant-general, ten rooms: Provided further, That at places where there are no public quarters commutation therefor may be paid by the Pay Department to the officer entitled to the same at a rate not exceeding twelve dollars per month per room:" * *

Act March 2, 1907, c. 2511, 34 Stat. 1168.

These are provisos annexed to the appropriation for barracks and quarters in the Army appropriation act for the fiscal year ending June 30, 1908, cited above.

Act June 17, 1878, c. 263, § 9, amended by these provisions, is set forth in Comp. St. 1901, p. 899.

Provisions limiting expenditures for construction of quarters at military posts for officers of various grades, contained in Act June 25, 1910, c. 384, are set forth ante, under chapter 1 of this Title, subchapter "General Provisions of Organization."

ACT MARCH 3, 1909, c. 252. [H. R. 26915.]

Other acts not to be construed to deprive officers of forage, bedding, shoeing, or shelter for horses authorized, or of means of transportation or maintenance therefor.

* * And nothing in the Act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year nineteen hundred and eight, or any other Act shall hereafter be held or construed so as to deprive officers of the Army, wherever on duty in the military service of the United States, of forage, bedding, shoeing, or shelter for their authorized number of horses, or

of any means of transportation or maintenance therefor for which provision is made by the terms of this Act; * *

Act March 3, 1909, c. 252, 35 Stat. 742.

This is a provision accompanying an appropriation for regular supplies of the Quartermaster's Department, among them "forage in kind * * for the authorized number of officers' horses, including bedding for the animals." in the Army appropriation act for the fiscal year ending June 30, 1910, cited above. A similar provision is contained in the Army appropriation acts for preceding years.

The portions of the legislative, executive, and judicial appropriation acts which appear to be contemplated in these provisions of the Army appropriation acts, are the sections restricting the use of any money appropriated by those or any other acts for expenses of horses, carriages, and drivers, or for purchasing, maintaining, etc., carriages or vehicles, for the use of officers; Act March 18, 1904, c. 716, § 3, and Act Feb. 3, 1905, c. 297, § 4, set forth post, under Title XIX, "Provisions Applicable to Several Classes of Officers."

ACT MARCH 23, 1910, c. 115. [H. R. 15384.]

Officer's horses not to be deprived of forage, bedding, shelter, shoeing, or medicines, because of his separation from them through military service.

* * and hereafter, when an officer is separated from his authorized number of owned horses through the nature of the military service upon which employed, they shall not be deprived of forage, bedding, shelter, shoeing, or medicines therefor, because of such separation; * *

Act March 23, 1910, c. 115, 36 Stat. 252.

This is a provision accompanying an appropriation for regular supplies of the Quartermaster's Department in the Army appropriation act for the fiscal year ending June 30, 1911, cited above.

Sec. 1273.

ACT JULY 24, 1876, c. 226, § 2.

Mileage.

Provisions subsequent to those of this and other acts relating to mileage, set forth in Comp. St. 1901, pp. 902–905, and different therefrom to some extent, contained in Act June 12, 1906, c. 3078, are set forth below.

ACT SEPT. 19, 1890, c. 907, § 15.

Mileage to engineer officers.

An appropriation for travel expenses of officers on journeys approved by the Chief of Engineers and made for the purpose of instruction, with a proviso that such traveling expenses shall be in lieu of mileage and other allowances, is made by the Army appropriation act for the fiscal year ending June 30, 1910, Act March 3, 1909, c. 252, 35 Stat. 749.

ACT FEB. 27, 1893, c. 168.

Mileage to paymasters' clerks and accountant of Inspector-General's Department.

Instead of mileage, etc., as prescribed by the provision of this act set forth in Comp. St. 1901, p. 903, actual expenses only are to be paid to paymasters' clerks and the expert accountant of the Inspector-General's Department, for sea travel, by a provision of Act June 12, 1906, c. 3078, set forth below.

ACT MARCH 2, 1901, c. 803.

[Superseded. Act June 12, 1906, c. 3078.]

The provisions of this act, set forth in Comp. St. 1901, p. 903, relating to mileage, travel allowances, etc., to officers, are superseded by the provisions relating to the same subject contained in Act June 12, 1906, c. 3078, set forth below.

ACT JUNE 12, 1906, c. 3078. [H. R. 14397.]

Mileage; rate; computation, deductions, etc.; change of station while on leave; expenses of sea travel.

For mileage to officers and contract surgeons when authorized by law, * * dollars: Provided, That hereafter officers, active and retired, when traveling under competent orders without troops, and retired officers who have so traveled since March third, nineteen hundred and five, shall be paid seven cents per mile and no more; distances to be computed and mileage to be paid over the shortest usually traveled routes, with deduction as hereinafter provided; and payment and settlement of mileage accounts of officers shall be made according to distances and deductions computed over routes established and by mileage tables prepared by the Paymaster-General of the Army under the direction of the Secretary of War. The Secretary of War may determine what shall constitute travel and duty without troops within the meaning of the laws governing the payment of mileage and commutation of quarters to officers of the Army: Provided further, That officers who so desire may, upon application to the Quartermaster's Department, be furnished under their orders transportation requests for the entire journey by land, exclusive of sleeping and parlor car accommodations, or by water; and the transportation so furnished shall, if travel was performed under a mileage status, be a charge against the officer's mileage account, to be deducted at the rate of three cents per mile by the paymaster paying the account, and of the amount so deducted there shall be turned over to an authorized officer of the Quartermaster's Department three cents per mile for transportation furnished, except over any railroad which is a free or fifty per centum land-grant railroad, for the credit of the appropriation for the transportation of the Army and its supplies: And provided further, That when the established route of travel shall, in whole or in part, be over the line of any railroad on which the troops and supplies of the United States are entitled to be transported free of charge, or over any fifty per centum land-grant railroad, officers traveling as herein provided for shall, for the travel over such roads, be furnished with transportation requests, exclusive of sleeping and parlor car accommodations, by the Quartermaster's Department: And provided further, That when transportation is furnished by the Quartermaster's Department, or, when the established route of travel is over any of the railroads above specified, there shall be deducted from the officer's mileage account by the paymaster paying the same three cents per mile for the distance for which transportation has been or should have been furnished: And provided further, That when the station of an officer is changed while he is on leave of absence he will on joining the new station be entitled to mileage for the distance to the new station from the place where he received the order directing the change, provided the distance be no greater than from the old to the new station; but if the distance be greater he will be entitled to mileage for a distance equal to that from the old to the new station only: And provided further, That for all sea travel actual expenses only shall be paid to officers, contract surgeons, contract dental surgeons, and veterinarians, to pay masters' clerks, and to the expert accountant of the Inspector-General's Department, when traveling on duty under competent orders, with or without troops, and

the amount so paid shall not include any shore expenses at port of embarkation or debarkation; but for the purpose of determining allowances for all travel under orders, or for officers and enlisted men on discharge, travel in the Philippine Archipelago, the Hawaiian Archipelago, the home waters of the United States, and between the United States and Alaska shall not be regarded as sea travel and shall be paid for at the rates established by law for land travel within the boundaries of the United States.

Act June 12, 1906, c. 3078, 34 Stat. 246.

These are provisions of the Army appropriation act for the fiscal year ending June 30, 1907, cited above. Previous provisions relating to the same subject, and similar to some extent, contained in Act March 2, 1901, c. 803, set forth in Comp. St. 1901, p. 903, may be regarded as superseded by these provisions. And a provision that actual expenses only be paid to paymasters' clerks and the expert accountant of the Inspector-General's Department for sea travel, contained in Act June 30, 1902, c. 1328, 32 Stat. 511, is also superseded by the more comprehensive provisions of the last proviso of this paragraph.

Actual expenses only, not exceeding a prescribed limit, are to be paid to officers, contract surgeons, and dental surgeons, traveling on duty without troops, within the Territory of Alaska, by a provision of Act May 11, 1908, c. 163, set forth below.

ACT MAY 11, 1908, c. 163. [H. R. 17288.]

Expenses of travel within Territory of Alaska.

* * That hereafter actual expenses only, not to exceed four dollars and fifty cents per day and cost of transportation when not furnished by the Quartermaster's Department, shall be paid to the officers of the Army, contract surgeons, and dental surgeons, when traveling on duty without troops, under competent orders, within the geographical limits of the Territory of Alaska.

Act May 11, 1908, c. 163, 35 Stat. 114.

This is a proviso annexed to an appropriation for mileage to officers, etc., in the Army appropriation act for the fiscal year ending June 30, 1909, cited above.

Sec. 1274.

Officers retired from active service.

Provisions relating to increase of pay to retired officers for length of service, and when assigned to active duty, contained in Act March 2, 1903, c. 975, Act March 2, 1905, c. 1307, and Act June 12, 1906, c. 3078, are set forth post, following Rev. St. § 1275.

Sec. 1275.

ACT MARCH 2, 1903, c. 975.

Limitation of increase of pay for length of service to retired officers.

* * That hereafter, except in case of officers retired on account of wounds received in battle, no officer now on the retired list shall be allowed or paid any further increase of longevity pay, and officers hereafter retired, except as herein provided, shall not be allowed or paid any further increase of longevity pay above that which had accrued at date of their retirement.

Act March 2, 1903, c. 975, 32 Stat. 932.

This is a proviso annexed to an appropriation for additional pay to retired officers for length of service in the Army appropriation act for the fiscal year ending June 30, 1904, cited above. A similar proviso was annexed to the appropriation for the preceding year, but was applicable only to that appropriation.

ACT MARCH 2, 1905, c. 1307. [H. R. 17473.]

Retired officers assigned to active duty.

* * That retired officers of the Army above the grade of major, heretofore or hereafter assigned to active duty, shall hereafter receive their full retired pay and shall receive no further pay or allowances from the United States: Provided further, That a colonel or lieutenant-colonel so assigned shall receive the full pay and allowances of a major on the active list.

Act March 2, 1905, c. 1307, 33 Stat. 831.

These are provisos annexed to an appropriation for pay of officers on the retired list in the Army appropriation act for the fiscal year ending June 30, 1906, cited above.

Before this act, retired officers detailed or assigned to active duty were entitled, while so employed or assigned, to receive the full pay and allowances of their respective grades, by provisions of the acts authorizing such detail or assignment, Act March 2, 1903, c. 975, and Act April 23, 1904, c. 1485, set forth ante, under chapter 2 of this Title.

The pay and allowances of a colonel or lieutenant-colonel, under the last proviso of this paragraph, are changed by a provision of Act June 12, 1906, c. 3078, set forth below.

Payment to retired officers and enlisted men in the employment of the Isthmian Canal Commission of salaries and wages, in addition to their retired pay, is authorized by a provision of Act March 4, 1909, c. 298, § 1, set forth below.

ACT JUNE 12, 1906, c. 3078. [H. R. 14397.]

Retired colonel or lieutenant colonel assigned to active duty.

* * That a colonel or lieutenant-colonel heretofore or hereafter assigned to active duty shall hereafter receive the same pay and allowances as a retired major would receive under a like assignment: * *

Act June 12, 1906, c. 3078, 34 Stat. 245.

This is a proviso annexed to an appropriation for pay of officers on the retired list in the Army appropriation act for the fiscal year ending June 30, 1907, cited above. It supersedes the previous provision relating to the same subject contained in Act March 2, 1905, c. 1307, set forth above.

ACT MARCH 4, 1909, c. 298, § 1. [H. R. 28376.]

Retired officers and enlisted men in employ of Isthmian Canal Commission.

Authority is hereby granted for the payment of salaries and wages accrued or hereafter earned of retired army and navy officers and enlisted men now in the employment of the Isthmian Canal Commission, in addition to their retired pay, where their compensation under such employment does not exceed two thousand five hundred dollars per annum.

Act March 4, 1909, c. 298, § 1, 35 Stat. 931.

This is a provision accompanying appropriations for the Isthmian Canal in the deficiency appropriation act for the fiscal year ending June 30, 1909, cited above.

Sec. 1280. [*As amended* 1877.]

[Repealed. Act May 11, 1908, c. 163.]

This section, set forth as amended by Act Feb. 27, 1877, c. 69, in Comp. St. 1901, p. 907, relating to pay of enlisted men, is expressly repealed by a provision of Act May 11, 1908, c. 163, set forth below, accompanying provisions of that act for increased rates of pay.

ACT MAY 11, 1908, c. 163. [H. R. 17288.]

Pay of enlisted men.

That hereafter the monthly pay of enlisted men of the Army during their first enlistment shall be as follows, namely: Master electricians, master signal electricians, seventy-five dollars; engineers, sixty-five dollars; sergeants first class Hospital Corps, fifty dollars; regimental sergeants-major, regimental quartermaster-sergeants, regimental commissary-sergeants, sergeants-major senior grade coast artillery, battalion sergeants-major of engineers, post quartermaster-sergeants, post commissary-sergeants, post ordnance-sergeants, battalion quartermaster-sergeants of engineers, electrician-sergeants first class, sergeants first class Signal Corps, and first sergeants, forty-five dollars; battalion sergeants-major of infantry and field artillery, squadron sergeants-major, sergeants-major junior grade coast artillery, battalion quartermaster-sergeants, field artillery, and master gunners, forty dollars; electrician-sergeants second class, sergeants of engineers, ordnance, and Signal Corps, quartermaster-sergeants of engineers, and color-sergeants, thirty-six dollars; sergeants and quartermaster-sergeants of cavalry, artillery, and infantry, stable-sergeants, sergeants, and acting cooks of the Hospital Corps, firemen, and cooks, thirty dollars: Provided, That mess sergeants shall receive six dollars per month in addition to their pay; corporals of engineers, ordnance, Signal Corps, and Hospital Corps, chief mechanics, and mechanics, coast artillery, twenty-four dollars; corporals of cavalry, artillery, and infantry, mechanics of field artillery, blacksmiths and farriers, saddlers, wagoners, and artificers, twenty-one dollars: Provided, That not to exceed one blacksmith and farrier in each troop of cavalry and one mechanic in each battery of field artillery shall receive nine dollars per month additional for performing the duty of horseshoer; privates first class of engineers, ordnance, Signal Corps, and Hospital Corps, eighteen dollars; privates, Hospital Corps, sixteen dollars; trumpeters, musicians of infantry, artillery, and engineers, privates of cavalry, artillery, infantry, Signal Corps, and privates second class, engineers and ordnance, fifteen dollars.

Act May 11, 1908, c. 163, 35 Stat. 109.

This is a provision of the Army appropriation act for the fiscal year ending June 30, 1909, cited above.

Before this act, the rates of pay of enlisted men were fixed by Rev. St. §§ 1280, 1281, 1284, and other provisions set forth in Comp. St. 1901, pp. 907–913. Said sections are expressly repealed by a further provision of this act, set forth below. Other provisions relating to such pay, set forth in Comp. St. 1901, pp. 910–912, and previous provisions as to the pay of various non-commissioned officers and enlisted men, set forth ante, under chapter 1 of this Title, are superseded by the provisions of this act.

So much of the proviso at the end of this paragraph as relates to additional pay for performing the duty of horseshoer, was superseded in part by Act March 3, 1909, c. 252, 35 Stat. 735, and is wholly superseded by the provision of Act March 23, 1910, c. 115, set forth ante, under chapter 1 of this Title, following Rev. St. § 1094.

Re-enlistment and continuous service pay.

That hereafter any soldier honorably discharged at the termination of an enlistment period who reenlists within three months thereafter shall be entitled to continuous-service pay as herein provided, which

shall be in addition to the initial pay provided for in this Act and shall be as follows, namely: For those whose initial pay as provided herein is thirty-six dollars or more an increase of four dollars monthly pay for and during the second enlistment, and a further increase of four dollars for and during each subsequent enlistment up to and including the seventh, after which the pay shall remain as in the seventh enlistment. For those whose initial pay as provided for herein is eighteen, twenty-one, twenty-four, or thirty dollars, an increase of three dollars monthly pay for and during the second enlistment, and a further increase of three dollars for and during each subsequent enlistment up to and including the seventh, after which the pay shall remain as in the seventh enlistment. For those whose initial pay as provided for herein is fifteen and sixteen dollars, an increase of three dollars monthly pay for and during the second and third enlistments each, and a further increase of one dollar for and during each subsequent enlistment up to and including the seventh, after which the pay shall remain as in the seventh enlistment: Provided, That hereafter any soldier honorably discharged at the termination of his first or any succeeding enlistment period who reenlists after the expiration of three months shall be regarded as in his second enlistment; that an enlistment shall not be regarded as complete until the soldier shall have made good any time lost during an enlistment period by unauthorized absences exceeding one day, but any soldier who receives an honorable discharge for the convenience of the Government after having served more than half of his enlistment shall be considered as having served an enlistment period within the meaning of this Act; that the present enlistment period of men now in service shall be determined by the number of years continuous service they have had at the date of approval of this Act, under existing laws, counting three years to an enlistment, and the former service entitling an enlisted man to reenlisted pay under existing laws shall be counted as one enlistment period: And provided further, That hereafter any private soldier, musician or trumpeter honorably discharged at the termination of his first enlistment period who reenlists within three months of the date of said discharge shall, upon such reenlistment, receive an amount equal to three months' pay at the rate he was receiving at the time of his discharge.

Act May 11, 1908, c. 163, 35 Stat. 109.

This is a further provision of the Army appropriation act for the fiscal year ending June 30, 1909, cited above.

Before this act, pay on re-enlistment and continuous service pay were provided for by Rev. St. §§ 1282–1284, Comp. St. 1901, pp. 912, 913. Rev. St. § 1284, is expressly repealed by a further provision of this act, set forth below, and other previous provisions relating to the subject are superseded by those of this act.

Enlisted men who served as commissioned officers of United States Volunteers, or as such in the Porto Rico Provisional Regiment or in the Philippine Scouts, are to have such period of service counted, and to be entitled to all continuous-service pay, by provisions of Act June 30, 1902, c. 1328, and Act June 12, 1906, c. 3078, set forth ante, under chapter 2 of this Title.

Additional pay.

That hereafter enlisted men now qualified or hereafter qualifying as marksmen shall receive two dollars per month; as sharpshooters, three dollars per month; as expert riflemen, five dollars per month;

as second-class gunners, two dollars per month; as first-class gunners, three dollars per month; as gun pointers, gun commanders, observers second class, chief planters and chief loaders, seven dollars per month; as plotters, observers first class, and casemate electricians, nine dollars per month, all in addition to their pay, under such regulations as the Secretary of War may prescribe, but no enlisted man shall receive at the same time additional pay for more than one of the classifications named in this section: Provided, That nothing in this Act shall be construed to increase the total number of gun pointers, gun commanders, observers, chief planters, chief loaders, plotters, and casemate electricians now authorized by law.

Act May 11, 1908, c. 163, 35 Stat. 110.

This is a further provision of the Army appropriation act for the fiscal year ending June 30, 1909, cited above.

Previous similar provisions for additions to pay of men qualifying as marksmen, sharpshooters, or expert riflemen, contained in Act March 2, 1903, c. 975, 32 Stat. 929, and June 12, 1906, c. 3078, 34 Stat. 241, are superseded by the provisions of this act.

A further provision of this act, that increase of pay for service beyond the limits of the States comprising the Union, and the territories of the United States contiguous thereto, shall be as now provided by law, is set forth ante, under Rev. St. § 1261.

Pay of enlisted men of bands; army bands or members thereof not to compete with civilian musicians.

That hereafter the monthly pay during the first enlistment of enlisted men of bands, exclusive of the band of the United States Military Academy, shall be as follows:

Chief musicians, seventy-five dollars; principal musicians and chief trumpeters, forty dollars; sergeants and drum-majors, thirty-six dollars; corporals, thirty dollars; and privates, twenty-four dollars; and the continuous-service pay of all grades shall be as provided in this Act: Provided, That army bands or members thereof shall not receive remuneration for furnishing music outside the limits of military posts when the furnishing of such music places them in competition with local civilian musicians.

Act May 11, 1908, c. 163, 35 Stat. 110.

This is a further provision of the Army appropriation act for the fiscal year ending June 30, 1909, cited above.

Previous provisions for pay of musicians were contained in Rev. St. § 1280, Comp. St. 1901, p. 907, which is repealed by a further provision of this act, set forth below.

The pay of enlisted men of the band and field musicians of the Military Academy is fixed by a provision of Act May 28, 1908, c. 211, set forth ante, under chapter 1 of this Title.

Repeal of Rev. St. §§ 1280, 1281, 1284, and part of Rev. St. § 4819.

That sections twelve hundred and eighty, twelve hundred and eighty-one, and twelve hundred and eighty-four of the Revised Statutes be, and are hereby, repealed, and so much of section forty-eight hundred and nineteen as pertains to the deduction of twelve and one-half cents per month from the pay of every soldier of the Regular Army for the benefit of the Soldiers' Home be, and the same is hereby, repealed.

Act May 11, 1908, c. 163, 35 Stat. 110.

This is a further provision of the Army appropriation act for the fiscal year ending June 30, 1909, cited above. Rev. St. §§ 1280, 1281, 1284, repealed by this provision, and Rev. St. § 4819, repealed in part thereby, are set forth in Comp. St. 1901, pp. 907, 912, 913, 3331.

Amendment of Act April 26, 1898, c. 191, § 6.

That section six of the Act entitled "An Act for the better organization of the line of the Army of the United States," approved April twenty-sixth, eighteen hundred and ninety-eight, be amended so as to read as follows:

Penalties for desertion; forfeiture of right to pension.

"Sec. 6. That any soldier who deserts shall, besides incurring the penalties now attaching to the crime of desertion, forfeit all right to pension which he might otherwise have acquired."

Act May 11, 1908, c. 163, 35 Stat. 110.

This is a further provision of the Army appropriation act for the fiscal year ending June 30, 1909, cited above. Act April 26, 1898, c. 191, § 6, amended thereby, is set forth in Comp. St. 1901, p. 910.

Act not to be construed to reduce pay or allowances of officers or enlisted men; repeal.

That nothing herein contained shall be construed so as to reduce the pay or allowances now authorized by law for any officer or enlisted man of the Army; and all laws or parts of laws inconsistent with the provisions of this Act are hereby repealed.

Act May 11, 1908, c. 163, 35 Stat. 110.

This is a further provision of the Army appropriation act for the fiscal year ending June 30, 1909, cited above.

The [illegible] appropriations made in this act for officers and enlisted men, having been based upon former rates of pay, were increased to the amounts necessary for payment of the increased rates established by the act, by a further provision thereof, 35 Stat. 115.

Sec. 1281.

[Repealed. Act May 11, 1908, c. 163.]

This section, set forth in Comp. St. 1901, p. 912, relating to additional pay of enlisted men, is expressly repealed by a provision of Act May 11, 1908, c. 163, set forth ante, under Rev. St. § 1280, accompanying provisions of that act for increased pay.

Secs. 1282, 1283.

[Superseded. Act March 16, 1896, c. 59. Act May 11, 1908, c. 163.]

The provisions of these sections, set forth in Comp. St. 1901, pp. 912, 913, relating to pay on re-enlistment and according to length of service, are superseded by those of Act May 11, 1908, c. 163, relating to re-enlistment and continuous service pay, and repealing Rev. St. §§ 1280, 1281, 1284, set forth ante, following Rev. St. § 1280. And the proviso annexed to Rev. St. § 1282, providing for retaining part of the pay of enlisted men, was superseded by a provision of Act March 16, 1896, c. 59, that no pay be retained, set forth in Comp. St. 1901, p. 913, and by the provision of Act May 11, 1908, c. 163, repealing so much of Rev. St. § 4819, as pertained to the deduction from the pay of every soldier for the benefit of the Soldiers' Home, also set forth ante, under Rev. St. § 1280.

Sec. 1284.

[Repealed. Act May 11, 1908, c. 163.]

This section, set forth in Comp. St. 1901, p. 913, relating to re-enlistment and continuous service pay, is expressly repealed by a provision of Act May 11, 1908, c. 163, set forth ante, under Rev. St. § 1280, accompanying provisions of that act for continuous service pay.

Sec. 1290.

ACT MAY 26, 1900, c. 586.

Transportation of remains of deceased civilian employés dying abroad, and soldiers dying on Government transports.

Appropriations for purposes similar to those made by the provisions of this act set forth in Comp. St. 1901, p. 917, and also for transportation of remains of officers and soldiers dying abroad, are made in the subsequent sundry civil appropriation acts. Such provisions for the fiscal year ending June 30, 1912, contained in Act March 4, 1911, c. 265, § 1, are set forth ante in chapter 1 of this Title, following Rev. St. § 1137.

Sec. 1292.

ACT FEB. 24, 1897, c. 311.

Pay of officers of volunteers during rebellion.

Decisions of the War Department as to rights under this act are to be conclusive, and no claims are to be allowed under the act, after Jan. 1, 1911, by a provision of Act April 19, 1910, c. 174, set forth below.

ACT APRIL 19, 1910, c. 174. [H. R. 20579.]

Decisions of War Department as to right under act conclusive; limitation of time for allowance of claims.

Hereafter in administering the Act of Congress approved February twenty-fourth, eighteen hundred and ninety-seven, entitled "An Act to provide for the relief of certain officers and enlisted men of the volunteer forces," the decision of the War Department as to the right of any person to be held and considered to have been mustered into the service of the United States under the provisions of said Act shall be conclusive, and no claims shall be allowed or considered under said Act after the first day of January, nineteen hundred and eleven.

Act April 19, 1910, c. 174, 36 Stat. 324.

This is a provision of the Military Academy appropriation act for the fiscal year ending June 30, 1912, cited above.

Act Feb. 24, 1897, c. 311, mentioned in this provision, is set forth in Comp. St. 1901, p. 919.

Sec. 1293.

Rations of enlisted men.

The emergency ration, when issued, is to be in addition to the regular ration, by a provision contained in Act March 2, 1907, c. 2511, set forth below.

ACT MARCH 2, 1907, c. 2511. [H. R. 23551.]

Emergency ration in addition to regular ration.

* * That hereafter the emergency ration prescribed for use on emergent occasions shall, when issued, be furnished in addition to the regular ration under such regulations as may be prescribed by the Secretary of War; * *

Act March 2, 1907, c. 2511, 34 Stat. 1165.

This is a proviso annexed to an appropriation for purchase of subsistence supplies in the Army appropriation act for the fiscal year ending June 30, 1908, cited above. A previous provision that no enlisted man shall be entitled to more than one ration daily, contained in Act July 16, 1892, c. 195, is set forth in Comp. St. 1901, p. 921.

Sec. 1305.

[Amended. Act June 12, 1906, c. 3078.]

This section and section 1308 of the Revised Statutes, set forth in Comp. St. 1901, p. 925, are amended by a provision of Act June 12, 1906, c. 3078, to read as set forth below.

ACT JUNE 12, 1906, c. 3078. [H. R. 14397.]

Amendment of Rev. St. §§ 1305, 1308.

That sections thirteen hundred and five and thirteen hundred and eight of the Revised Statutes of the United States are hereby amended, to take effect July first, nineteen hundred and six, and to read as follows:

Deposits of soldiers' savings.

"Sec. 1305. Any enlisted man of the Army may deposit his savings, in sums not less than five dollars, with any army paymaster, who shall furnish him a deposit book, in which shall be entered the name of the paymaster and of the soldier, and the amount, date, and place of such deposit. The amount so deposited shall be accounted for in the same manner as other public funds, and shall be deposited in the Treasury of the United States and kept as a separate fund, known as pay of the Army deposit fund, repayment of which to the enlisted man on discharge from the service shall be made out of the fund created by said deposits, and shall not be subject to forfeiture by sentence of court-martial, but shall be forfeited by desertion, and shall not be permitted to be paid until final payment on discharge, or to the heirs or representatives of a deceased soldier, and that such deposits be exempt from liability for such soldier's debts: Provided, That the Government shall be liable for the amount deposited to the person so depositing the same.

Clothing balances, how payable.

"Sec. 1308. Clothing balances accumulating to the soldier's credit under section thirteen hundred and two shall, when payable to him upon his discharge, be paid out of the appropriation for pay of the Army for the then current fiscal year."

Act June 12, 1906, c. 3078, 34 Stat. 246.

This is a provision accompanying an appropriation for interest on and repayment of soldiers' deposits in the Army appropriation act for the fiscal year ending June 30, 1907, cited above.

Rev. St. §§ 1305, 1308, amended by this provision, are set forth in Comp. St. 1901, p. 925. The amendment of Rev. St. § 1305, consists in the change of a provision of the section as originally enacted, that the money deposited should "pass to the credit of the appropriation for the pay of the Army," to the provision that it shall "be deposited in the Treasury of the United States and kept as a separate fund, known as pay of the Army deposit fund, repayment of which to the enlisted man on discharge from the service shall be made out of the fund created by said deposits," as set forth here.

The amendment of Rev. St. § 1308, consists in the omission of the words at the beginning of the section as originally enacted, "The amounts of deposits and," and the omission of mention of section 1315 as well as section 1302, thus making the section applicable to payment of clothing balances only, the repayment of deposits being provided for by the amendment of Rev. St. § 1305.

Sec. 1308.

[Amended. Act June 12, 1906, c. 3078.]

This section and section 1305 of the Revised Statutes, set forth in Comp. St. 1901, p. 925, are amended by a provision of Act June 12, 1906, c. 3078, to read as set forth ante, under Rev. St. § 1305.

CHAPTER FOUR.

The Military Academy.

Sec. 1309.

Officers, professors, and instructors.

The appointment of a professor of English and history is authorized by a provision of Act April 10, 1910, c. 174, set forth below.

Professors have the actual rank in the Army assigned to them by assimilation in the regulations of the Academy, by a provision of Act June 28, 1902, set forth below.

The detail of an officer of the Army as professor of ordnance and science of gunnery is authorized by a provision of Act March 2, 1907, c. 2508, set forth below.

A provision that any officer detailed from the Medical Corps as senior medical officer of the post shall be the professor of military hygiene, contained in Act April 19, 1910, c. 174, is set forth below.

The detail of an officer of the Army as associate professor of mathematics is authorized by provisions of Act March 1, 1893, c. 186, set forth in Comp. St. 1901, p. 928, and of Act March 3, 1905, c. 1404, set forth below; and a similar detail as associate professor of modern languages is authorized by a provision of Act March 3, 1903, c. 995, set forth below.

Two assistant professors for English and history and for ordnance and gunnery, one for each department, are authorized by a provision of Act March 3, 1911, c. 207, set forth below.

Appropriations for pay of civilian instructors in French, in Spanish, in fencing, etc., and in gymnastics, etc., are made in the annual Military Academy appropriation acts. The provision for the fiscal year ending June 30, 1912, by Act March 3, 1911, c. 207, is set forth below.

A dental surgeon is to be detailed to the Academy by a provision of Act March 2, 1907, c. 2511, set forth ante, under chapter 1 of this Title.

The master of the sword has the relative rank and the pay, allowances, and emoluments of a captain mounted, by a provision of Act March 3, 1905, c. 1404, set forth below, following Rev. St. § 1338.

Appropriations for pay of officers, professors, etc., included in the permanent establishment, are made, for the fiscal year ending June 30, 1912, by Act March 3, 1911, c. 207, 36 Stat. 1015.

ACT MARCH 1, 1893, c. 186.

Associate professor of mathematics.

The associate professor of mathematics has the pay and allowances of a major, and the position is to be filled by the detail of an officer from the Army, by a provision of Act March 3, 1905, c. 1404, set forth below.

ACT JUNE 28, 1902, c. 1300.

Rank of professors and associate professor.

* * That the professors and the associate professor of the United States Military Academy shall have the actual rank in the United States Army now assigned to them by assimilation in the regulations of the Military Academy prescribed by the President of the United States, and that they shall exercise command only in the academic department of the United States Military Academy.

Act June 28, 1902, c. 1300, 32 Stat. 409.

This is a proviso annexed to appropriations for pay of professors, etc., in the Military Academy appropriation act for the fiscal year ending June 30, 1903, cited above.

A previous provision that the academic staff as such shall not be enti-

tled to any command in the Army separate from the Academy is contained in Rev. St. § 1314, Comp. St. 1901, p. 930.

The "associate professor" mentioned in this provision was the associate professor of mathematics, authorized by Act March 1, 1893, c. 186, set forth in Comp. St. 1901, p. 928. Subsequent provisions for the detail of officers of the Army as associate professors of modern languages and of mathematics, each to receive the pay and allowances of a major, contained in Act March 3, 1903, c. 995, and Act March 3, 1905, c. 1404, are set forth below.

ACT MARCH 3, 1903, c. 995.

Associate professor of modern languages.

* * That the Secretary of War shall assign an officer of the Army to the Military Academy as associate professor of modern languages, and that such officer, while so serving, shall receive the pay and allowances of a major.

Act March 3, 1903, c. 995, 32 Stat. 1012.

This is a proviso annexed to an appropriation for pay of such associate professor, "in addition to pay as captain," $500, in the Military Academy appropriation act for the fiscal year ending June 30, 1904, cited above.

ACT MARCH 3, 1905, c. 1404. [H. R. 17984.]

Associate professor of mathematics.

* * That hereafter the associate professor of mathematics shall have pay and allowances of a major, and the position shall be filled by the detail of an officer from the Army at large; * *

Act March 3, 1905, c. 1404, 33 Stat. 850.

This is a proviso annexed to an appropriation for pay of such associate professor in the Military Academy appropriation act for the fiscal year ending June 30, 1906, cited above.

ACT MARCH 2, 1907, c. 2508. [H. R. 24537.]

Professor of ordnance and science of gunnery.

For pay of one professor of ordnance and science of gunnery (lieutenant-colonel), in addition to pay as major: Provided, That the position shall be filled by the detail of an officer of the Army, who, while so serving, shall have the title and status of other professors: Provided further, That the appropriation shall be immediately available, five hundred dollars:

Act March 2, 1907, c. 2508, 34 Stat. 1063.

This is a provision of the Military Academy appropriation act for the fiscal year ending June 30, 1908, cited above. The appropriation is repeated in the similar acts for subsequent years. The provision for the fiscal year ending June 30, 1912, is by Act March 3, 1911, c. 207, 36 Stat. 1016.

ACT APRIL 19, 1910, c. 174. [H. R. 20579.]

Professor of English and history.

* * That the head of the department of English and history shall hereafter have the same status as the professors at the head of the other departments of instruction at the Military Academy, and the President of the United States is hereby authorized, by and with the consent of the Senate, to appoint a civilian in the department of English and history, United States Military Academy, a professor at the Military Academy, with the rank, pay, allowances, title, and status of the other professors: Provided further, That the provisions of law relating to retirement for disability in line of duty shall not apply in

the case of this professor until after he shall have served fifteen years at the Military Academy.

Act April 19, 1910, c. 174, 36 Stat. 312.

This is a proviso annexed to an appropriation for pay of eight professors in the Military Academy appropriation act for the fiscal year ending June 30, 1911, cited above.

The similar act for the preceding year, Act March 4, 1909, c. 300, 35 Stat. 1032, contained an appropriation for pay of one instructor of English and history, to be selected and appointed from civil life by the Secretary of War.

Professor of military hygiene.

Hereafter any officer detailed from the Medical Corps of the army as senior medical officer of the post at the Military Academy, whose rank shall not be below that of lieutenant-colonel, shall be the professor of military hygiene.

Act April 19, 1910, c. 174, 36 Stat. 312.

This is a further provision of the Military Academy appropriation act for the fiscal year ending June 30, 1911, cited above.

A previous provision, Act June 28, 1906, c. 3561, 34 Stat. 522, for the detail of an officer of the Medical Corps as professor of military hygiene, is superseded by this act.

ACT MARCH 3, 1911, c. 207. [H. R. 32436.]

Assistant professors of English and history and of ordnance and gunnery.

For pay of nine assistant professors (captains), two of whom are hereby authorized hereafter for the department of English and history and the department of ordnance and gunnery, one for each department, respectively, in addition to pay as first lieutenants, three thousand six hundred dollars;

Act March 3, 1911, c. 207, 36 Stat. 1016.

This is a provision of the Military Academy appropriation act for the fiscal year ending June 30, 1912, cited above.

Civilian instructors in French, Spanish, fencing, etc., and gymnastics, etc.

For pay of two civilian instructors in French, to be employed under rules prescribed by the Secretary of War, two thousand dollars per year each, four thousand dollars;

For pay of two civilian instructors in Spanish, at two thousand dollars per year each, to be employed under rules prescribed by the Secretary of War, four thousand dollars;

For pay of two expert civilian instructors in fencing, broadsword exercises, and other military gymnastics as may be required to perfect this part of the training of cadets, three thousand dollars;

For pay of one professional civilian instructor in gymnastics, athletics, and swimming, one thousand five hundred dollars;

Act March 3, 1911, c. 207, 36 Stat. 1019.

These are further provisions of the Military Academy appropriation act for the fiscal year ending June 30, 1912, cited above. Similar provisions were contained in the appropriation acts for preceding years.

Custodian of gymnasium, to act as trainer for cadet athletic teams.

For pay of one custodian of gymnasium, who shall hereafter be selected and appointed by the Superintendent of the Military Academy under Schedule A, classified positions excepted from examination under rule two, clause three, civil-service rules, who shall be qualified

to act as trainer for the various cadet athletic teams, one thousand two hundred dollars;

Act March 3, 1911, c. 207, 36 Stat. 1019.

This is a further provision of the Military Academy appropriation act for the fiscal year ending June 30, 1912, cited above.

A similar provision, without the word "hereafter," was contained in the similar appropriation act for the preceding year, Act April 19, 1910, c. 174, 36 Stat. 316.

Sec. 1313.

Appointment of officers and professors.

Provisions for the detail of officers of the Army as associate professors of modern languages and of mathematics, contained in Act March 3, 1903, c. 995, and Act March 3, 1905, c. 1404, are set forth ante, following Rev. St. § 1309.

Sec. 1315.

ACT JUNE 6, 1900, c. 792, § 4.

Cadets, number and appointment of.

The number of cadets to be appointed from the United States at large is not at any one time to exceed forty, by a provision of Act June 28, 1902, c. 1300, set forth below.

An additional appointment of one cadet from Porto Rico is authorized by a provision of Act March 3, 1903, c. 995, set forth below.

The designation of four Filipinos, one for each class, to receive instruction at the Academy, is authorized by a provision of Act May 28, 1908, c. 214, set forth below.

Cadets appointed for admission after the year 1907 may be admitted on March 1 instead of June 1, by a provision of Act March 2, 1907, c. 2508, set forth below.

Whenever any cadet shall have finished three years of his course, his successor may be admitted, by a provision of Act April 19, 1910, c. 174, set forth below.

ACT JUNE 28, 1902, c. 1300.

Limitation of number of cadets to be appointed from United States at large.

* * That the number of cadets authorized to be appointed by the President from the United States at large shall not at any one time exceed forty.

Act June 28, 1902, c. 1300, 32 Stat. 410.

This is a proviso annexed to an appropriation for pay of cadets in the Military Academy appropriation act for the fiscal year ending June 30, 1903, cited above.

ACT MARCH 3, 1903, c. 995.

Cadet to be appointed from Porto Rico.

* * That in addition to the Corps of Cadets now authorized by law, there shall be one from Porto Rico, who shall be a native of said island, to be appointed by the President of the United States.

Act March 3, 1903, c. 995, 32 Stat. 1011.

This is a proviso annexed to an appropriation for pay of cadets in the Military Academy appropriation act for the fiscal year ending June 30, 1904, cited above.

ACT MARCH 2, 1907, c. 2508. [H. R. 24537.]

Time for admission of cadets.

* * That cadets appointed to the Military Academy at West Point, New York, for admission after the year nineteen hundred and

seven, may be admitted on the first day of March in place of the first day of June.

Act March 2, 1907, c. 2508, 34 Stat. 1063.

This is a proviso annexed to an appropriation for pay of cadets in the Military Academy appropriation act for the fiscal year ending June 30, 1908, cited above.

ACT MAY 28, 1908, c. 214. [H. R. 21875.]

Four Filipinos to be designated to receive instruction; pay, etc.; eligibility to commissions in Philippine Scouts; engagement for service.

The Secretary of War is hereby authorized to permit not exceeding four Filipinos, to be designated, one for each class, by the Philippine Commission, to receive instruction at the United States Military Academy at West Point: Provided, That the Filipinos undergoing instruction, as herein authorized, shall receive the same pay, allowances, and emoluments as are authorized by law for cadets at the Military Academy appointed from the United States, to be paid out of the same appropriations: And provided further, That said Filipinos undergoing instruction on graduation shall be eligible only to commissions in the Philippine Scouts. And the provisions of section thirteen hundred and twenty-one, Revised Statutes, are modified in the case of the Filipinos undergoing instruction, so as to require them to engage to serve for eight years, unless sooner discharged, in the Philippine Scouts.

Act May 28, 1908, c. 214, 35 Stat. 441.

These are provisions of the Military Academy appropriation act for the fiscal year ending June 30, 1909, cited above.

Rev. St. § 1321, the provisions of which are modified by the last clause of this paragraph, is set forth in Comp. St. 1901, p. 932.

ACT APRIL 19, 1910, c. 174. [H. R. 20579.]

Admission of successors to cadets who have finished three years of course.

Hereafter, for six years from July first, anno Domini, nineteen hundred and ten, whenever any cadet shall have finished three years of his course at the United States Military Academy, his successor may be admitted to the Academy; and the corps of cadets is hereby increased to meet this provision.

Act April 19, 1910, c. 174, 36 Stat. 323.

This is a provision of the Military Academy appropriation act for the fiscal year ending June 30, 1911, cited above.

Sec. 1321.

Engagement for service.

The provisions of this section, set forth in Comp. St. 1901, p. 932, requiring each cadet to sign articles engaging to serve eight years unless sooner discharged, are modified, in the case of Filipinos receiving instruction at the Academy, by a provision of Act May 28, 1908, c. 214, set forth ante, under Rev. St. § 1315.

Sec. 1325.

ACT MARCH 2, 1901, c. 804, § 1.

[Amended. Act April 19, 1901, c. 174.]

The portion of this section set forth in Comp. St. 1901, p. 933, is amended by Act April 19, 1910, c. 174, to read as set forth below.

ACT APRIL 19, 1910, c. 174. [H. R. 20579.]

Amendment of Act March 2, 1901, c. 804, § 1.

The portion of the Act of Congress entitled "An Act making appropriations for the support of the Military Academy for the fiscal year ending June thirtieth, nineteen hundred and two, and for other purposes," approved March second, nineteen hundred and one, prescribing penalty for hazing, is hereby amended to read as follows:

Hazing; regulations to prescribe penalty; trial by court-martial of charge involving dismissal; effect of dismissal; repeal of inconsistent laws.

"That the superintendent of the United States Military Academy, subject to the approval of the Secretary of War, shall make appropriate regulations for putting a stop to the practice of hazing, such regulations to prescribe dismissal, suspension, or other adequate punishments for infractions of the same, and to embody a clear definition of hazing.

"That any cadet who shall be charged with offenses under such regulations which would involve his dismissal from the academy shall be granted, upon his written request, a trial by a general court-martial, and any cadet dismissed from the academy for hazing shall not thereafter be reappointed to the corps of cadets nor be eligible for appointment as a commissioned officer in the Army or Navy or Marine Corps until two years after the graduation of the class of which he was a member.

"That all Acts and parts of Acts inconsistent with the provisions of this Act are hereby repealed."

Act April 19, 1910, c. 174, 36 Stat. 323.

These are provisions of the Military Academy appropriation act for the fiscal year ending June 30, 1911, cited above.

The provision of Act March 2, 1901, c. 804, § 1, amended by this act, is set forth in Comp. St. 1901, p. 933.

Disposition of pending cases of hazing under regulations as modified.

The regulations of the United States Military Academy upon the subject of hazing having been modified, the Secretary of War is hereby authorized to dispose of any cases which are now pending, and in which final action has not yet been taken, under the provisions of the said regulations as modified.

Act April 19, 1910, c. 174, 36 Stat. 324.

This is a further provision of the Military Academy appropriation act for the fiscal year ending June 30, 1911, cited above.

Secs. 1327–1329.

[Repealed in part. Act March 4, 1909, c. 300.]

So much of these sections, set forth in Comp. St. 1901, pp. 934, 935, relating to the Board of Visitors to the Academy, as is inconsistent with the provisions of Act March 4, 1909, c. 300, is repealed by said provisions, set forth below.

ACT JUNE 11, 1875, c. 181, § 1.

[Superseded. Act March 4, 1909, c. 300.]

The provision of this act, set forth in Comp. St. 1901, p. 935, relating to the expenses of the Board of Visitors, is superseded by the different provisions relating to the Board contained in Act March 4, 1909, c. 300, set forth below.

ACT MARCH 4, 1909, c. 300. [H. R. 28059.]

Board of Visitors; appointment from members of committees on Military Affairs of Senate and of House of Representatives; visit to Academy; expenses; repeal in part of Rev. St. §§ 1327–1329.

* * That hereafter the Board of Visitors to the Military Academy shall consist of five members of the Committee on Military Affairs of the Senate and seven members of the Committee on Military Affairs of the House of Representatives, to be appointed by the respective chairmen thereof, who shall annually visit the Military Academy on such date or dates as may be fixed by the chairmen of the said committees; and the superintendent of the academy and the members of the Board of Visitors shall be notified of such date by the chairmen of the said committees, acting jointly, at least fifteen days before the meeting. The expenses of the members of the board shall be their actual expenses while engaged upon their duties as members of said board, and their actual expenses for travel by the shortest mail routes: Provided further, That so much of sections thirteen hundred and twenty-seven, thirteen hundred and twenty-eight, and thirteen hundred and twenty-nine, Revised Statutes of the United States, as is inconsistent with the provisions of this Act, is hereby repealed.

Act March 4, 1909, c. 300, 35 Stat. 1033.

These are provisos annexed to the appropriation for expenses of the members of the Board of Visitors in the Military Academy appropriation act for the fiscal year ending June 30, 1910, cited above.

Rev. St. §§ 1327–1329, repealed in part by the last proviso, are set forth in Comp. St. 1901, pp. 934, 935. The provision of Act June 11, 1878, c. 181, § 1, set forth in Comp. St. 1901, p. 935, relating to the expenses of members of the Board, is superseded by the provisions of this act.

Provisions similar to those of this act were contained in the similar act for the preceding year, Act May 28, 1908, c. 214, 35 Stat. 436.

Sec. 1335.

Adjutant; pay of.

The recent Military Academy appropriation acts provide "for pay of one adjutant who shall not be above the rank of captain," $600. The provision for the fiscal year ending June 30, 1912, is by Act March 3, 1911, c. 207, 36 Stat. 1016.

Appropriations are also made annually "for pay of one quartermaster and commissary of cadets and treasurer," who was authorized by Act Aug. 7, 1876, c. 255, set forth in Comp. St. 1901, p. 928, "in addition to pay as captain," $600. The provision for the fiscal year ending June 30, 1912, is by Act March 3, 1911, c. 207, 36 Stat. 1016.

Sec. 1336.

Pay of professors.

Recent provisions for the assignment or detail of officers of the Army to the Academy as professors or associate professors, prescribing their pay and allowances while so serving, are set forth ante, following Rev. St. § 1309.

Appropriations for additional pay to officers detailed as professors or associate professors are made in the annual Military Academy appropriation acts. The provisions for the fiscal year ending June 30, 1912, are by Act March 3, 1911, c. 207, 36 Stat. 1016.

Sec. 1337. [*As amended* 1877.]

Assistant professors and instructors.

Appropriations for additional pay to officers detailed as assistant professors, senior assistant instructors, and instructors, are made in

the annual Military Academy appropriation acts. The provisions for the fiscal year ending June 30, 1912, are by Act March 3, 1911, c. 207, 36 Stat. 1016.

Sec. 1338. [*As amended* 1901.]

Master of the sword.

The master of the sword is to have the relative rank and the pay, allowances, and emoluments of a captain mounted, by a provision of Act March 3, 1905, c. 1404, set forth below.

ACT MARCH 3, 1905, c. 1404. [H. R. 17984.]

Master of the sword; rank and pay, etc.

* * That the master of the sword shall have the relative rank and shall be entitled to the pay, allowances, and emoluments of a captain mounted; * *

Act March 3, 1905, c. 1404, 33 Stat. 850.

This is a proviso annexed to an appropriation for pay of the master of the sword in the Military Academy appropriation act for the fiscal year ending June 30, 1906, cited above.

Sec. 1339.

Cadets.

The pay of cadets was fixed at $500 per annum and one ration per day, or commutation therefor, by a provision of Act June 28, 1902, c. 1300, set forth below. The pay is increased to $600 per annum by a provision of Act May 11, 1908, c. 163, set forth ante, under chapter 3 of this Title.

ACT JUNE 30, 1882, c. 255.

[Superseded. Act June 28, 1902, c. 1300. Act May 11, 1908, c. 163. Act May 28, 1908, c. 214.]

The provision of this act, set forth in Comp. St. 1901, p. 938, limiting pay of cadets to $540 a year, was superseded by the provisions as to such pay of Act June 28, 1902, c. 1300, set forth below, Act May 11, 1908, c. 163, set forth ante, under chapter 3 of this Title, and Act May 28, 1908, c. 214, set forth below.

ACT JUNE 28, 1902, c. 1300.

Pay of cadets; traveling expenses of candidates.

* * That hereafter the pay of cadets shall be fixed at five hundred dollars per annum and one ration per day, or commutation therefor, such commutation to be thirty cents per day, to be paid from the appropriation for the subsistence of the Army.

Provided further, That hereafter the actual and necessary traveling expenses of candidates while proceeding from their homes to the Military Academy for qualification as cadets shall, if admitted, be credited to their accounts and paid after admission from the appropriation for the transportation of the Army and its supplies: * *

Act June 28, 1902, c. 1300, 32 Stat. 409.

These are provisos annexed to an appropriation for pay of cadets in the Army appropriation act for the fiscal year ending June 30, 1903, cited above.

The pay of cadets is increased to $600 per annum by a provision of Act May 11, 1908, c. 163, set forth ante, under chapter 3 of this Title; and they are to be entitled to rations or commutation therefor as allowed under this act, by a provision of Act May 28, 1908, c. 214, set forth below.

ACT MAY 28, 1908, c. 214. [H. R. 21875.]

* * That hereafter cadets shall be entitled to rations, or commutation therefor, as hitherto allowed under the Act approved June twenty-eighth, nineteen hundred and two, entitled "An Act making appropriations for the support of the Military Academy for the fiscal year ending June thirtieth, nineteen hundred and three, and for other purposes."

Act May 28, 1908, c. 214, 35 Stat. 430.

This is a proviso annexed to the appropriation for pay of cadets in the Military Academy appropriation act for the fiscal year ending June 30, 1909, cited above.

The provision of Act June 28, 1902, c. 1300, mentioned in this provision, is set forth above.

Sec. 1341.

Noncommissioned officers, etc.

Rev. St. § 1111, as amended 1901, set forth in Comp. St. 1901, p. 810, prescribing the composition of the Military Academy Band, is further amended by a provision of Act March 3, 1905, c. 1404, set forth ante, under chapter 1 of this Title, to read as there set forth.

The rates of pay of enlisted men of the band and field musicians of the Academy are fixed by provisions of Act May 28, 1908, c. 214, set forth ante, under chapter 1 of this Title.

ACT FEB. 10, 1897, c. 214.

Number of enlisted men in detachments.

The usual annual appropriations for extra pay of the members of the general Army-service, mentioned in the note under this act in Comp. St. 1901, p. 941, are repeated, with the proviso, also mentioned therein, that such extra pay shall not be paid to any enlisted man who receives extra-duty pay under existing laws or Army regulations, in the subsequent Military Academy appropriation acts. The appropriations for the fiscal year ending June 30, 1912, are by Act March 3, 1911, c. 207, 36 Stat. 1016–1019.

No part of the moneys appropriated for use of the Quartermaster's Department is to be used in payment of extra duty pay for the Army service men in the Quartermaster's Department at West Point, by a provision of Act March 2, 1907, c. 2511, set forth below.

A provision that "all the money hereinbefore appropriated for pay of the Military Academy shall be disbursed and accounted for by officers of the Pay Department as pay of the Military Academy, and for that purpose shall constitute one fund," is contained in the Military Academy appropriation acts for recent years. The provision for the fiscal year ending June 30, 1912, is by Act March 3, 1911, c. 207, 36 Stat. 1019.

ACT MARCH 2, 1901, c. 804.

Overseer of waterworks; extra pay.

The provision of this act set forth in Comp. St. 1901, p. 941, is repeated in the Military Academy appropriation act for the fiscal year ending June 30, 1903, Act June 28, 1902, c. 1300, 32 Stat. 418, but is omitted from subsequent similar acts, and in each of them an appropriation is made for an overseer of waterworks. See Act March 3, 1911, c. 207, 36 Stat. 1020.

ACT MARCH 2, 1907, c. 2511. [H. R. 23551.]

Appropriations for Quartermaster's Department not to be used in payment of extra-duty pay for Army service men at West Point.

* * That hereafter no part of the moneys appropriated for use of the Quartermaster's Department shall be used in payment of extra

duty pay for the Army service men in the Quartermaster's Department at West Point; * *

Act March 2, 1907, c. 2511, 34 Stat. 1167.

This is a proviso annexed to an appropriation for incidental expenses of the Quartermaster's Department in the Army appropriation act for the fiscal year ending June 30, 1908, cited above.

Appropriations for extra pay of enlisted men of the Army service [illegible] rtermaster's Department, on extra duty at West Point, are made in the annual Military Academy appropriation acts. The provision for the fiscal year ending June 30, 1912, is by Act March 3, 1911, c. 207, 36 Stat. 1017.

ACT MARCH 3, 1911, c. 207. [H. R. 32436.]

Acting first sergeant of detachment of engineers; pay and allowances.

* * That hereafter the pay and allowances of the acting first sergeant of the United States Military Academy detachment of engineers shall be the same as the pay and allowances of a first sergeant of a company of engineers: And provided further, That when an acting first sergeant of the detachment of engineers may hereafter be retired, his retired pay and allowances shall be the same as the pay and allowances of a retired first sergeant of a company of engineers.

Act March 3, 1911, c. 207, 36 Stat. 1019.

This is a proviso annexed to an appropriation for extra pay to such sergeant, in the Military Academy appropriation act for the fiscal year ending June 30, 1912, 36 Stat. 1019.

An appropriation, to remain available until expended, to increase the efficiency of the Military Academy, and to provide for the enlargement of buildings and for other necessary works of improvement in connection therewith, and to provide for an increased water supply, was made by the Military Academy appropriation act for the fiscal year ending June 30, 1903, Act June 28, 1902, 32 Stat. 419; and provisions relating to the expenditure of such appropriation and the construction of such buildings and other works, and further appropriations, are made by that act and the subsequent similar appropriation acts. The provision for the fiscal year ending June 30, 1912, is by Act March 3, 1911, c. 207, 36 Stat. 1027.

CHAPTER FIVE.

Articles of War.

Sec. 1342.

Articles of war.

Articles 122 and 124, set forth in Comp. St. 1901, p. 972, are modified, and article 123 is repealed, by Act March 8, 1910, c. 88, set forth below.

ACT MARCH 8, 1910, c. 88. [H. R. 13410.]

An Act to Modify the One hundred and twenty-second and One hundred and twenty-fourth Articles of War, and to Repeal the One hundred and twenty-third Article of War. (36 Stat. 234.)

Amendment of Rev. St. § 1342, arts. 122, 124.

Be it enacted, &c., That the one hundred and twenty-second and one hundred and twenty-fourth articles of war be, and hereby are, modified to read as follows:

Command, when different corps happen to join; position of organized militia.

"Art. 122. If, upon marches, guards, or in quarters, different corps of the army happen to join or do duty together, the officer highest

in rank of the line of the Army, Marine Corps, organized militia, or volunteers, by commission, there on duty or in quarters, shall command the whole, and give orders for what is needful in the service, unless otherwise specially directed by the President, according to the nature of the case."

Rank of organized militia officers on duty with other forces.

"Art. 124. Officers of the organized militia of the several States when called into the service of the United States, shall on all detachments, courts-martial, and other duty, wherein they may be employed in conjunction with the regular or volunteer forces of the United States, take rank next after all officers of the like grade in said regular forces, and shall take precedence of all officers of volunteers of equal or inferior rank, notwithstanding the commissions of such militia officers may be older than the commissions of the said officers of the regular forces of the United States."

Act March 8, 1910, c. 88, 36 Stat. 234.

Articles of war 122, 124, modified by this section, are set forth in Comp. St. 1901, p. 972.

Repeal of Rev. St. § 1342, art. 123.

Sec. 2. That the one hundred and twenty-third article of war be, and hereby is, repealed.

Act March 8, 1910, c. 88, § 2, 36 Stat. 235.

Article of war 123, repealed by this section, is set forth in Comp. St. 1901, p. 972.

CHAPTER SIX.

Military Prison.

This chapter, containing sections 1344–1361 of the Revised Statutes, was omitted from the Compiled Statutes, 1901, as having become inoperative by the transfer of all the buildings, grounds, and other property connected with the military prison at Fort Leavenworth to the Department of Justice for a United States Penitentiary, by Act March 2, 1895, c. 189, § 1, Comp. St. 1901, p. 3728. But these provisions have become operative again by the re-establishment of the military prison at Fort Leavenworth, and are expressly recognized as applicable to said prison and to any military prison that the Secretary of War may designate, by a provision of Act March 2, 1907, c. 2511, set forth below, and they and subsequent provisions relating to the subject are therefore inserted here.

Sec. 1344.

Military prison.

There shall be established at Rock Island, in the State of Illinois, a prison for the confinement and reformation of offenders against the rules, regulations, and laws for the government of the Army of the United States, in which shall be securely confined, and employed at labor, and governed in the manner hereinafter directed, all offenders convicted before any court-martial or military commission in the United States, and sentenced according to law to imprisonment therein.

Act March 3, 1873, c. 249, § 1, 17 Stat. 582.

This section and all the other sections of this chapter are amended, by the amendment of Act March 3, 1873, c. 249, cited above, so that all

acts and things therein required to be done at Rock Island, Ill., should be done on the military reservation at Fort Leavenworth, Kan., by Act May 21, 1874, c. 186, set forth post, at the end of this chapter. Said amendatory act, though passed before the enactment of the Revised Statutes, took effect as a subsequent statute by virtue of Rev. St. § 5601, Comp. St. 1901, p. 3751.

Sec. 1345.

[Superseded. Act March 4, 1909, c. 299, § 1.]

This section, which provided for the organization, by the Secretary of War, of a board of five members, to consist of five officers of the Army and two persons from civil life, who should adopt a plan for the building of the prison and frame regulations for the government of the prisoners, is superseded by the provision vesting the government and control of the prison in the Board of Commissioners of the Soldiers' Home, contained in Act March 4, 1909, c. 299, § 1, set forth below.

ACT MARCH 4, 1909, c. 299, § 1. [H. R. 28245.]

Government and control vested in Board of Commissioners of Soldiers' Home; annual report of president of Board.

* * That hereafter the government and control of the United States Military Prison shall, under the Secretary of War, be vested in the Board of Commissioners of the United States Soldiers' Home, which board shall consist as at present of the Surgeon-General, the Commissary-General, the Adjutant-General, the Quartermaster-General, the Chief of Engineers, the Judge-Advocate-General, and the Governor of the Home, and the president of said board, who shall be the senior in rank of the members thereof, shall submit annually to the Secretary of War, for transmission to Congress, a full statement of the financial and other affairs of both the home and the prison for the preceding fiscal year.

Act March 4, 1909, c. 299, § 1, 35 Stat. 1004.

This is a proviso annexed to the appropriation for continuing the reconstruction of the military prison at Fort Leavenworth, in the sundry civil appropriation act for the fiscal year ending June 30, 1910, cited above. It supersedes Rev. St. § 1345, which provided for the organization of a board of government for the prison.

Sec. 1346. [*As amended* 1891.]

Visitation of prison.

The Secretary of War shall, with said commissioners, annually, and as much oftener as may be deemed expedient, visit said prison for the purposes of examination, inspection, and correction; and they shall inquire into all abuses or neglects of duty on the part of the officers or other persons in charge of the same, and make such changes in the general discipline of the prison as they may hold to be essential.

Act March 3, 1873, c. 249, § 3, 17 Stat. 583. Act Jan. 19, 1891, c. 80, 26 Stat. 722.

This section is amended by Act Jan. 19, 1891, c. 80, cited above, by changing the word "semi-annually," contained therein as originally enacted, to "annually," as set forth here.

Sec. 1347.

Officers and attendants.

The officers of the prison shall consist of a commandant and such subordinate officers as may be necessary, a chaplain, a surgeon, and

a clerk, who shall be detailed by the Secretary of War from the commissioned officers of the Army; and a sufficient number of enlisted men shall be detailed by the Secretary of War to act as turnkeys, guards, and assistants in the prison.

Act March 3, 1873, c. 249, § 4, 17 Stat. 583.

Sec. 1348. [*As amended* 1891.]

Examination of accounts and government of prison.

One of the inspectors-general of the Army shall, at least once each year, visit the prison for the purpose of examining into the books and all the affairs thereof, and ascertaining whether the laws, rules, and regulations relating thereto are complied with, the officers are competent and faithful, and the convicts properly governed and employed, and at the same time treated with humanity and kindness. And it shall be the duty of the inspector, at once, to make full report thereof to the Secretary of War.

Act March 3, 1873, c. 249, § 5, 17 Stat. 583. Act Jan. 19, 1891, c. 80, 26 Stat. 722.

This section is amended by Act Jan. 19, 1891, cited above, by changing the word "inspectors," contained therein as originally enacted, to "inspectors-general," and the words "once in three months," also contained therein, to "once each year," as set forth here.

Sec. 1349.

Bond of commandant.

Before the commandant enters upon the duties of his office he shall give bond, with sufficient sureties, in a sum to be fixed by the Secretary of War, to be approved by him, conditioned that he shall faithfully account for all money placed in his hands for the use of the prison and for the faithful discharge of all his duties as commandant.

Act March 3, 1873, c. 249, § 6, 17 Stat. 583.

Sec. 1350.

Powers and duties of commandant.

The commandant shall have command of the prison; shall have the charge and employment of the prisoners, and the custody of all the property of the Government connected with the prison. He shall receive and pay out all money used for the prison, and shall cause to be kept, in suitable books, complete accounts of all the property, expenses, income, business, and concerns of the prison; and shall make full and regular reports thereof to the Secretary of War.

Act March 3, 1873, c. 249, § 6, 17 Stat. 583.

Sec. 1351.

Employment of convicts, proceeds of work.

The commandant shall, under the direction and with the approval of the Secretary of War, employ, for the benefit of the United States, the convicts at such labor and in such trades as may be deemed best for their health and reformation. He shall have power to sell and dispose of any articles manufactured by the convicts, and shall regularly account for the proceeds thereof, and shall give bond and security

for the faithful keeping and accounting of all moneys and property coming to his hands as such commandant.

Act March 3, 1873, c. 249, § 6, 17 Stat. 583.

Sec. 1352.

Conduct of prisoners, remissions.

The commandant shall take note and make record of the good conduct of the convicts, and shall shorten the daily time of hard labor for those who, by their obedience, honesty, industry, or general good conduct, earn such favors; and the Secretary of War is authorized and directed to remit, in part, the sentences of such convicts, and to give them an honorable restoration to duty in case the same is merited.

Act March 3, 1873, c. 249, § 6, 17 Stat. 583.

Sec. 1353.

Misconduct of prisoners.

In case any convict shall disobey the lawful orders of the officers of the prison, or refuse to comply with the rules and regulations thereof, he may be placed in solitary confinement, and the commandant shall at once report the case to the Secretary of War, who shall direct the inspector to make full examination and report of the matter at the next inspection.

Act March 3, 1873, c. 249, § 6, 17 Stat. 583.

Sec. 1354.

Forbidden punishments.

In no case shall any prisoner be subjected to whipping, branding, or the carrying of weights for the purpose of discipline, or for producing penitence.

Act March 3, 1873, c. 249, § 6, 17 Stat. 583.

Sec. 1355.

Clothing at discharge.

Every prisoner, upon being discharged from prison, shall be furnished with decent clothing.

Act March 3, 1873, c. 249, § 6, 17 Stat. 583.

Sec. 1356.

Privileges of prisoners.

The use of newspapers and books shall not be denied the convicts at times when not employed; and unofficial visitors shall be admitted to the prison under such restrictions as the board of commissioners may impose. The prisoners shall not be denied the privilege of communicating with their friends by letter, and from receiving like communications from them, all of which shall be subject to the inspection of the commandant, or such officer as he may assign to that duty.

Act March 3, 1873, c. 249, § 7, 17 Stat. 584.

Sec. 1357.

Provisions for prisoners, what.

The prisoners shall be supplied with ample and clean bedding, and with wholesome and sufficient food, but when in hospital or under dis-

cipline their diet shall be prescribed by the proper authority. The prison shall be suitably ventilated, and each prisoner shall have a weekly bath of cold or tepid water, which shall be applied to the whole surface of the body, unless the surgeon shall direct otherwise for the health of the prisoner.

Act March 3, 1873, c. 249, § 8, 17 Stat. 584.

Sec. 1358.

Officers, etc., not to be interested in contracts.

No officer of the prison, or other person connected therewith, shall be concerned or interested, directly or indirectly, in any contract, purchase, or sale made on account of the prison.

Act March 3, 1873, c. 249, § 9, 17 Stat. 584.

Sec. 1359.

Officers suffering prisoner to escape.

Any officer who shall suffer a convict to escape, or shall in any way consent to his escape, or shall aid him to escape, or in an attempt to escape, shall be dismissed from the service, and suffer such other punishment as a court-martial may inflict.

Act March 3, 1873, c. 249, § 10, 17 Stat. 584.

Sec. 1360.

Soldiers suffering prisoner to escape.

Any soldier or other person employed in the prison who shall suffer a convict to escape, or shall in any way consent to his escape, or shall aid him to escape, or in an attempt to escape, shall, upon conviction by a court-martial, be confined therein not less than one year.

Act March 3, 1873, c. 249, § 11, 17 Stat. 584.

Sec. 1361.

Prisoners subject to articles of war.

All prisoners under confinement in said military prisons undergoing sentence of courts-martial shall be liable to trial and punishment by courts-martial under the rules and articles of war for offenses committed during the said confinement.

Act March 3, 1873, c. 249, § 12, 17 Stat. 584.

ACT MAY 21, 1874, c. 186.

An Act to Amend an Act Entitled "An Act to Provide for the Establishment of a Military Prison and for its Government," Approved March Third, Eighteen hundred and seventy-three. (18 Stat. 48.)

Amendment of Act March 3, 1873, c. 249, Rev. St. §§ 1344–1361; military prison to be at Fort Leavenworth, Kans.

Be it enacted, &c., That said act be, and the same is hereby, so amended that all acts and things therein required to be done and performed at Rock Island, in the State of Illinois, shall be done and performed on the military reservation at Fort Leavenworth in the State of Kansas: Provided, That the Government buildings now on said

military reservation at Fort Leavenworth shall be modified and used so far as practicable for the purposes of said prison,

Act May 21, 1874, c. 186, 18 Stat. 48.

Act March 3, 1873, c. 249, amended by this act, was incorporated into Rev. St. §§ 1344–1361, set forth above. This act, therefore, operates as an amendment of said sections, taking effect as a subsequent statute by virtue of Rev. St. § 5601, Comp. St. 1901, p. 3751.

Provisions for the transfer of the military prison at Fort Leavenworth from the Department of War to the Department of Justice, to be known and used as a United States Penitentiary, contained in Act March 2, 1895, c. 189, § 1, are set forth in Comp. St. 1901, p. 3728.

Subsequent provisions for the erection of a United States penitentiary on a site on the Fort Leavenworth military reservation, and that, when such peniteniary should be occupied and applied to the purposes contemplated, the buildings and grounds transferred from the Department of War to the Department of Justice, in accordance with the provisions of said Act March 2, 1895, c. 189, § 1, should be restored to the control of the Department of War, contained in Act June 10, 1896, c. 400, are set forth in Comp. St. 1901, p. 3729.

ACT MARCH 3, 1879, c. 182, § 1.

Supplies for Army to be manufactured at prison.

Support and improvement of the Leavenworth military prison, Fort Leavenworth, Kansas: * * That the Secretary of War shall cause to be fabricated at the said prison such supplies for the Army as can be economically and properly manufactured at the said prison. * *

Act March 3, 1879, c. 182, § 1, 20 Stat. 389.

This is a provision of the sundry civil appropriation act for the fiscal year ending June 30, 1880, cited above.

ACT MARCH 2, 1907, c. 2511. [H. R. 23551.]

Military prison designated by Secretary of War to be regarded as branch of military prison at Fort Leavenworth, and subject with it to laws relating thereto.

* * That hereafter any military prison that the Secretary of War may designate for the confinement of general prisoners for whom there is no room at the United States Military Prison at Fort Leavenworth, Kansas, or whom it is impracticable to send there, shall be regarded as a branch of the said United States Military Prison and equally with it shall be subject to the laws relating thereto, including chapter six, title fourteen, of the Revised Statutes; * *

Act March 2, 1907, c. 2511, 34 Stat. 1169.

This is a proviso annexed to the appropriation for transportation of the Army and its supplies in the Army appropriation act for the fiscal year ending June 30, 1908, cited above.

TITLE XV.

THE NAVY.

CHAPTER ONE.

Organization.

Secs. 1363, 1364.

ACT MARCH 3, 1899, c. 413, § 7.

Number on the active list of the line; rank, pay, etc.

The numbers in various grades of the active list of the Navy are increased, and the rank, pay, etc., of the officers added, and promotions to fill vacancies on such increase are regulated by provisions of Act March 3, 1903, c. 1010, set forth below. Thereby the number of lieutenant commanders is increased from 170 to 200; of lieutenants from 300 to 350; and the numbers of officers on the active list of the Medical Corps and the Pay Corps, and of naval constructors and civil engineers, are also increased beyond the limits prescribed by previous provisions.

The number of civil engineers on the active list, limited by this section to 21, was increased by a provision of Act July 1, 1902, c. 1368, set forth below, and a further increase is authorized by a provision of Act March 3, 1903, c. 1010, also set forth below.

A further increase in the number of naval constructors, beyond the number limited by Act March 3, 1899, c. 413, § 10, Comp. St. p. 998, is also authorized by a provision of Act March 3, 1903, c. 1010, set forth below.

Officers on the active list performing engineering duty on shore only are made additional to the numbers in the grades in which they were serving, by a provision of Act March 4, 1911, c. 239, set forth below.

ACT JULY 1, 1902, c. 1368.

Additional civil engineers.

That the appointment of six additional civil engineers is hereby authorized, three to be appointed during the present calendar year, and the other three in the calendar year of nineteen hundred and three.

Act July 1, 1902, c. 1368, 32 Stat. 671.

This is a provision of the Navy appropriation act for the fiscal year ending June 30, 1903, cited above. One additional civil engineer and twelve assistant civil engineers are authorized by a provision of the similar act for the year next following, set forth below.

Additional assistant naval constructors.

That, in addition to the number of naval constructors and assistant naval constructors now authorized, the appointment of six assistant naval constructors is hereby authorized, two to be appointed during the present calendar year and the remaining four in the calendar year of nineteen hundred and three.

Act July 1, 1902, c. 1368, 32 Stat. 683.

This is a further provision of the Navy appropriation act for the fiscal year ending June 30, 1903, cited above. Additional naval constructors and assistant naval constructors are authorized by a provision of the similar act for the year next following, set forth below.

ACT MARCH 3, 1903, c. 1010.

Increase in numbers in grades of active list; rank, promotion, pay, etc.

The grades of the active list of the Navy hereinafter designated shall be so increased that there shall be thirty additional lieutenant-commanders, in all two hundred; fifty additional lieutenants, in all three hundred and fifty; such total numbers of lieutenants (junior grade) and ensigns as may qualify for said grades under existing law and the provisions of this Act; thirty additional surgeons with the rank of lieutenant-commander, in all eighty-five; one hundred and twenty additional passed assistant and assistant surgeons, with the rank, respectively, of lieutenant and lieutenant (junior grade), in all two hundred and thirty; two additional pay inspectors, in all fifteen; thirty-six additional paymasters, in all seventy-six; twenty-six additional passed assistant and assistant paymasters, in all ninety-six; twenty-nine additional naval constructors and assistant naval constructors, in all seventy-five; one additional civil engineer, in all twenty-eight; and twelve assistant civil engineers, of whom six shall have the rank of lieutenant (junior grade) and six the rank of ensign: Provided, That assistant civil engineers, during the first five years after date of appointment, shall receive, per annum, when on duty, one thousand five hundred dollars, when on leave or waiting orders, one thousand dollars; during the second five years after such date, when on duty, one thousand eight hundred dollars, when on leave or waiting orders, one thousand two hundred dollars; and after ten years from such date, when on duty, two thousand one hundred dollars, and when on leave or waiting orders, one thousand four hundred dollars: And provided further, That promotions in the corps of civil engineers shall be after such examination as the Secretary of the Navy may prescribe.

The increase in the grades of lieutenant-commander and lieutenant provided for in this Act shall be filled by promotion each year of not exceeding twenty-five per centum of the total number of the increase in each of said grades; and not more than twenty-five assistant surgeons, not more than twenty assistant paymasters, nor more than five assistant naval constructors, nor more than three assistant civil engineers, in addition to those necessary to fill vacancies in said grades, shall be appointed in any one calendar year.

Act March 3, 1903, c. 1010, 32 Stat. 1197.

These are provisions of the Navy appropriation act for the fiscal year ending June 30, 1904, cited above. The previous provisions fixing the numbers of various grades in the active list of the line of the Navy are contained in Act March 3, 1899, c. 413, § 7, Comp. St. 1901, p. 983; and the provisions fixing the numbers in the various staff corps of the Navy are also set forth under Title XV, "The Navy," c. 1, Comp. St. 1901. pp. 988–999.

Officers advanced in rank as extra numbers, and commissions of officers now in the service, not affected by act.

Nothing contained in this Act shall affect the officers of the Navy who may have been or may hereafter be advanced in rank under existing provisions of law by which they become extra numbers in their respective grades, or operate to vacate the commission of any officer now in the service.

Act March 3, 1903, c. 1010, 32 Stat. 1198.

This is a further provision of the Navy appropriation act for the fiscal year ending June 30, 1904, cited above.

ACT MARCH 4, 1911, c. 239. [H. R. 32212.]

Officers performing engineering duty on shore only to be additional numbers in their grades.

That officers on the active list of the line of the United States Navy who, under authority of law, now perform engineering duty on shore only are hereby made additional to the numbers in the grades in which they are now serving, and shall be carried as additional to the numbers of each grade to which they may hereafter be promoted: Provided, That said officers shall be entitled to all the benefits of retirement under existing or future laws equally with other officers of like rank and service.

Act March 4, 1911, c. 239, 36 Stat. 1267.

This is a provision of the Navy appropriation act for the fiscal year ending June 30, 1912, cited above.

Sec. 1367.

ACT JUNE 26, 1884, c. 122, § 1.

Graduates of Naval Academy to be commissioned ensigns.

Provisions relating to commissions to certain midshipmen graduated in 1906 and 1907, contained in Act May 30, 1908, c. 277, § 1, are set forth below.

ACT MAY 30, 1908, c. 227, § 1. [H. R. 21946.]

Commissions to certain graduates of Academy after two years' sea service.

The members of the class of midshipmen graduated from the Naval Academy on September twelfth, nineteen hundred and six, and February eleventh, nineteen hundred and seven, shall, subject to the usual examinations, be commissioned as ensigns after two years' sea service from the dates, respectively, of such graduation, and as in the case of other graduates from the Naval Academy.

Act May 30, 1908, c. 227, § 1, 35 Stat. 503.

This is a provision of the deficiency appropriation act for the fiscal year ending June 30, 1908, cited above.

ACT MARCH 3, 1901, c. 852.

Appointment of warrant officers to vacancies in grade of ensign.

The appointment, from the warrant officers mentioned in the provisions of Act March 3, 1901, c. 852, set forth in Comp. St. 1901, p. 987, of twelve ensigns in each calendar year, instead of the six appointed for by that act, is authorized by a provision of Act March 3, 1903, c. 1010, set forth below; and the time of service as warrant officers required to make them eligible for such appointment, fixed at six years by said Act March 3, 1901, c. 852, is made four years by a provision of Act April 27, 1904, c. 1622, also set forth below.

Chief boatswains, chief gunners, and chief machinists are eligible for appointment to the grade of ensign, under the restrictions imposed on the appointment of boatswains, gunners, and warrant machinists, by a provision of Act March 3, 1908, c. 255, set forth post, under Rev. St. § 1406.

ACT MARCH 3, 1903, c. 1010.

Appointment of warrant officers as ensigns annually.

Hereafter in each calendar year there may, under the restrictions imposed by existing law, be appointed from the boatswains, gunners, and warrant machinists of the Navy twelve ensigns.

Act March 3, 1903, c. 1010, 32 Stat. 1197.

This is a provision of the Navy appropriation act for the fiscal year ending June 30, 1904, cited above.

The previously existing law authorizing such appointments, mentioned

In this provision, contained in Act March 3, 1901, c. 852, is set forth in Comp. St. 1901, p. 987. It provided for appointments, "not exceeding six in any one calendar year."

ACT APRIL 27, 1904, c. 1622. [H. R. 12220.]

Time of service as warrant officers requisite to eligibility for appointment as ensigns; appointment as chief warrant officers.

That subject to the restrictions imposed by existing law, boatswains, gunners, and warrant machinists shall be eligible for appointment to the grade of ensign after four years' service as warrant officers, and boatswains, gunners, carpenters, and sailmakers shall be eligible for appointment as chief boatswains, chief gunners, chief carpenters, and chief sailmakers after six years from date of warrant.

Act April 27, 1904, c. 1622, 33 Stat. 346.

This is a provision of the Navy appropriation act for the fiscal year ending June 30, 1906, cited above.

The previously existing law authorizing appointments to the grade of ensign from the warrant officers mentioned in this provision, contained in Act March 3, 1901, c. 852, is set forth in Comp. St. 1901, p. 987. It provided that no person should be so appointed who had served less than six years as a warrant officer.

Sec. 1368.

ACT AUG. 5, 1882, c. 391, § 1.

Number on the active list of Medical Corps, Pay Corps, and Engineer Corps.

The numbers of surgeons and of passed assistant and assistant surgeons, as fixed by this act and increased by Act June 7, 1900, c. 859, are further increased by a provision of Act March 3, 1903, c. 1010, set forth above.

The numbers of pay inspectors and of paymasters and passed assistant and assistant paymasters, as fixed by this act and increased by Act March 3, 1899, c. 421, are also further increased by a provision of Act March 3, 1903, c. 1010, set forth above.

ACT MARCH 3, 1899, c. 421.

Number on the active list of passed assistant and assistant paymasters.

The number of paymasters is increased to 76, and of passed assistant and assistant paymasters to 96, by a provision of Act March 3, 1903, c. 1010, set forth above.

ACT JUNE 7, 1900, c. 859.

Number on the active list of surgeons and of passed assistant and assistant surgeons.

The number of surgeons is increased to 85 and of passed assistant and assistant surgeons to 230, by a provision of Act March 3, 1903, c. 1010, set forth above.

Sec. 1399.

Professors of mathematics, number of.

In addition to the professors of mathematics provided for by Rev. St. § 1399, set forth in Comp. St. 1901, p. 997, the appointment of another, to be an extra number in the list, is authorized by a provision of Act April 27, 1904, c. 1622, of two additional professors, also to be extra numbers, by a provision of Act June 29, 1906, c. 3590, and of another person named, as additional professor, also as an extra number, by Act May 6, 1910, c. 209, set forth below.

The appointment and duties of professors of mathematics are provided for by Rev. St. §§ 1399–1401, and Act Jan. 20, 1881, c. 24, set forth in Comp. St. 1901, pp. 997, 998.

ACT APRIL 27, 1904, c. 1622. [H. R. 12220.]

Additional professor of mathematics.

That the President be authorized, by and with the advice and consent of the Senate, to appoint a professor of mathematics of the rank of commander to rank after Aaron Nichols Skinner and to be an extra number in the list of professors of mathematics in the Navy.

Act April 27, 1904, c. 1622, 33 Stat. 345.

This is a provision of the Navy appropriation act for the fiscal year ending June 30, 1905, cited above.

ACT JUNE 29, 1906, c. 3590. [H. R. 18750.]

Additional professors of mathematics.

That the President be authorized to appoint, by and with the advice and consent of the Senate, two additional professors of mathematics in the Navy, who shall be extra numbers in said list, and who shall take rank therein according to that held by them respectively when so appointed, if such appointees are officers of the Navy, otherwise at the foot of said list.

Act June 29, 1906, c. 3590, 34 Stat. 579.

This is a provision of the Navy appropriation act for the fiscal year ending June 30, 1907, cited above.

ACT MAY 6, 1910, c. 209. [H. R. 19719.]

An Act to Authorize the President to Appoint Guy K. Calhoun as Additional Professor of Mathematics in the Navy. (36 Stat. 352.)

Additional professor of mathematics.

Be it enacted, &c., That the President be, and hereby is, authorized to appoint Guy K. Calhoun, by and with the advice and consent of the Senate, as additional professor of mathematics in the navy, as an extra number with the rank, pay, and allowances of ensign, to be promoted as his classmates are advanced until he reaches the grade of lieutenant, then to be advanced in rank and pay in the same manner as other members of the corps of professors of mathematics: Provided, That such appointment may be made when the said Guy K. Calhoun shall establish his professional fitness, by the usual examination, to the satisfaction of the Secretary of the Navy.

Act May 6, 1910, c. 209, 36 Stat. 352.

Sec. 1403.

ACT MARCH 3, 1899, c. 413, § 10.

Naval constructors and assistant naval constructors; rank, promotion, and number.

The number of naval constructors and assistant naval constructors is increased to 75 by a provision of Act March 3, 1903, c. 1010, set forth above.

Sec. 1405.

Warrant officers, number and appointment of.

The appointment of twelve ensigns, in each calendar year, from the boatswains, gunners, and warrant machinists of the Navy, is authorized by provisions of Act March 3, 1901, c. 852, set forth in Comp. St. 1901, p. 987, and of Act March 3, 1903, c. 1010, and Act April 27, 1904, c. 1622, set forth above.

Sec. 1406.

ACT MARCH 3, 1899, c. 413, §§ 12, 14.

Chief warrant officers, rank, pay, etc.

Boatswains, gunners, carpenters, and sailmakers, who, by Act March 3, 1899, c. 413, § 12, set forth in Comp. St. 1901, p. 999, after ten years from date of warrant, might be appointed chief boatswains, chief gunners, chief carpenters, and chief sailmakers, are made eligible for such appointment after six years from date of warrant, by a provision of April 27, 1904, c. 1622, set forth above.

Warrant machinists; appointment; examinations.

Besides the provisions for warrant machinists contained in Act March 3, 1899, c. 413, § 12, 15, appropriations for "as many warrant machinists as the President may from time to time deem necessary to appoint, not to exceed twenty in any one year," are made by the Navy appropriation acts for subsequent years. The provision for the fiscal year ending June 30, 1910, is by Act March 3, 1909, c. 255, set forth post. under Rev. St. § 1417.

The title of warrant machinist is changed to machinist, and machinists, after six years from date of warrant, are to be commissioned chief machinists, on examination for such promotion, by a provision of Act March 3, 1909, c. 255, set forth below.

ACT JUNE 17, 1898, c. 463, §§ 1, 3.

Hospital Corps; Composition.

The nurse corps (female) of the Navy, for duty at naval hospitals and on hospital and ambulance ships, etc., is established by provisions of Act May 13, 1908, c. 166, set forth below.

Pay of enlisted force of Hospital Corps.

The provisions of Act June 17, 1898, c. 463, § 3, relating to rates of pay of enlisted men of the Hospital Corps, are superseded by the provision that their pay shall be the same as that for corresponding ratings of the seaman branch and other staff corps of the Navy, contained in Act May 13, 1908, c. 166, set forth below.

ACT MAY 13, 1908, c. 166. [H. R. 20471.]

Nurse corps; composition; appointment, etc., of superintendent, chief nurses, nurses, and reserve nurses; duties; pay, allowances, etc.

The nurse corps (female) of the United States Navy is hereby established, and shall consist of one superintendent, to be appointed by the Secretary of the Navy, who shall be a graduate of a hospital training school having a course of instruction of not less than two years, whose term of office may be terminated at his discretion, and of as many chief nurses, nurses, and reserve nurses as may be needed: Provided, That all nurses in the nurse corps shall be appointed or removed by the Surgeon-General, with the approval of the Secretary of the Navy, and that they shall be graduates of hospital training schools having a course of instruction not less than two years. The appointment of superintendent, chief nurses, nurses, and reserve nurses shall be subject to an examination as to their professional, moral, mental, and physical fitness, and that they shall be eligible for duty at naval hospitals and on board of hospital and ambulance ships and for such special duty as may be deemed necessary by the Surgeon-General of the Navy. Reserve nurses may be assigned to active duty when the necessities of the service demand, and when on such duty shall receive the pay and allowances of nurses: Provided, That they shall receive no compensation except when on active duty. The superintendent, chief nurses, and nurses shall respectively receive the same pay, allowances, emoluments, and privileges as are now or may

hereafter be provided by or in pursuance of law for the nurse corps (female) of the Army.

Act May 13, 1908, c. 166, 35 Stat. 146.

These are provisions of the Navy appropriation act for the fiscal year ending June 30, 1909, cited above.

Provisions relating to the nurse corps of the Army, referred to in the proviso at the end of this paragraph, are contained in Act Feb. 2, 1901, c. 102, § 19, Comp. St. 1901, p. 795, but are superseded by the provisions of Act March 23, 1910, c. 115, set forth ante, under Title XIV, "The Army," c. 3, following Rev. St. § 1261.

An allowance to members of the Nurse Corps in lieu of quarters is authorized by a provision of Act June 24, 1910, c. 378, set forth below.

Pay of enlisted men of Hospital Corps.

The pay of enlisted men of the Hospital Corps shall be the same as that provided for the corresponding ratings of the seaman branch and other staff corps of the Navy.

Act May 13, 1908, c. 166, 35 Stat. 146.

This is a futher provision of the Navy appropriation act for the fiscal year ending June 30, 1909, cited above. It supersedes the previous provisions fixing rates of pay of Act June 17, 1898, c. 463, § 3, Comp. St. 1901, p. 1001.

General provisions fixing rates of pay of the Navy are set forth post, under chapter 8 of this Title.

ACT MARCH 3, 1909, c. 255. [H. R. 26394.]

Title "warrant machinists" changed to "machinist"; promotion to chief machinist; eligibility for appointment as ensign.

The title of warrant machinist is hereby changed to machinist; and all machinists shall, after six years from date of warrant, be commissioned chief machinists, to rank with, but after, ensign, and shall, on promotion, have the same pay and allowances as are allowed chief boatswains, chief gunners, chief carpenters, and chief sailmakers, and no machinist shall be promoted until he shall have passed such examination before a board as the Secretary of the Navy may prescribe, and no warrant officer, heretofore or hereafter promoted six years from date of warrant, shall suffer a reduction in pay which, but for such promotion, would have been received by him: Provided, That chief boatswains, chief gunners, and chief machinists shall be eligible for appointment to the grade of ensign under the restrictions imposed by law upon the appointment of boatswains, gunners, and warrant machinists to that grade.

Act March 3, 1909, c. 255, 35 Stat. 771.

These are provisions of the Navy appropriation act for the fiscal year ending June 30, 1910, cited above.

Previous provisions relating to appointment, etc., of warrant machinists, and to appointment of warrant officers as ensigns, are contained in Act March 3, 1899, c. 413, §§ 12, 14, 15, Comp. St. 1901, pp. 999, 1000, and in Act March 3, 1903, c. 1010 and Act April 27, 1904, c. 1622, set forth ante, under Rev. St. § 1367.

ACT JUNE 24, 1910, c. 378. [H. R. 23311.]

Nurse Corps; commutation of quarters.

The Secretary of the Navy is authorized, in his discretion, to allow members of the Nurse Corps (female) of the navy fifteen dollars per month in lieu of quarters when government quarters are not available, and that the accounting officers of the Treasury are hereby authorized and directed to allow in the accounts of disbursing officers of the navy all payments heretofore made by them in accordance with orders

of the Secretary of the Navy for commutation of quarters to members of the Nurse Corps (female) of the navy at the rate herein specified.

Act June 24, 1910, c. 378, 36 Stat. 606.

This is a provision of the Navy appropriation act for the fiscal year ending June 30, 1911, cited above.

Sec. 1407.

RES. MAY 4, 1898, No. 30.

Rosette or knot and ribbon to holders of medals.

Appropriations "for badges and ribbons, to be distributed by the Secretary of the Navy to officers and men, now or formerly of the Volunteer and Regular Navy and Marine Corps, who have participated in engagements and campaigns deemed worthy of such commemoration," are made by the Navy appropriation acts for the fiscal years 1909 and 1910. The provision for the fiscal year ending June 30, 1910, is by Act March 3, 1909, c. 255, 35 Stat. 758.

Sec. 1413.

Civil engineers and storekeepers at navy-yards.

Besides the 21 civil engineers authorized by Act March 3, 1899, c. 413, § 7, Comp. St. 1901, p. 983, 6 additional are authorized by a provision of Act July 1, 1902, c. 1368, and 1 additional civil engineer, in all 28, and 12 assistant civil engineers are authorized by a provision of Act March 3, 1903, c. 1010, set forth above.

Sec. 1417. [*As amended* 1876, 1879.]

Enlisted men, number of.

Besides the increase in the number of enlisted men in the Navy authorized by provisions of a permanent nature, set forth following this section in Comp. St. 1901, pp. 1006, 1007, the annual appropriation acts provide specifically for a greater number for each year. The provision for the fiscal year ending June 30, 1912, by Act March 4, 1911, c. 239, is set forth below.

ACT MARCH 4, 1911, c. 239. [H. R. 32212.]

Number of enlisted men; warrant machinists; apprentices.

* * Pay of petty officers, seamen, landsmen, and apprentice seamen, including men in the engineers' force, and men detailed for duty with Naval Militia, and for the Fish Commission, forty-four thousand men; and the number of enlisted men shall be exclusive of those undergoing imprisonment with sentence of dishonorable discharge from the service at expiration of such confinement; and as many warrant machinists as the President may from time to time deem necessary to appoint, not to exceed twenty in any one year; and three thousand five hundred apprentice seamen under training at training stations and on board training ships, at the pay prescribed by law. * *

Act March 4, 1911, c. 239, 36 Stat. 1266.

This is a provision of the Navy appropriation act for the fiscal year ending June 30, 1912, cited above.

The title "warrant machinist" was changed to "machinist" by a provision of Act May 13, 1908, c. 166, set forth ante, under Rev. St. § 1406.

Sec. 1420.

Persons not to be enlisted.

Appropriations for expenses of recruiting for the naval service, in recent Navy appropriation acts, are accompanied by a proviso requiring

in case of minors written evidence of the age of the applicant to be presented with the application for enlistment. The provision for the fiscal year ending June 30, 1912, by Act March 4, 1911, c. 239, 36 Stat. 1268, is as follows:

"That no part of this appropriation shall be expended in recruiting seamen. ordinary seamen, or apprentice seamen, unless in case of minors a certificate of birth or a verified written statement by the parents, or either of them, or in case of their death a verified written statement by the legal guardian, be first furnished to the recruiting officer, showing applicant to be of age, required by naval regulations, which shall be presented with the application for enlistment; except in cases where such certificate is unobtainable, enlistment may be made when the recruiting officer is convinced that oath of applicant as to age is credible; but when it is afterwards found upon evidence satisfactory to the Navy Department that recruit has sworn falsely as to age, and is under eighteen years of age at the time of enlistment, he shall, upon request of either parent, be released from service in the Navy, upon payment of full cost of first outfit, unless, in any given case, the Secretary, in his discretion, shall relieve said recruit of such payment."

Provisions requiring refunding of bounty and of cost of outfits allowed on enlistment, where men are discharged in certain cases during the first year or the first six months of enlistment, contained in Act June 29, 1906, c. 3590, are set forth below.

ACT JUNE 29, 1906, c. 3590. [H. R. 18750.]

Refund of bounty on discharge during first year of enlistment.

* * That the Secretary of the Navy may, in his discretion, require the whole or a part of the bounty allowed upon enlistment to be refunded in cases where men are discharged during the first year of enlistment, by request, for inaptitude, as undesirable, or for disability not incurred in line of duty.

Act June 29, 1906, c. 3590, 34 Stat. 553.

This is a proviso annexed to an appropriation for pay of the Navy in the Navy appropriation act for the fiscal year ending June 30, 1907, cited above. It is repeated in the same language in the similar appropriation act for the fiscal year ending June 30, 1908, Act March 2, 1907, c. 2512, 34 Stat. 1176.

Refund of cost of outfits on discharge during first six months of enlistment.

* * That hereafter the Secretary of the Navy may, in his discretion, require the whole or a part of the cost of outfits allowed upon enlistment to be refunded in cases where men are discharged during the first six months of enlistment for any cause other than disability incurred in line of duty.

Act June 29, 1906, c. 3590, 34 Stat. 556.

This is a proviso annexed to an appropriation for outfits on first enlistment in the Navy appropriation act for the fiscal year ending June 30, 1907, cited above.

Sec. 1422.

Disposition of men at expiration of term.

A provision for allowance of mileage to enlisted men, discharged on account of expiration of enlistment, in lieu of transportation and subsistence, is contained in Act June 29, 1906, c. 3590, set forth post, under chapter 8 of this Title.

CHAPTER TWO.

General Provisions Relating to Officers.

Sec. 1434.

ACT JUNE 24, 1910, c. 378. [H. R. 23311.]

Detail of line officers for duty under staff officers in navy-yards and naval stations.

* * That line officers may be detailed for duty under staff officers in the manufacturing and repair departments of the navy-yards and naval stations, and all laws or parts of laws in conflict herewith are hereby repealed.

Act June 24, 1910, c. 378, 36 Stat. 614.

This is a proviso, annexed to provisions for distribution of the duties of the Bureau of Equipment among the other bureaus and offices of the Navy Department, in the Navy appropriation act for the fiscal year ending June 30, 1911, cited above.

CHAPTER THREE.

Retired Officers [and Men] of the Navy.

Sec. 1443.

[Superseded. Act May 13, 1908, c. 166.]

This section, set forth in Comp. St. 1901, p. 1020, providing for retirement of any officer of the Navy on his own application after 40 years' service, is superseded by a provision for such retirement after 30 years' service, contained in Act May 13, 1908, c. 166, set forth post, under chapter 8 of this Title.

Sec. 1447.

Officers rejected from promotion.

A provision as to the rank of officers retired on failure in physical examination for promotion, contained in act March 4, 1911, c. 239, is set forth post, following Rev. St. § 1457.

Sec. 1457.

ACT MARCH 3, 1899, c. 413, § 11.

Retired rank and pay of officers who served during the civil war.

Further provisions relating to the rank and pay on retirement of officers who served during the civil war, contained in Act June 29, 1906, c. 3590, are set forth below.

Provisions relating to pay of retired officers and enlisted men, contained in Act May 13, 1908, c. 166, are set forth post, under chapter 8 of this Title.

ACT JUNE 29, 1906, c. 3590. [H. R. 18750.]

Retired rank and pay of officers who served during the civil war.

That any officer of the Navy not above the grade of captain who served with credit as an officer or as an enlisted man in the regular or volunteer forces during the civil war prior to April ninth, eighteen

hundred and sixty-five, otherwise than as a cadet, and whose name is borne on the official register of the Navy, and who has heretofore been, or may hereafter be, retired on account of wounds or disability incident to the service or on account of age or after forty years' service, may, in the discretion of the President, by and with the advice and consent of the Senate, be placed on the retired list of the Navy with the rank and retired pay of one grade above that actually held by him at the time of retirement: Provided, That this Act shall not apply to any officer who received an advance of grade at or since the date of his retirement or who has been restored to the Navy and placed on the retired list by virtue of the provisions of a special Act of Congress.

Act June 29, 1906, c. 3590, 34 Stat. 554.

This is a provision of the Navy appropriation act for the fiscal year ending June 30, 1907, cited above. A previous provision relating to the same subject, contained in Act March 3, 1899, c. 413, § 11, is set forth in Comp. St. 1901, p. 1025.

The provisions of this act are not to operate to deprive any officer retired since its passage of increased rank and pay to which, but for its passage, he would have been entitled, by a provision of Act March 3, 1909, c. 255, set forth below.

ACT MARCH 3, 1909, c. 255. [H. R. 26394.]

Retirement at higher grade for civil war service not to deprive officer of increased rank and pay.

The provisions of the Act approved June twenty-ninth, nineteen hundred and six, entitled "An act making appropriations for the naval service for the fiscal year ending June thirtieth, nineteen hundred and seven, and for other purposes," providing for the retirement in the next higher grade of officers of the navy who served during the Civil War, shall not operate to deprive any officer of the navy who has been, or may be, retired, since the passage of that Act, of the right to increased rank and pay to which, but for the passage of said Act, he would have been entitled.

Act March 3, 1909, c. 255, 35 Stat. 753.

This is a provision of the Navy appropriation act for the fiscal year ending June 30, 1910, cited above.

The provisions of Act June 29, 1906, c. 3590, mentioned in this provision, are set forth above.

ACT MARCH 4, 1911, c. 239. [H. R. 32212.]

Retired rank of officer failing in physical examination.

Hereafter, if any officer of the United States Navy shall fail in his physical examination for promotion and be found incapacitated for service by reason of physical disability contracted in the line of duty, he shall be retired with the rank to which his seniority entitled him to be promoted.

Act March 4, 1911, c. 239, 36 Stat. 1267.

This is a provision of the Navy appropriation act for the fiscal year ending June 30, 1912, cited above.

Sec. 1465.

ACT MARCH 3, 1899, c. 413, § 17.

Retirement of enlisted men and appointed petty officers.

In computing the time for retirement of petty officers and enlisted men, all service in the Army, Navy, or Marine Corps is to be credited, by Act June 22, 1906, c. 3518, set forth below.

General provisions for retirement of enlisted men who have served

thirty years either in the Army, Navy, or Marine Corps, or in all, prescribing the pay and allowances thereupon, are contained in Act March 2, 1907, c. 2511, set forth ante, under Title XIV, "The Army," c. 2.

Provisions relating to pay of enlisted men on the retired list, contained in Act May 13, 1908, c. 166, are set forth post, under chapter 8 of this Title.

ACT JUNE 22, 1906, c. 3518. [S. 1649.]

An Act Providing for the Retirement of Petty Officers and Enlisted Men of the Navy. (34 Stat. 451.)

Length of service for retirement of petty officers and enlisted men.

Be it enacted, &c., That in computing the necessary thirty years' time for the retirement of petty officers and enlisted men of the Navy, all service in the Army, Navy, or Marine Corps shall be credited.

Act June 22, 1906, c. 3518, 34 Stat. 451.

Provisions for retirement of enlisted men and appointed petty officers, after thirty years' service, were contained in Act March 3, 1899, c. 413, § 17, set forth in Comp. St. 1901, p. 1028.

More comprehensive provisions for retirement of enlisted men who have served thirty years either in the Army, Navy, or Marine Corps, or in all, are contained in Act March 2, 1907, c. 2511, set forth ante, under Title XIV, "The Army," c. 2.

CHAPTER FOUR.

Rank and Precedence, Promotion and Advancement.

Sec. 1479.

Chaplains.

The rank of chaplains to be appointed thereafter is prescribed and their promotion regulated, and the pay and allowances of chaplains are fixed by provisions of Act June 29, 1906, c. 3590, set forth post, under chapter 8 of this Title.

Sec. 1506.

Advancement in number.

Officers advanced in rank, as provided by this section, set forth in Comp. St. 1901, p. 1040, and thereafter promoted, are to be carried as additional numbers of each grade in which they serve, by Act June 16, 1906, c. 3338, set forth below, under Rev. St. § 1507.

Sec. 1507.

Promotion when grade is full.

Further provisions, similar to those of Act March 3, 1901, c. 852, set forth under this section in Comp. St. 1901, p. 1040, that officers advanced in rank, as provided by Rev. St. § 1506, and afterwards promoted, shall be carried as additional numbers of each grade in which they serve, are contained in Act June 16, 1906, c. 3338, set forth below.

ACT JUNE 16, 1906, c. 3338. [H. R. 17663.]

An Act to Extend the Provisions of the Act of March Third, Nineteen hundred and one, to Officers of the Navy and Marine Corps Advanced at any Time under the Provisions of Sections Fifteen hundred and six and Sixteen hundred and five for Eminent and Conspicuous Conduct in Battle. (34 Stat. 296.)

Officers advanced in rank, when promoted, to be carried as additional numbers of each grade.

Be it enacted, &c., That officers of the Navy and Marine Corps advanced in rank for eminent and conspicuous conduct in battle or extraordinary heroism, and who since such advancement have been or may hereafter be promoted, shall from the date of the passage of this Act be carried as additional numbers of each grade in which they serve.

Act June 16, 1907, c. 3338, 34 Stat. 296.

The provisions of Act March 3, 1901, c. 852, mentioned in the title of this act as extended thereby, are set forth in Comp. St. 1901, p. 1040. And Rev. St. §§ 1506 and 1605, also mentioned in the title of this act, are set forth in Comp. St. 1901, pp. 1040, 1094.

CHAPTER FIVE.

The Naval Academy.

Sec. 1512.

ACT AUG. 5, 1882, c. 391, § 1.

Title and appointment of naval cadets.

The title "naval cadet" is changed to "midshipman," by a provision of Act July 1, 1902, c. 1368, set forth below.

ACT JULY 1, 1902, c. 1368.

Title "naval cadet" changed to "midshipman."

The title "naval cadet" is hereby changed to "midshipman."

Act July 1, 1902, c. 1368, 32 Stat. 686.

This is a provision of the Navy appropriation act for the fiscal year ending June 30, 1903, cited above.

Sec. 1513.

Number of midshipmen.

Additional appointments of midshipmen for a limited period are authorized by provisions of Act July 1, 1902, c. 1368, and Act March 3, 1903, c. 1010, set forth below.

ACT JULY 1, 1902, c. 1368.

Additional midshipmen until year 1914; appointment.

That until the year nineteen hundred and fourteen, in addition to the naval cadets now authorized by law (the title having been changed by this Act to midshipmen), the President shall appoint five midshipmen, and there shall be appointed from the States at large, upon the recommendation of Senators, two midshipmen for each State.

Act July 1, 1902, c. 1368, 32 Stat. 686.

These are provisions of the Navy appropriation act for the fiscal year ending June 30, 1903, cited above. Further provisions for the appointment of additional midshipmen for a limited period, contained in the similar act for the year next following, are set forth below.

ACT MARCH 3, 1903, c. 1010.

Additional midshipmen until June 30, 1913; appointment.

There shall be allowed at the Naval Academy two midshipmen for each Senator, Representative, and Delegate in Congress, two for the District of Columbia, and five each year at large: Provided, That

the additional Congressional appointments authorized by this Act shall be made at such times as may be determined by the Secretary of the Navy, who shall equitably distribute the increase among the several States, Districts, and Territories, so that ultimately, if practicable, each Senator, Representative, and Delegate may recommend for appointment during each Congress one midshipman. Provided further, That members of the Fifty-seventh Congress who will not be members of the Fifty-eighth Congress, and in whose Districts or States appointments have not been made or vacancies filled in the Fifty-seventh Congress, may immediately upon the passage of this Act make the additional appointments herein provided for.

* * * * * * * * * * * * *

That the provisions of this Act for the increase of appointments of midshipmen to the Naval Academy shall continue in force until the thirtieth day of June, nineteen hundred and thirteen; and thereafter one midshipman, as now provided by law, shall be appointed for each Senator, Representative, and Delegate in Congress.

Act March 3, 1903, c. 1010, 32 Stat. 1197, 1198.

These are provisions of the Navy appropriation act for the fiscal year ending June 30, 1904, cited above.

Previous provisions as to the number of naval cadets, now designated midshipmen, were contained in Rev. St. § 1513, Comp. St. 1901, p. 1043, and in Act July 1, 1902, c. 1368, set forth above.

Midshipman from Porto Rico; appointment.

That hereafter there shall be at the Naval Academy one midshipman from Porto Rico, who shall be a native of said island, and whose appointment shall be made by the President on the recommendation of the governor of Porto Rico.

Act March 3, 1903, c. 1010, 32 Stat. 1198.

This is a further provision of the Navy appropriation act for the fiscal year ending June 30, 1904, cited above.

Sec. 1514. [*As amended* 1894.]

Nomination of candidates.

Provisions similar to those of Rev. St. § 1514, set forth in Comp. St. 1901, p. 1043, but authorizing the nomination of candidates by Senators as well as Representatives and Delegates in Congress, to fill vacancies in the Academy, and prescribing different times for notification of and recommendation to fill vacancies, are contained in Act June 29, 1906, c. 3590, set forth below, and may be regarded as superseding, to a great extent, the provisions of Rev. St. § 1514.

ACT JUNE 29, 1906, c. 3590. [H. R. 18750.]

Nomination of candidates.

Hereafter the Secretary of the Navy shall, as soon as possible after the first day of June of each year preceding the graduation of midshipmen in the succeeding year, notify in writing each Senator, Representative, and Delegate in Congress of any vacancy that will exist at the Naval Academy because of such graduation, or that may occur for other reasons and which he shall be entitled to fill by nomination of a candidate and one or more alternates therefor. The nomination of a candidate and alternate or alternates to fill said vacancy shall be made upon the recommendation of the Senator, Representative, or Delegate, if such recommendation is made by the fourth day of March

of the year following that in which said notice in writing is given, but if it is not made by that time the Secretary of the Navy shall fill the vacancy by appointment of an actual resident of the State, Congressional district, or Territory, as the case may be, in which the vacancy will exist, who shall have been for at least two years immediately preceding the date of his appointment an actual and bona fide resident of the State, Congressional district, or Territory in which the vacancy will exist and of the legal qualification under the law as now provided. In cases where by reason of a vacancy in the membership of the Senate or House of Representatives, or by the death or declination of a candidate for admission to the academy there occurs or is about to occur at the academy a vacancy from any State, district, or Territory that can not be filled by nomination as herein provided, the same may be filled as soon thereafter and before the final entrance examination for the year as the Secretary of the Navy may determine. The candidates allowed for the District of Columbia and all the candidates appointed at large, together with alternates therefor, shall be selected by the President within the period herein prescribed for nomination of other candidates: Provided, That the President may select a candidate for the District of Columbia for the year nineteen hundred and eight.

Act June 29, 1906, c. 3590, 34 Stat. 578.

These are provisions of the Navy appropriation act for the fiscal year ending June 30, 1907, cited above.

Previous provisions for the nomination of candidates to fill vacancies in the Academy, similar to some extent to those of this act, were contained in Rev. St. § 1514, Comp. St. 1901, p. 1043, and in Act March 3, 1903, c. 1010, 32 Stat. 1197, but may be regarded as superseded by this act.

Sec. 1517.

Qualifications.

Candidates for admission to the Academy are required to be, at the time of examination, between the ages of 16 and 20 years, by a provision of Act March 3, 1903, c. 1010, set forth below.

The admission to the Academy for instruction of persons from foreign countries is restricted by a provision of Act June 29, 1906, c. 3590, set forth below.

ACT MARCH 2, 1889, c. 396, § 2.

[Superseded. Act March 3, 1903, c. 1010.]

The provision of this act fixing the minimum and maximum age of admission of cadets to the Academy, set forth in Comp. St. 1901, p. 1044, is superseded by the requirement that candidates for admission, after January 1, 1904, shall be between the ages of 16 and 20 years, contained in Act March 3, 1903, c. 1010, set forth below.

ACT MARCH 3, 1903, c. 1010.

Age of candidates.

That after January first, nineteen hundred and four, all candidates for admission to the Naval Academy at the time of their examination must be between the ages of sixteen and twenty years.

Act March 3, 1903, c. 1010, 32 Stat. 1198.

This is a provision of the Navy appropriation act for the fiscal year ending June 30, 1904, cited above.

Previous provisions as to the ages of candidates for admission, and other qualifications required, are contained in Rev. St. § 1517, and Act March 2, 1889, c. 396, § 2, set forth in Comp. St. 1901, p. 1044.

ACT JUNE 29, 1906, c. 3590. [H. R. 18750.]

Admissions of persons from foreign countries for instruction.

No person shall be admitted for instruction at the Naval Academy at Annapolis from any foreign country except upon authority of law hereafter enacted.

Act June 29, 1906, c. 3590, 34 Stat. 577.

This is a provision of the Navy appropriation act for the fiscal year ending June 30, 1907, cited above.

Sec. 1518.

Appropriations, how applied.

The pay of midshipmen is $600 per annum while at the Academy, and $1,400 per annum after graduation therefrom, by a provision of Act May 13, 1908, c. 166, set forth post, under chapter 8 of this Title.

Sec. 1519.

Midshipmen found deficient.

Provisions authorizing the dismissal of midshipmen from the Academy and prescribing the procedure for that purpose, and regulating the procedure and punishment in trials for hazing, are contained in Act April 9, 1906, c. 1370, set forth below.

ACT JUNE 23, 1874, c. 453.

Hazing.

The making of rules to prevent hazing at the Academy, and the expulsion of any cadet found guilty of participating, etc., therein, are required by a provision of Act March 3, 1903, c. 1010, set forth below.

So much of this act and of said Act March 3, 1903, c. 1010, as requires the convening of a court-martial in all cases of hazing, and declares the finding of such a court-martial, when approved by the superintendent, final, and directs that a midshipman found guilty by such court-martial be summarily dismissed from the Academy, is repealed by Act April 9, 1906, c. 1370, § 3, set forth below.

ACT MARCH 3, 1903, c. 1010.

Rules to prevent hazing; punishment.

* * That the Superintendent of the Naval Academy shall make such rules, to be approved by the Secretary of the Navy, as will effectually prevent the practice of hazing; and any cadet found guilty of participating in or encouraging or countenancing such practice shall be summarily expelled from the Academy, and shall not thereafter be reappointed to the Corps of Cadets or be eligible for appointment as a commissioned officer in the Army or Navy or Marine Corps until two years after the graduation of the class of which he was a member.

Act March 3, 1903, c. 1010, 32 Stat. 1198.

This is a provision of the Navy appropriation act for the fiscal year ending June 30, 1904, cited above. It is repealed, in part, in connection with provisions of Act June 23, 1874, c. 453, set forth in Comp. St. 1901, p. 1045, by Act April 9, 1906, c. 1370, § 3, set forth below.

ACT APRIL 9, 1906, c. 1370. [S. 3899.]

An Act Granting Authority to the Secretary of the Navy, in his Discretion, to Dismiss Midshipmen from the United States Naval Academy and Regulating the Procedure and Punishment in Trials for Hazing at the said Academy. (34 Stat. 104.)

Dismissal of midshipmen; procedure.

Be it enacted, &c., That it shall be the duty of the Superintendent of the United States Naval Academy, whenever he shall believe the

continued presence of any midshipman at the said academy to be contrary to the best interests of the service, to report in writing such fact, with a full statement of the facts upon which are based his reasons for such belief, to the Secretary of the Navy, who, if after due consideration of the said report he shall deem the superintendent's said belief reasonable and well founded, shall cause a copy of the said report to be served upon the said midshipman and require the said midshipman to show cause, in writing and within such time as the said Secretary shall deem reasonable, why he should not be dismissed from the said academy; and after due consideration of any cause so shown the said Secretary may, in his discretion, but with the written approval of the President, dismiss such midshipman from the said academy. And the truth of any issue of fact so raised, except upon the record of demerit, shall be determined by a board of inquiry convened by the Secretary of the Navy under the rules and regulations for the government of the Navy.

Act April 9, 1906, c. 1370, § 1, 34 Stat. 104.

Repeal in part of Act June 23, 1874, c. 453, and Act March 3, 1903, c. 1010; hazing to be proceeded against and punished as other offenses.

Sec. 2. That so much of the Acts approved June twenty-third, eighteen hundred and seventy-four, and March third, nineteen hundred and three, as requires the Superintendent of the United States Naval Academy to convene a court-martial in all cases when it shall come to the knowledge of the said superintendent that any midshipman has been guilty of the offense commonly known as "hazing," and declares the finding of a court-martial so convened, when approved by the said superintendent, final, and directs that any midshipman found guilty by such court-martial shall be summarily dismissed from the said academy, and also all other Acts or parts of Acts inconsistent with the present Act are hereby repealed, and that the offense known as "hazing" may hereafter be proceeded against, dealt with, and punished as offenses against good order and discipline and for violation and breaches of the rules of said academy. But no midshipman shall be dismissed for a single act of hazing except under the provisions of section three of this Act.

Act April 9, 1906, c. 1370, § 2, 34 Stat. 104.

Act June 23, 1874, c. 453, mentioned in and in part repealed by this section, is set forth in Comp. St. 1901, p. 1045, and the provision of Act March 3, 1903, c. 1010, also mentioned therein and repealed in part thereby, is set forth above.

Trial by court-martial for hazing; punishment.

Sec. 3. That the Superintendent of the United States Naval Academy may, in his discretion and with the approval of the Secretary of the Navy, cause any midshipman in the said academy to be tried by court-martial for the offense of hazing, as provided by the Act approved June twenty-third, eighteen hundred and seventy-four, and such court-martial, upon conviction, may sentence such midshipman to any punishment authorized by the said Act or by the Act approved March third, nineteen hundred and three, or authorized for any violation or breach of the rules of the said academy by the said rules, or, in cases of brutal or cruel hazing may, in addition to dismissal, sentence such midshipman to imprisonment for a period not exceeding one year: Provided, That such midshipman shall not be confined in a military or

naval prison or elsewhere with men who have been convicted of crimes or misdemeanors; and such finding and sentence shall be subject to review by the convening authority and by the Secretary of the Navy, as in the cases of other courts-martial.

Act April 9, 1906, c. 1370, § 3, 34 Stat. 104.
See note under preceding section of this act.

Offense of hazing defined.

Sec. 4. That the offense of "hazing," as mentioned in this Act, shall consist of any unauthorized assumption of authority by one midshipman over another midshipman whereby the last-mentioned midshipman shall or may suffer or be exposed to suffer any cruelty, indignity, humiliation, hardship, or oppression, or the deprivation or abridgment of any right, privilege, or advantage to which he shall be legally entitled.

Act April 9, 1906, c. 1370, § 4, 34 Stat. 105.

Violations of regulations to be reported by professors, officers, etc.; punishment for failure to report.

Sec. 5. That it shall be the duty of every professor, assistant professor, academic officer, or any cadet officer or cadet petty officer, or instructor, as well as every other officer stationed at the United States Naval Academy, to promptly report to the superintendent thereof any fact which comes to his attention tending to indicate any violation by a midshipman or midshipmen of any of the provisions of this Act or any violation of the regulations of the said academy. Any naval officer attached to the academy who shall fail to make such report as provided in this section shall be tried by court-martial for neglect of duty and if convicted he shall be dismissed from the service. Any civilian instructor attached to the academy who shall fail to make such report as provided in this section shall be dismissed by the superintendent of the academy upon the approval of the Secretary of the Navy.

Act April 9, 1906, c. 1370, § 5, 34 Stat. 105.

Time of taking effect of act; punishment of prior offenses.

Sec. 6. That this Act shall take effect from the date of its approval, but no midshipman now connected with the United States Naval Academy shall, by reason of its enactment, be punished for any offense heretofore committed otherwise than in pursuance of the sentence of a court-martial (if, by existing law, such sentence would be now necessary for such punishment) or punished more severely than is now by law allowed for any offense heretofore committed: Provided, That any midshipman now in said Naval Academy may waive his right to trial by court-martial under existing law for any offense of hazing heretofore committed and may accept punishment under the provisions of section two of this Act.

Act April 9, 1906, c. 1370, § 6, 34 Stat. 105.

Sec. 1521.

ACT MARCH 2, 1889, c. 396, § 1.

Appointments to vacancies in Navy.

Provisions for commissions as ensigns to graduates of the Academy, on the completion of their course of study, are contained in Act June 26, 1884, c. 122, Comp. St. 1901, p. 987, and in Act May 30, 1908, c. 227, § 1, set forth ante, under chapter 1 of this Title.

Sec. 1527.

Storekeeper at the Academy.

Provisions relating to returns of property by and accounts of the storekeeper at the Academy, authorized by this section, contained in Act May 13, 1908, c. 166, are set forth below.

ACT MAY 13, 1908, c. 166. [H. R. 20471.]

Returns of property by and accounts of storekeeper at Academy.

The Secretary of the Treasury is hereby authorized and directed to close and balance as expended the sum of twenty-four thousand five hundred dollars now standing on the books of the Treasury under the appropriation "Pay of the Navy," which was advanced by direction of the Secretary of the Navy in eighteen hundred and sixty-seven and eighteen hundred and sixty-eight, and has heretofore been used as a midshipmen's store fund at the Naval Academy: Provided, That hereafter the storekeeper at the Naval Academy, authorized by section fifteen hundred and twenty-seven of the Revised Statutes, shall render quarterly returns of property to the Chief of the Bureau of Supplies and Accounts, under such regulations as the Secretary of the Navy may prescribe. A full report shall be made annually of receipts and expenditures by the Chief of the Bureau of Supplies and Accounts to the Secretary of the Navy: And provided further, That an inspection of the storekeeper's accounts shall be made quarterly by the general inspector of the Pay Corps, with such recommendation as he may deem necessary, to the Chief of the Bureau of Supplies and Accounts.

Act May 13, 1908, c. 166, 35 Stat. 153.

These are provisions of the Navy appropriation act for the fiscal year ending June 30, 1909, cited above.

Rev. St. § 1527, mentioned in the first proviso of this paragraph, authorizing the storekeeper at the Academy, is set forth in Comp. St. 1901, p. 1050.

Sec. 1528.

Professors of ethics, Spanish, and drawing.

The appointment of professors of mathematics, mentioned in Rev. St. § 1528, Comp. St. 1901, p. 1050, is authorized, and their duties in the instruction of midshipmen are prescribed, by Rev. St. §§ 1399–1401, and Act Jan. 20, 1881, c. 24, set forth in Comp. St. 1901, pp. 997, 998.

Appropriations for pay of professors and others at the Naval Academy for the fiscal year ending June 30, 1912, are made by the Navy appropriation act for that year, Act March 4, 1911, c. 239, 36 Stat. 1265.

ACT FEB. 14, 1879, c. 68.

Board of Visitors; duties; compensation.

Appropriations for expenses of the Board of Visitors are made each year in the Navy appropriation acts. The provision for the fiscal year ending June 30, 1912, is by Act March 4, 1911, c. 239, 36 Stat. 1283.

ACT MARCH 3, 1909, c. 255. [H. R. 26394.]

Use of crypt and window spaces of Academy chapel.

The crypt and window spaces of the United States Naval Academy chapel are to be used only for memorials to United States naval officers who have successfully commanded a fleet or squadron in battle, or who have received or may receive the thanks of the Congress of the United States for conspicuously distinguished services in time of war,

and no memorial shall be accepted for or installed in said crypt or window spaces until at least five years after the death of the officer in question: Provided, That nothing in this provision shall be considered as invalidating any agreement made by the present or any former superintendent of the Naval Academy, authorizing a memorial window in the old Naval Academy chapel to be transferred to the new Naval Academy chapel.

Act March 3, 1909, c. 255, 35 Stat. 773.

This is a provision of the Navy appropriation act for the fiscal year ending June 30, 1910, cited above.

ACT APRIL 12, 1910, c. 157. [H. R. 89.]

An Act to Reorganize and Enlist the Members of the United States Naval Academy Band. (36 Stat. 297.)

Naval Academy Band; composition; pay, etc.

Be it enacted, &c., That the Naval Academy Band shall consist of one leader, who shall have the pay and allowance of a second lieutenant in the Marine Corps; one second leader, with pay at the rate of fifty dollars per month; twenty-nine musicians, first class, and eleven musicians, second class; and shall be paid from "Pay of the navy."

Act April 12, 1910, c. 157, § 1, 36 Stat. 297.

Enlistment of members of Band; credit for prior service; pay, etc.; retirement.

Sec. 2. That the members of the Naval Academy Band as now organized shall be enlisted in the navy and credited with all prior service of whatever nature as members of said band, as shown by the records of the naval academy and the pay rolls of the ships and academy; and the said leader and the enlisted musicians of the band shall be entitled to the same benefits in respect to pay, emoluments, and retirement arising from longevity, reenlistment, and length of service as are, or may hereafter become, applicable to other enlisted men of the navy: Provided, That no back pay shall be allowed to the leader or to any member of the said band by reason of the passage of this act.

Act April 12, 1910, c. 157, § 2, 36 Stat. 297.

CHAPTER SIX.

Vessels and Navy-Yards [and Naval Stations].

Sec. 1531.

ACT MAY 4, 1898, c. 234.

[Repealed in part. Act May 13, 1908, c. 166.]

So much of this act, set forth in Comp. St. 1901, p. 1053, as provides that monitors shall be named for the states, is repealed by a provision of Act May 13, 1908, c. 166, set forth below.

ACT MAY 13, 1908, c. 166. [H. R. 20471.]

Repeal in part of Act May 4, 1898, c. 234; names of monitors.

So much of the Act entitled "An Act making appropriations for the naval service for the fiscal year ending June thirtieth, eighteen hun-

dred and ninety-nine, and for other purposes," approved May fourth, eighteen hundred and ninety-eight, as provides that monitors owned by the United States shall be named for the States, and shall not be named for any city, place, or person until the names of the States shall have been exhausted, is hereby repealed, and monitors now owned by the United States or hereafter built may be named as the President may direct.

Act May 13, 1908, c. 166, 35 Stat. 159.

This is a provision of the Navy appropriation act for the fiscal year ending June 30, 1909, cited above.

The provision of Act June 30, 1898, c. 234, repealed in part by this provision is set forth in Comp. St. 1901, p. 1053.

Sec. 1536.

Cruising to assist distressed navigators.

Besides the provisions for the employment of vessels of the Navy contained in Rev. St. § 1536, and other acts set forth following that section in Comp. St. 1901, pp. 1054, 1055, the detail of vessels to remove or destroy derelicts is authorized by a provision of Act March 3, 1905, c. 1483, § 1, set forth below.

ACT JUNE 20, 1874, c. 339.

[Superseded. Act March 4, 1911, c. 265.]

This act and Act March 3, 1881, c. 141, amendatory thereof, set forth in Comp. St. 1901, p. 1054, which provided for furnishing vessels of the Navy for the use of nautical schools at certain ports named, are superseded by the similar provisions of Act March 4, 1911, c. 265, set forth below.

ACT MARCH 3, 1881, c. 141.

[Superseded. Act March 4, 1911, c. 265.]

See note under Act June 20, 1874, c. 339, above.

ACT MARCH 3, 1901, c. 863.

[Amended. Act June 29, 1906, c. 3612.]

This act, set forth in Comp. St. 1901, p. 1055, providing for furnishing naval equipment to military schools, is amended by Act June 29, 1906, c. 3612, and by Act June 24, 1910, c. 378, set forth below.

ACT MARCH 3, 1905, c. 1483, § 1. [H. R. 18969.]

Detail of vessels to remove or destroy derelicts.

The President in his discretion may temporarily detail any vessel or vessels of the Navy to remove or destroy derelicts in the course of vessels at sea. The regulations to govern the detail and service of said vessels shall be prescribed by the Secretary of the Navy and approved by the President.

Act March 3, 1905, c. 1483, § 1, 33 Stat. 1164.

This is a provision of the sundry civil appropriation act for the fiscal year ending June 30, 1906, cited above.

ACT JUNE 29, 1906, c. 3612. [H. R. 14975.]

An Act Amending Chapter Eight hundred and sixty-three, Volume Thirty-one, of the Statutes at Large. (34 Stat. 620.)

Amendment of Act March 3, 1901, c. 863.

Be it enacted, &c., That chapter eight hundred and sixty-three, volume thirty-one, of the Statutes at Large, approved March third, nineteen hundred and one, to authorize the Secretary of the Navy to loan

naval equipment to certain military schools, and now the law in force, be, and the same is hereby, amended to read as follows:

Naval equipment for military schools.

"That the President be, and he is hereby, authorized, upon the application of the governor of any State having seacoast line or bordering on one or more of the Great Lakes, to direct the Secretary of the Navy to furnish to one well-established military school in that State, desiring to afford its cadets instruction in elementary seamanship, one fully equipped man-of-war's cutter for every twenty-five cadets in actual attendance, and such other equipment as may be spared and be deemed adequate for instruction in elementary seamanship: Provided, That the said school shall have adequate facilities for cutter drill, and shall have in actual attendance at least one hundred and forty cadets in uniform receiving military instruction and quartered in barracks under military regulation, and shall have the capacity to quarter and educate at the same time one hundred and fifty cadets: And provided further, That the Secretary of the Navy shall require a bond in each case, in double the value of the property, for the care and safe-keeping thereof and for the return of the same when required."

Act June 29, 1906, c. 3612, 34 Stat. 620.

Act March 3, 1901, c. 863, amended by this act, is set forth in Comp. St. 1901, p. 1055. The amendment consists in the change in the number of the cadets in actual attendance for whom one man-of-war's cutter should be furnished, from fifty, required by the original act, to twenty-five, as set forth here.

Said Act March 3, 1901, c. 863, is again amended by a provision of Act June 24, 1910, c. 378, set forth below.

ACT JUNE 30, 1906, c. 3937. [H. R. 19755.]

An Act to Authorize the Secretary of the Navy to Loan Temporarily to the Philippine Government a Vessel of the United States Navy for Use in Connection with Nautical Schools of the Philippine Islands. (34 Stat. 817.)

Vessel for nautical schools maintained by government of Philippine Islands.

Be it enacted, &c., That the Secretary of the Navy be, and he is hereby, authorized and empowered to loan temporarily to the government of the Philippine Islands, upon the written application of the Secretary of War, a vessel of the United States Navy, to be selected from such vessels as are not suitable or required for general service, together with such of her apparel, charts, books, and instruments of navigation as he may deem proper, said vessel to be used only by such nautical schools as are or may hereafter be maintained by said government of the Philippine Islands: Provided, That when such schools shall be abandoned, or when the interests of the naval service shall so require, such vessel, together with her apparel, charts, books, and instruments of navigation, shall be immediately restored to the custody of the Secretary of the Navy: And provided further, That when such loan is made to the government of the Philippine Islands, the Secretary of the Navy is authorized to detail from the enlisted force of the Navy a sufficient number of men, not exceeding six for any vessel, as ship keepers, the men so detailed to be additional to the number of enlisted men allowed by law for the naval establishment, and in making

details for this service preference shall be given to those men who have served twenty years or more in the Navy.

Act June 30, 1906, c. 3937, 34 Stat. 817.

ACT JUNE 24, 1910, c. 378. [H. R. 23311.]

Amendment of Act March 3, 1901, c. 863; naval equipment for military schools.

That the Act entitled "An Act to authorize the Secretary of the Navy to loan naval equipment to certain military schools," approved March third, nineteen hundred and one, be amended by striking out the words "one hundred and forty cadets" and inserting in lieu thereof the words "seventy-five cadets over fifteen years of age."

Act June 24, 1910, c. 378, 36 Stat. 613.

This is a provision of the Navy appropriation act for the fiscal year ending June 30, 1911, cited above.

Act March 3, 1901, c. 863, amended by this provision, is set forth, as originally enacted, in Comp. St. 1901, p. 1055, and as previously amended by Act June 29, 1906, c. 3612, is set forth above.

ACT MARCH 4, 1911, c. 265. [H. R. 24145.]

An Act for the Establishment of Marine Schools, and for Other Purposes. (36 Stat. 1353.)

Vessels for nautical schools at certain ports.

Be it enacted, &c., That the Secretary of the Navy, to promote nautical education, is hereby authorized and empowered to furnish, upon the application in writing of the governor of a State, a suitable vessel of the navy, with all her apparel, charts, books, and instruments of navigation, provided the same can be spared without detriment to the naval service, to be used for the benefit of any nautical school, or school or college having a nautical branch, established at each of the following ports of the United States: Boston, Philadelphia, New York, Seattle, San Francisco, Baltimore, Detroit, Saginaw, Michigan, Norfolk, and Corpus Christi, upon the condition that there shall be maintained at such port a school or branch of a school for the instruction of youths in navigation, steamship-marine engineering, and all matters pertaining to the proper construction, equipment, and sailing of vessels or any particular branch thereof.

Act March 4, 1911, c. 265, § 1, 36 Stat. 1353.

Previous provisions similar to those of sections 1 and 3 of this act, contained in Act June 20, 1874, c. 339, set forth in Comp. St. 1901, p. 1054, applicable to certain ports named therein, and extended to certain other ports named by Act March 3, 1881, c. 141, also set forth in Comp. St. 1901, p. 1054, are superseded by this act.

Appropriations for aiding in maintenance of nautical schools.

Sec. 2. That a sum not exceeding the amount annually appropriated by any State or municipality for the purpose of maintaining such a marine school or schools or the nautical branch thereof is hereby authorized to be appropriated for the purpose of aiding in the maintenance and support of such school or schools: Provided, however, That appropriations shall be made for one school in any port heretofore named in section one and that the appropriation for any one year shall not exceed twenty-five thousand dollars for any one school.

Act March 4, 1911, c. 265, § 2, 36 Stat. 1353.

Detail of officers of Navy as superintendents or instructors in nautical schools; restoration of vessel and recall of officers; no person to be sentenced to school as punishment for crime.

Sec. 3. That the President of the United States is hereby authorized, when in his opinion the same can be done without detriment to the public service, to detail proper officers of the navy as superintendents of or instructors in such schools: Provided, That if any such school shall be discontinued, or the good of the naval service shall require, such vessel shall be immediately restored to the Secretary of the Navy and the officers so detailed recalled: And provided further, That no person shall be sentenced to or received at such schools as a punishment or commutation of punishment for crime.

Act March 4, 1911, c. 265, § 3, 36 Stat. 1353.
See note under section 1 of this act, above.

Repeal.

Sec. 4. That all laws and parts of laws in conflict herewith are hereby repealed.

Act March 4, 1911, c. 265, § 4, 36 Stat. 1354.
See note under section 1 of this act, above.

Sec. 1537.

ACT MAY 20, 1908, c. 182. [S. 5617.]

An Act Authorizing the Secretary of the Navy to Accept and Care for Gifts Presented to Vessels of the Navy of the United States. (35 Stat. 171.)

Care of gifts presented to vessels of the Navy.

Be it enacted, &c., That the Secretary of the Navy is hereby authorized to accept and care for such gifts in the form of silver, colors, books, or other articles of equipment or furniture as, in accordance with custom, may be presented to vessels of the Navy by States, municipalities, or otherwise. The necessary expense incident to the care and preservation of gifts of this character which have been or may hereafter be accepted shall be defrayed from the appropriation "equipment of vessels."

Act May 20, 1908, c. 182, 35 Stat. 171.

Sec. 1538.

Repairs on hull and spars.

The provision of the recent appropriation acts, mentioned in the note under this section in Comp. St. 1901, p. 1057, limiting the amount to be applied to repairs of any wooden ship to ten per cent. of the estimated cost of a new ship, is repeated in the Navy appropriation acts for subsequent fiscal years. The provision for the fiscal year ending June 30, 1912, is by Act March 4, 1911, c. 239, 36 Stat. 1280. And further provisos of that act limit in like manner the amount to be applied to the repair of any other ship to twenty per cent. of the estimated cost of a new ship, but allows repairs of ships damaged in foreign waters or on the high seas, so far as may be necessary to bring them home.

A provision of Act March 2, 1907, c. 2512, 34 Stat. 1195, requiring the Secretary of the Navy to report to Congress proposed repairs or changes which in any case amount to more than $200,000, and that expenditures therefor shall be made only after appropriations are provided, is set forth below.

A further provision, requiring in addition to the report directed by said Act March 2, 1907, c. 2512, a statement of the expenditures for

repairs where such repairs exceed for any one ship the sum of $200,000 in any one year, contained in Act March 3, 1909, c. 255, is also set forth below.

ACT MARCH 2, 1907, c. 2512. [H. R. 24925.]

Report by Secretary of the Navy to Congress of proposed repairs or changes amounting to more than $200,000; expenditures therefor to be made only after appropriations.

* * That the Secretary of the Navy shall hereafter report to Congress, at the commencement of each regular session, the number of vessels and their names upon which any repairs or changes are proposed which in any case shall amount to more than two hundred thousand dollars, the extent of such proposed repairs or changes, and the amounts estimated to be needed for the same in each vessel; and expenditures for such repairs or changes so limited shall be made only after appropriations in detail are provided for by Congress.

Act March 2, 1907, c. 2512, 34 Stat. 1195.

This is a proviso annexed to an appropriation for construction and repair of vessels in the Navy appropriation act for the fiscal year ending June 30, 1908, cited above.

A provision requiring, in addition to the report directed by this act, a statement of expenditures for such repairs, contained in Act March 3, 1909, c. 255, is set forth below.

ACT MARCH 3, 1909, c. 255. [H. R. 26394.]

Report by Secretary of the Navy to Congress of expenditures for repairs amounting to more than $200,000 on one vessel in one year.

* * That hereafter it shall be the duty of the Secretary of the Navy to report to Congress at the beginning of each regular session thereof, in addition to the report directed to be made in the Act of March second, nineteen hundred and seven, making appropriations for the naval service for the fiscal year ending June thirtieth, nineteen hundred and eight, and for other purposes, a detailed statement showing the amount expended from each of the appropriations for the repair of every ship where such repairs exceed for any one ship the sum of two hundred thousand dollars in any one fiscal year: * *

Act March 3, 1909, c. 255, 35 Stat. 769.

This is a proviso annexed to the appropriation for construction and repair of vessels in the Navy appropriation act for the fiscal year ending June 30, 1910, cited above.

The provision of Act March 2, 1907, c. 2512, mentioned in this provision, is set forth above.

ACT JUNE 24, 1910, c. 378. [H. R. 23311.]

Damages by collisions with naval vessels; adjustment of claims less than $500.

The Secretary of the Navy is hereby authorized to consider, ascertain, adjust and determine the amounts due on all claims for damages, where the amount of the claim does not exceed the sum of five hundred dollars, hereafter occasioned by collision, for which collisions vessels of the navy shall be found to be responsible, and report the amounts so ascertained and determined to be due the claimants to Congress at each session thereof through the Treasury Department for payment as legal claims out of appropriations that may be made by Congress therefor.

Act June 24, 1910, c. 378, 36 Stat. 607.

This is a provision of the Navy appropriation act for the fiscal year ending June 30, 1911, cited above.

Sec. 1545.

[Repealed. Act March 3, 1909, c. 255.]

This section, set forth in Comp. St. 1901, p. 1061, relating to salaries and per diem compensation of employés at Navy yards, is expressly repealed by a provision of Act March 3, 1909, c. 255, set forth below.

Payments to civilian employés appointed by the Navy Department at naval stations in the island possessions, until specific appropriation is made for their pay, are authorized by a provision of Act July 1, 1902, c. 1368, set forth below, and by subsequent provisions referred to in the note under that act.

ACT JULY 1, 1902, c. 1368.

Civilian employés at naval stations in island possessions.

* * That the accounting officers of the Treasury are hereby authorized and directed to allow, in the settlement of the accounts of disbursing officers involved, payments made under the appropriation "Emergency fund" to civilian employees appointed by the Navy Department for duty in and serving at naval stations maintained in the island possessions during the fiscal year nineteen hundred and two, and until such time as Congress shall make specific appropriation for the pay of such employees.

Act July 1, 1902, c. 1368, 32 Stat. 663.

This is a proviso annexed to the appropriation, under the heading "Emergency Fund," in the Navy appropriation act for the fiscal year ending June 30, 1903, cited above.

A further provision of the same act, relating to travel pay of such civilian employés, is set forth below.

Further provisions for the allowance of similar payments under the appropriation "Contingent, Navy," to such civilian employés, during subsequent fiscal years, applicable only during the year for which the appropriation is made, are contained in the annual Navy appropriation acts. The provision for the fiscal year ending June 30, 1912, is by Act March 4, 1911, c. 239, 36 Stat. 1267.

Travel pay of civilian employés appointed for duty in islands.

The Secretary of the Navy, in his discretion, is authorized to pay all civilian employees appointed for duty in the Philippine, Hawaiian, and Samoan islands, the island of Guam, and the island of Porto Rico, from the date of their sailing from the United States until they report for duty to the officer under whom they are to serve, and while returning to the United States by the most direct route and with due expedition, a per diem compensation corresponding to their pay while actually employed; and in cases where the appointee is not to fill an existing vacancy his pay while traveling may be charged to the annual appropriation of the bureau concerned.

Act July 1, 1902, c. 1368, 32 Stat. 663.

This is a further provision of the Navy appropriation act for the fiscal year ending June 30, 1903, cited above.

ACT MARCH 3, 1909, c. 255. [H. R. 26394.]

Pay of employés at navy-yards and naval stations, etc.; number of employés; leaves of absence; report of number, etc., of employés; schedule of permanent rates of compensation; preference for re-employment; repeal of Rev. St. § 1545, and of part of Rev. St. § 1556.

* * That hereafter the rates of pay of the clerical, drafting, inspection, and messenger force at navy-yards and naval stations and other stations and offices under the Navy Department shall be paid from lump appropriations and shall be fixed by the Secretary of the

Navy on a per annum or per diem basis as he may elect; that the number may be increased or decreased at his option and shall be distributed at the various navy-yards and naval stations by the Secretary of the Navy to meet the needs of the naval service, and that such per diem employees may hereafter, in the discretion of the Secretary of the Navy, be granted leave of absence not to exceed fifteen days in any one year, which leave may, in exceptional and meritorious cases, where such an employee is ill, be extended, in the discretion of the Secretary of the Navy, not to exceed fifteen days additional in any one year; that the total amount expended annually for pay for such clerical, drafting, inspection, and messenger force shall not exceed the amounts specifically allowed by Congress under the several lump appropriations, and that the Secretary of the Navy shall each year, in the annual estimates, report to Congress the number of persons so employed, their duties, and the amount paid to each: Provided further, That it shall be the duty of the Secretary of the Navy to submit to Congress at its next session, and for its consideration, a schedule of rates of compensation, annual or per diem, that should, in his judgment, be permanently fixed by law for clerical, inspection, and messenger service in navy-yards, naval stations, and purchasing pay offices, superintending construction offices, and inspection of engineering material; and in fixing such rates of compensation he shall have due regard for the rates usually paid for like services in the respective localities by employers other than the United States, and he shall not recommend any rate exceeding that being paid by the United States at any such yards, stations, or offices prior to January first, nineteen hundred and nine: Provided further, That persons employed in the clerical, drafting, and inspection force at navy-yards and stations discharged for lack of work or insufficiency of funds shall for one year thereafter be preferred for employment in such navy-yards and stations in the clerical, drafting, inspection, and messenger forces; that section fifteen hundred and forty-five, Revised Statutes, and so much of section fifteen hundred and fifty-six of the Revised Statutes as relates to pay of clerks to commandants of navy-yards and naval stations, are hereby repealed; * *

Act March 3, 1909, c. 255, 35 Stat. 754.

These are provisions of the Navy appropriation act for the fiscal year ending June 30. 1910, cited above.

Rev. St. § 1545, repealed by the last clause of these provisions, is set forth in Comp. St. 1901, p. 1061, and Rev. § 1556, repealed in part thereby, is set forth in Comp. St. 1901, p. 1067.

The provisions of this act relating to leaves of absence for employés supersede the previous provisions on the subject of Act Feb. 1, 1901, c. 190, set forth in Comp. St. 1901, p. 1063.

A provision for sales of such stores as the Secretary of the Navy may designate to civilian employés at naval stations beyond the continental limits of the United States and in Alaska, as well as to officers and enlisted men of the Navy and Marine Corps, contained in Act March 3, 1909, c. 255, is set forth post, under chapter 7 of this Title.

Sec. 1546.

ACT AUG. 7, 1882, c. 433, § 1.

Naval training station; establishment.

Provisions for the selection of a site on the Great Lakes for an additional naval training station are contained in the Navy appropria-

tion act for the fiscal year ending June 30, 1903, Act July 1, 1902, c. 1368, 32 Stat. 665.

Provisions for the establishment of a naval station at Pearl Harbor, Hawaii, are contained in Act May 13, 1908, c. 166, 35 Stat. 141.

ACT FEB. 1, 1901, c. 190.

[Superseded. Act March 3, 1909, c. 255.]

The provisions of this act, set forth in Comp. St. 1901, p. 1063, for leaves of absence to employés at navy yards, etc., are superseded by those relating to the same subject contained in Act March 3, 1909, c. 255, set forth ante, under Rev. St. § 1545.

ACT APRIL 27, 1904, c. 1622. [H. R. 12220.]

Consolidation of power plants at each navy-yard and station under Bureau of Yards and Docks.

The Secretary of the Navy is hereby authorized, in his discretion, to consolidate the several power plants in any or all of the several navy-yards and stations at each navy-yard and station under the Bureau of Yards and Docks for the generation and distribution of light, heat, and power for all the purposes of the Navy. To the above end all such plants may be transferred from other bureaus to the Bureau of Yards and Docks, and all appropriations heretofore made for power houses and power plants for bureaus other than Yards and Docks are hereby reappropriated and made available under the Bureau of Yards and Docks for the consolidations herein provided for; and to further carry out the purposes of this provision there is hereby appropriated the sum of three hundred thousand dollars.

Act April 27, 1904, c. 1622, 33 Stat. 337.

This is a provision of the Navy appropriation act for the fiscal year ending June 30, 1905, cited above.

ACT MARCH 4, 1911, c. 239. [H. R. 32212.]

Heat and light for Young Men's Christian Association buildings in navy yards and stations.

* * That the Secretary of the Navy is authorized, in his discretion, to furnish hereafter, without charge, heat and light for the Young Men's Christian Association buildings in navy yards and stations.

Act March 4, 1911, c. 239, 36 Stat. 1274.

This is a proviso annexed to an appropriation for maintenance of yards and docks in the Navy appropriation act for the fiscal year ending June 30, 1912, cited above.

CHAPTER SEVEN.

General Provisions Relating to the Navy.

Sec. 1549.

Regulations of supplies.

A provision for sales of supplies to officers and enlisted men of the Navy and Marine Corps and to civilian employés at certain naval stations, contained in Act March 3, 1909, c. 255, is set forth below.

ACT MARCH 3, 1909, c. 255. [H. R. 26394.]

Sales of stores to officers and enlisted men and to civilian employés at certain naval stations.

* * That hereafter such stores as the Secretary of the Navy may designate may be procured and sold to officers and enlisted men of the Navy and Marine Corps, also to civilian employees at naval stations

beyond the continental limits of the United States and in Alaska, under such regulations as the Secretary of the Navy may prescribe: * *

Act March 3, 1909, c. 255, 35 Stat. 768.

This is a proviso annexed to the appropriation for provisions in the Navy appropriation act for the fiscal year ending June 30, 1910, cited above. A similar provision, without the word "hereafter," was contained in the similar act for the preceding year, Act May 13, 1908, c. 166, 35 Stat. 146.

This provision supersedes previous provisions for the sale of pay department stores to civilian employés at such naval stations, contained in Act April 27, 1904, c. 1622, 33 Stat. 340, and subsequent Navy appropriation acts, down to the fiscal year 1908.

A provision that a profit may be charged on sales of ship's stores, to be expended for the benefit of the enlisted force, contained in Act June 24, 1910, c. 378, is set forth below.

ACT JUNE 24, 1910, c. 378. [H. R. 23311.]

Profit on sales of supplies.

* * That hereafter a profit not to exceed fifteen per centum may be charged on sales from ships' stores, such profit to be expended in the discretion of the Secretary of the Navy, under such regulations as he may prescribe, for the amusement, comfort, and contentment of the enlisted force, and to be accounted for to the Bureau of Supplies and Accounts, Navy Department: * *

Act June 24, 1910, c. 378. 36 Stat. 619.

This is a proviso annexed to an appropriation for provisions, etc., in the Navy appropriation act for the fiscal year ending June 30, 1911, cited above.

Sec. 1552.

Coal-depots.

An appropriation to enable the Secretary of the Navy to execute the provisions of this section, set forth in Comp. St. 1901, p. 1065, is made in the Navy appropriation act for each year. The provision for the fiscal year ending June 30, 1912, is by Act March 4, 1911, c. 239, 36 Stat. 1273.

Sec. 1553.

[Repealed. Act March 4, 1909, c. 321, § 341.]

This section, set forth in Comp. St. 1901, p. 1065, is incorporated in the act to codify, etc., the penal laws, Act March 4, 1909, c. 321, in chapter 4, § 42, thereof, and is expressly repealed by chapter 15, § 341, of said act, taking effect January 1, 1910. Said act is set forth post, under Title LXIX A, "Crimes."

CHAPTER EIGHT.

Pay, Emoluments, and Allowances.

Sec. 1556.

General rule.

So much of this section, set forth in Comp. St. 1901, pp. 1067–1069, as relates to pay of clerks to commandants of navy yards and naval stations, is expressly repealed by a provision of Act March 3, 1909, c. 255, set forth ante, under chapter 7 of this Title.

Other provisions of Rev. St. § 1556, and subsequent acts set forth under that section, in Comp. St. 1901, pp. 1067–1073, fixing rates of pay of various officers and enlisted men, are superseded by provisions set

forth below, particularly those of Act May 13, 1908, c. 166, relating to such pay.

Provisions as to the pay of assistant civil engineers, in connection with a provision for their appointment, are contained in Act March 3, 1903, c. 1010, set forth ante, under chapter 1 of this Title.

Provisions as to allowances of professors of mathematics and of civil engineers and assistant civil engineers are contained in Act June 29, 1906, c. 3590, set forth below.

Provisions relating to rates of pay of employés at navy yards and naval stations, etc., contained in Act March 3, 1909, c. 255, are set forth ante, under chapter 6 of this Title.

The official salary of naval officers appointed or employed under the Isthmian Canal Act, Act June 28, 1902, c. 1302, set forth post, under Title LXIII, "Rivers and Harbors," subchapter "Isthmian Canal," is required to be deducted from the salary or compensation authorized by said act by section 7 thereof.

ACT MARCH 3, 1877, c. 111. ACT AUG. 5, 1882, c. 391, § 1.

[Superseded. Act May 13, 1908, c. 166.]

The provisions of these acts, set forth in Comp. St. 1901, p. 1071, relating to pay of naval cadets, are superseded by the provision fixing the pay of midshipmen, in Act May 13, 1908, c. 166, set forth below.

ACT MARCH 3, 1883, c. 97, § 1. ACT JUNE 10, 1896, c. 399, § 1.

[Superseded. Act May 13, 1908, c. 166.]

The provisions of these acts, set forth in Comp. St. 1901, pp. 1071, 1072, relating to computation of service for the purpose of increase of pay, are superseded by the provisions for increase of pay for length of service contained in Act May 13, 1908, c. 166, set forth below.

ACT MARCH 3, 1899, c. 413, § 13.

Officers of line and of Medical and Pay Corps; chaplains.

The first proviso contained in this section, set forth in Comp. St. 1901, p. 1072, relating to pay of officers when on shore duty, is repealed by a provision of Act June 29, 1906, c. 3590, set forth below.

Part of the third proviso contained in this section also set forth in Comp. St. 1901, p. 1072, relating to rank of chaplains, is superseded by further provisions of said Act June 29, 1906, c. 3590, set forth below.

Other provisions of this section, relating to pay of officers, are superseded by the provisions as to such pay of Act May 13, 1908, c. 166, set forth below.

The pay or allowances of any officer in the Navy was not to be increased or changed by anything contained in the provisions relating to the pay of officers of the Army of Act May 11, 1908, c. 163, nor was this section to be construed as changing the pay of any naval officer by reason of the provisions of that act, by a proviso annexed to those provisions, set forth ante, under Title XIV, "The Army," c. 3.

ACT MARCH 3, 1899, c. 421.

[Superseded. Act May 13, 1908, c. 166.]

The provision of this act, set forth in Comp. St. 1901, p. 1073, relating to the pay of the Admiral, is superseded by the provision fixing the annual pay of the Admiral at $13,500, contained in Act May 13, 1908, c. 166, set forth below.

ACT JUNE 29, 1906, c. 3590. [H. R. 18750.]

Repeal of provision of Act March 3, 1899; pay of officers when on shore duty.

That the provision contained in section thirteen of an Act approved March third, eighteen hundred and ninety-nine, entitled "An Act to reorganize and increase the efficiency of the personnel of the Navy and Marine Corps of the United States," reading as follows: "Provided, That such officers when on shore shall receive the allowances, but fifteen per centum less pay than when on sea duty; but this pro-

vision shall not apply to warrant officers commissioned under section twelve of this Act," be, and the same is hereby, repealed.

Act June 29, 1906, c. 3590, 34 Stat. 554.

This is a provision of the Navy appropriation act for the fiscal year ending June 30, 1907, cited above. The proviso of Act March 3, 1899, c. 413, § 13, mentioned therein and repealed thereby, is set forth in Comp. St. 1901, p. 1072.

Chaplains; rank, pay, and allowances.

That all chaplains now in the Navy above the grade of lieutenant shall receive the pay and allowances of lieutenant-commander in the Navy according to length of service under the provisions of law for that rank, and all chaplains now in the Navy in the grade of lieutenant shall receive their present sea pay when on shore duty: Provided, That naval chaplains hereafter appointed shall have the rank, pay, and allowances of lieutenant (junior grade) in the Navy until they shall have completed seven years of service, when they shall have the rank, pay, and allowances of lieutenant in the Navy; and lieutenants shall be promoted, whenever vacancies occur, to the grade of lieutenant-commander, which shall consist of five numbers, and when so promoted shall receive the rank, pay, and allowances of lieutenant-commander in the Navy: Provided further, That nothing herein contained shall be held or construed to increase the number of chaplains as now authorized by law or to reduce the rank or pay of any now serving.

Act June 29, 1906, c. 3590, 34 Stat. 554.

These are further provisions of the Navy appropriation act for the fiscal year ending June 30, 1907, cited above. Previous provisions relating to the number, rank, pay, and allowances of chaplains are contained in Rev. St. §§ 1395, 1479, 1556, and Act March 3, 1899, c. 413, § 13, set forth in Comp. St. 1901, pp. 997, 1033, 1068, 1072.

The pay and allowances of chaplains are in no case to exceed that provided for lieutenant commanders, by a provision of Act May 13, 1908, c. 166, set forth below.

Civil engineers and assistant civil engineers; professors of mathematics.

That from and after the passage of this Act the allowances of civil engineers and professors of mathematics in the Navy shall be the same as are or may be provided by or in pursuance of law for naval constructors, and the allowances of assistant civil engineers the same as for assistant naval constructors.

Act June 29, 1906, c. 3590, 34 Stat. 555.

This is a further provision of the Navy appropriation act for the fiscal year ending June 30, 1907, cited above. Provisions as to the pay of professors of mathematics and civil engineers are contained in Rev. St. § 1556, set forth in Comp. St. 1901, p. 1068, and as to the pay of assistant civil engineers, in Act March 3, 1903, c. 1010, set forth ante, under chapter 1 of this Title.

ACT MAY 13, 1908, c. 166. [H. R. 20471.] [*As amended* 1910. H. R. 23311.]

Rates of pay of commissioned officers and of midshipmen; increase of pay of warrant officers and mates, and pay, etc., of paymasters' clerks; increase of pay of enlisted men; pay, etc., of chiefs of bureaus in Navy Department, of chaplains, and of aids to rear-admirals; retirement of officers, and pay, etc., thereon; pay as basis of pay of retired officers and enlisted men; existing pay, etc., not reduced; repeal.

Hereafter all commissioned officers of the active list of the Navy shall receive the same pay and allowances according to rank and length

of service, and the annual pay of each grade shall be as follows: For Admiral, thirteen thousand five hundred dollars; rear-admiral, first nine, eight thousand dollars; rear-admiral, second nine, or commodore, six thousand dollars; captain, four thousand dollars; commander, three thousand five hundred dollars; lieutenant-commander, three thousand dollars; lieutenant, two thousand four hundred dollars; lieutenant, junior grade, two thousand dollars; ensign, one thousand seven hundred dollars. There shall be allowed and paid to each commissioned officer below the rank of rear-admiral ten per centum of his current yearly pay for each term of five years service in the Army, Navy and Marine Corps. The total amount of such increase for length of service shall in no case exceed forty per centum on the yearly pay of the grade as provided by law: Provided, That the annual pay of captain shall not exceed five thousand dollars per annum; of commander, four thousand five hundred dollars per annum; and of lieutenant-commander, four thousand dollars per annum. All officers on sea duty and all officers on shore duty beyond the continental limits of the United States shall while so serving receive ten per centum additional of their salaries and increase as above provided, and such increase shall commence from the date of reporting for duty on board ship or the date of sailing from the United States for shore duty beyond the seas or to join a ship in foreign waters. The pay of midshipmen shall hereafter be six hundred dollars per annum while at the Naval Academy, and one thousand four hundred dollars per annum after graduation from the Naval Academy. The pay of all warrant officers and mates is hereby increased twenty-five per centum, and all paymasters' clerks shall, while holding appointment in accordance with law, receive the same pay and allowances and have the same rights of retirement as warrant officers of like length of service in the Navy. The pay of all active and retired enlisted men of the Navy is hereby increased ten per centum: Provided further, That the pay and allowances of chiefs of bureaus in the Navy Department shall be the highest pay of the grade to which they belong, and not below that of rear-admiral of the lower nine, and that the pay and allowances of chaplains in the Navy shall in no case exceed that provided for lieutenant-commanders. Aids to rear-admirals embraced in the nine lower numbers of that grade shall each receive one hundred and fifty dollars additional per annum, and aids to all other rear-admirals, two hundred dollars additional per annum each. When an officer of the Navy has been thirty years in the service, he may, upon his own application, in the discretion of the President, be retired from active service and placed upon the retired list with three-fourths of the highest pay of his grade: And provided further, That any officer of the Navy who is now serving or shall hereafter serve as chief of a bureau in the Navy Department, and shall subsequently be retired, shall be retired with the rank, pay and allowances authorized by law for the retirement of such bureau chief. The pay of all commissioned, warrant and appointed officers and enlisted men of the Navy now on the retired list shall be based on the pay, as herein provided for, of commissioned, warrant and appointed officers and enlisted men of corresponding rank and service on the active list; and all pay herein provided shall remain in force until changed by Act of Congress. Nothing herein shall be construed so as to reduce the pay or allowances now authorized by

law for any commissioned, warrant or appointed officer or any enlisted man of the active or retired lists of the Navy, and all laws inconsistent with this provision are hereby repealed.

Act May 13, 1908, c. 166, 35 Stat. 127. Act June 24, 1910, c. 378, 36 Stat. 606.

These are provisions of the Navy appropriation act for the fiscal year ending June 30, 1909, cited above. Previous provisions relating to rates of pay of officers of the Navy, contained in Rev. St. § 1556, and subsequent acts, particularly Act March 3, 1899, c. 413, § 13, are set forth in Comp. St. 1901, pp. 1067–1073. A previous provision for retirement of any officer after 40 years' service, contained in Rev. St. § 1443, Comp. St. 1901, p. 1020, is superseded by the provision of this act for such retirement. Previous provisions as to pay, etc., of petty officers and enlisted men were contained in Rev. St. § 1569, Comp. St. 1901, p. 1078.

The provision relating to the pay of paymaster's clerks is amended to read as set forth here, by a provision of Act June 24, 1910, c. 378, cited above.

The provision of this act relating to pay and allowances of chiefs of bureaus of the Navy Department is superseded by subsequent provisions contained in Act June 24, 1910, c. 378, set forth below.

A provision relating to computation of pay of retired officers, contained in Act May 30, 1908, c. 227, is set forth below.

Payment to retired army and navy officers and enlisted men in the employment of the Isthmian Canal Commission of salaries and wages, in addition to their retired pay, is authorized by a provision of Act March 4, 1909, c. 298, § 1, set forth ante, under Title XIV, "The Army," c. 3.

A provision of this act directing the Secretary of the Navy to send to Congress at its next regular session a schedule showing the amount of all pay under the act and for all allowances under it for officers and enlisted men included in it, is repeated in the similar acts for subsequent years. The provision for the fiscal year ending June 30, 1912, by Act March 4, 1911, c. 239, is set forth post, under Title XLI, "Appropriations," following Rev. St. § 3666.

A further provision of this act prescribing the requirements of the estimates for the support of the Navy, is also set forth post, under Title XLI, "Appropriations," following Rev. St. § 3666.

Allowances on death of officer or enlisted man on active list; designation of and payment to beneficiary.

That hereafter immediately upon official notification of the death from wounds or disease contracted in line of duty of any officer or enlisted man on the active list of the Navy and Marine Corps the Paymaster-General of the Navy shall cause to be paid to the widow of such officer or enlisted man, or any person previously designated by him, an amount equal to six months' pay at the rate received by such officer or enlisted man at the date of his death, less seventy-five dollars in the case of an officer and thirty-five dollars in the case of an enlisted man, to defray expenses of interment, and the residue, if any, of the amount reserved shall be paid subsequently to the designated person. The Secretary of the Navy shall establish regulations requiring each officer and enlisted man to designate the proper person to whom this amount shall be paid in case of death, and said amount shall be paid to that person from funds appropriated for the pay of the Navy and Marine Corps.

Act May 13, 1908, c. 166, 35 Stat. 128.

This is a further provision of the Navy appropriation act for the fiscal year ending June 30, 1909, cited above.

Navy bands or members thereof not to compete with civilian musicians.

Navy bands or members thereof, other than the United States Naval Academy band at Annapolis, Maryland, shall not receive remuneration

for furnishing music outside the limits of military posts, when the furnishing of such music places them in competition with local civilian musicians.

Act May 13, 1908, c. 166, 35 Stat. 153.

This is a further provision of the Navy appropriation act for the fiscal year ending June 30, 1909, cited above.

ACT MAY 30, 1908, c. 227, § 1. [H. R. 21946.]

Computation of pay of retired officers not to include additional pay for sea duty, etc.; pay of commodore.

In computing the pay of retired officers of the Navy, the ten per cent additional pay allowed for sea duty or for shore duty beyond the continental limits of the United States shall not be included, and the pay of commodore shall be the same in all respects as that of rear-admiral, second nine.

Act May 30, 1908, c. 227, § 1, 35 Stat. 501.

This is a provision of the deficiency appropriation act for the fiscal year ending June 30, 1908, cited above.

ACT JUNE 24, 1910, c. 378. [H. R. 23311.]

Rates of pay and allowances of chiefs of bureaus of Navy Department; rank, title, and emoluments of chiefs of bureaus, and commissions after 30 years' service.

The pay and allowances of chiefs of bureaus of the Navy Department shall be the highest shore-duty pay and allowances of the rear-admiral of the lower nine; and all officers of the navy who are now serving or shall hereafter serve as chief of bureau in the Navy Department and are eligible for retirement after thirty years' service, shall have, while on the active list, the rank, title, and emoluments of a chief of bureau, in the same manner as is already provided by statute law for such officers upon retirement by reason of age or length of service, and such officers, after thirty years' service, shall be entitled to and shall receive new commissions in accordance with the rank and title hereby conferred.

Act June 24, 1910, c. 378, 36 Stat. 607.

These are provisions of the Navy appropriation act for the fiscal year ending June 30, 1911, cited above.

A previous provision relating to the pay and allowances of chiefs of bureaus in the Navy Department, contained in Act May 13, 1908, c. 166, set forth above, is superseded by this act.

Sec. 1557.

Furlough pay.

Payments to officers while on temporary leaves of absence are to be allowed, in certain cases, by a provision of Act March 3, 1909, c. 255, set forth below.

ACT MARCH 3, 1909, c. 255. [H. R. 26394.]

The accounting officers of the Treasury are hereby authorized and directed to allow, in the settlement of accounts of disbursing officers involved, payments made to officers of the navy while on temporary leaves of absence since March third, eighteen hundred and ninety-nine, not involving detachment from duty, and not in excess of leaves of absence allowed by law to officers of the army without reduction in pay.

Act March 3, 1909, c. 255, 35 Stat. 754.

This is a provision of the Navy appropriation act for the fiscal year ending June 30, 1910, cited above.

Sec. 1566.

ACT MARCH 3, 1901, c. 852.

Expenses for travel repeated between two or more places.

The provision of this act set forth in Comp. St. 1901, p. 1078, is repeated in the similar appropriation act for the year next following, with the addition of the word "hereafter," as set forth below.

The purchase by the Navy Department of mileage books, commutation tickets, etc., to be furnished to officers and others ordered to perform travel on official business, is authorized by a provision of Act April 27, 1904, c. 1630, § 1, set forth below.

ACT JULY 1, 1902, c. 1368.

Expenses for travel repeated between two or more places.

* * That hereafter in cases where orders are given to officers of the Navy or Marine Corps for travel to be performed repeatedly between two or more places in such vicinity as in the discretion of the Secretary of the Navy is appropriate, he may direct that actual and necessary expenses only be allowed.

Act July 1, 1902, c. 1368, 32 Stat. 663.

This is a proviso annexed to the appropriation for pay, miscellaneous, in the Navy appropriation act for the fiscal year ending June 30, 1903, cited above. It is repeated from the similar appropriation act of the preceding year, the word "hereafter" being inserted, and the provision thereby made permanent.

ACT APRIL 27, 1904, c. 1630, § 1. [H. R. 15054.]

Mileage books, commutation tickets, etc., for officers and others traveling on official business.

The accounting officers of the Treasury are hereby authorized and directed to allow, in the settlement of the accounts of disbursing officers of the Navy, all vouchers covering payments for mileage books, commutation tickets, and other similar transportation tickets heretofore purchased by the Navy Department and furnished to officers and civilian inspectors traveling under orders from the Department. And the Secretary of the Navy is hereby authorized to continue to purchase such mileage books, commutation tickets, and other similar transportation tickets as may in his discretion seem necessary, and to furnish same to officers and others ordered to perform travel on official business; and payment for such transportation tickets upon their receipt, in accordance with commercial usage, or prior to the actual performance of the travel involved, shall not be regarded as an advance of public money within the meaning of section thirty-six hundred and forty-eight of the Revised Statutes. * *

Act April 27, 1904, c. 1630, § 1, 33 Stat. 403.

This is a provision of the deficiency appropriation act for the fiscal year ending June 30, 1904, cited above.

Sec. 1568.

Civilians, storekeepers on foreign stations.

Provisions relating to rates of pay of civilian employés at naval stations and other stations and offices under the Navy Department, contained in Act March 3, 1909, c. 255, are set forth ante, under chapter 6 of this Title.

Sec. 1569.

Enlisted men.

The pay of enlisted men, which by this section, set forth in Comp. St. 1901, p. 1078, was to be fixed by the President, is increased, and the pay

so provided is to remain in force until changed by act of Congress, by provisions of Act May 13, 1908, c. 166, set forth ante, under Rev. St. § 1556.

ACT JUNE 29, 1906, c. 3590. [H. R. 18750.]

Enlisted men; allowance on discharge in lieu of transportation and subsistence.

* * That hereafter enlisted men, discharged on account of expiration of enlistment, shall receive in lieu of transportation and subsistence, travel allowance of four cents per mile from the place of discharge to the place of enlistment, for travel in the United States.

Act June 29, 1906, c. 3590, 34 Stat. 555.

This is a proviso annexed to an appropriation for transportation of enlisted men, etc., in the Navy appropriation act for the fiscal year ending June 30, 1907, cited above.

Transportation to their homes or places of enlistment of discharged naval prisoners is authorized by a provision of Act March 3, 1909, c. 255, set forth post, under chapter 10 of this Title.

Sec. 1578.

[Superseded. Act March 3, 1899, c. 413, § 13.]

This section, set forth in Comp. St. 1901, p. 1083, providing for rations for officers while at sea, etc., is superseded by the provisions relating to pay and allowances of Act March 3, 1899, c. 413, § 13, set forth in Comp. St. 1901, p. 1072.

Secs. 1580, 1581.

[Amended. Act July 1, 1902, c. 1368. Act June 29, 1906, c. 3590. Act March 2, 1907, c. 2512.]

These sections are amended by provisions of Act June 29, 1906, c. 3590, and Act March 2, 1907, c. 2512, to read as set forth below.

ACT JUNE 29, 1906, c. 3590. [H. R. 18750.]

Amendment of Rev. St. §§ 1580, 1581.

* * That sections fifteen hundred and eighty and fifteen hundred and eighty-one, Revised Statutes, be amended to read as follows:

Navy ration, constituents of.

"Sec. 1580. The navy ration shall consist of the following daily allowance of provisions to each person: One pound and a quarter of salt or smoked meat, with three ounces of dried or six ounces of canned or preserved fruit, and three gills of beans or pease, or twelve ounces of flour; or one pound of preserved meat, with three ounces of dried or six ounces of canned or preserved fruit and eight ounces of rice or twelve ounces of canned vegetables, or six ounces of desiccated vegetables; together with one pound of biscuit, two ounces of butter, four ounces of sugar, two ounces of coffee or cocoa, or one-half ounce of tea and one ounce of condensed milk or evaporated cream; and a weekly allowance of one-quarter pound of macaroni, four ounces of cheese, four ounces of tomatoes, one-half pint of vinegar or sauce, one-quarter pint of pickles, one-quarter pint of molasses, four ounces of salt, one-half ounce of pepper, one-eighth ounce of spices, and one-half ounce of dry mustard. Seven pounds of lard, or a suitable substitute, shall be allowed for every hundred pounds of flour issued as

bread, and such quantities of yeast and flavoring extracts as may be necessary.

Act June 29, 1906, c. 3590, 34 Stat. 570.

This is a provision of the Navy appropriation act for the fiscal year ending June 30, 1907, cited above. The amendment of Rev. St. § 1580, Comp. St. 1901, p. 1083, by this act, supersedes a previous amendment of that section by a provision of Act July 1, 1902, c. 1368, 32 Stat. 679.

Substitutions for the components of the ration are authorized by the provisions of Rev. St. § 1581, also amended by this act and by a provision of Act March 2, 1907, c. 2512, as set forth below.

Substitutions in ration; extra allowance to men of engineer and dynamo force standing night watches.

"Sec. 1581. The following substitution for the components of the ration may be made when deemed necessary by the senior officer present in command: 'For one and one-quarter pounds of salt or smoked meat or one pound of preserved meat, one and three-quarter pounds of fresh meat or fresh fish, or eight eggs; in lieu of the articles usually issued with salt, smoked or preserved meat, one and three-quarter pounds of fresh vegetables; for one pound of biscuit, one and one-quarter pounds of soft bread or eighteen ounces of flour; for three gills of beans or pease, twelve ounces of flour or eight ounces of rice or other starch food, or twelve ounces of canned vegetables; for one pound of condensed milk or evaporated cream, one quart of fresh milk; for three ounces of dried or six ounces of canned or preserved fruit, nine ounces of fresh fruit; and for twelve ounces of flour or eight ounces of rice or other starch food, or twelve ounces of canned vegetables, three gills of beans or pease; in lieu of the weekly allowance of one-quarter pound of macaroni, four ounces of cheese, one-half pint of vinegar or sauce, one-quarter pint of pickles, one-quarter pint of molasses, and one-eighth ounce of spices, three pounds of sugar, or one and a half pounds of condensed milk, or one pound of coffee, or one and a half pounds of canned fruit, or four pounds of fresh vegetables, or four pounds of flour.

"'An extra allowance of one ounce of coffee or cocoa, two ounces of sugar, four ounces of hard bread or its equivalent, and four ounces of preserved meat or its equivalent shall be allowed to enlisted men of the engineer and dynamo force who stand night watches between eight o'clock postmeridian and eight o'clock antemeridian, under steam.'"

"Any article comprised in the Navy ration may be issued in excess of the authorized quantity, provided there be an under issue of the same value in some other article or articles: * * *"

Act June 29, 1906, c. 3590, 34 Stat. 571. Act March 2, 1907, c. 2512, 34 Stat. 1193.

Rev. St. § 1581, set forth in Comp. St. 1901, p. 1084, as amended by the Navy appropriation act for the fiscal year ending June 30, 1907, first cited above, is further amended by a provision of the similar act for the year next following, also cited above. The amendment by the act last mentioned consists in the addition of the last paragraph of the section as set forth here. These amendments supersede a previous amendment of that section by a provision of Act July 1, 1902, c. 1368, 32 Stat. 680. A further provision of said Act July 1, 1902, c. 1368, repealing Rev. St. § 1584, and a provision of Act May 3, 1880, c. 73, relating to substitutions in the ration, is set forth post, under Rev. St. § 1584.

ACT MAY 3, 1880, c. 73.

[Repealed. Act July 1, 1902, c. 1368.]

The provision of this act set forth in Comp. St. 1901, p. 1084, is repealed by a provision of Act July 1, 1902, c. 1368, set forth post, under Rev. St. § 1584.

Sec. 1584.

[Repealed. Act July 1, 1902, c. 1368.]

This section is repealed by a provision of Act July 1, 1902, c. 1368, set forth below.

ACT JULY 1, 1902, c. 1368.

Repeal of Rev. St. § 1584, and provision of Act May 3, 1880, c. 73.

That section fifteen hundred and eighty-four of the Revised Statutes of the United States, and so much of the Act of May third, eighteen hundred and eighty, "making appropriations for the naval service for the fiscal year ending June thirtieth, eighteen hundred and eighty-one, and for other purposes," as authorizes the Secretary of the Navy to substitute desiccated tomatoes for desiccated potatoes, are hereby repealed.

Act July 1, 1902, c. 1368, 32 Stat. 680.

This is a provision of the Navy appropriation act for the fiscal year ending June 30, 1903, cited above. Rev. St. § 1584, and the provision of Act May 3, 1880, c. 73, mentioned in and repealed by this provision, are set forth in Comp. St. 1901, pp. 1084, 1085.

Sec. 1585.

Commutation price of ration.

The payment of money accruing from commutation of rations of enlisted men for the benefit of any mess is authorized by a provision of Act July 1, 1902, c. 1368, set forth below.

ACT JULY 1, 1902, c. 1368.

Payment of commutation of rations for benefit of mess.

That money accruing from the rations of enlisted men commuted for the benefit of any mess may be paid on public bills to the commissary officer by the pay officer having their accounts.

Act July 1, 1902, c. 1368, 32 Stat. 680.

This is a provision of the Navy appropriation act for the fiscal year ending June 30, 1903, cited above.

The annual Navy appropriation acts contain, accompanying the appropriation for provisions for the Navy, various provisions relating to commuted rations. The appropriation for the fiscal year ending June 30, 1912, is as follows: "Provisions, Navy: For provisions and commuted rations for the seamen and marines, which commuted rations may be paid to caterers of messes, in case of death or desertion, upon orders of the commanding officers, commuted rations for officers on sea duty (other than commissioned officers of the line, Medical and Pay Corps, chaplains, chief boatswains, chief gunners, chief machinists, and chief sailmakers) and midshipmen, and commuted rations stopped on account of sick in hospital and credited to the naval hospital fund; subsistence of officers and men unavoidably detained or absent from vessels to which attached under orders (during which subsistence rations to be stopped on board ship and no credit for commutation therefor to be given); and for subsistence of female nurses and navy and marine corps general courts-martial prisoners undergoing imprisonment with sentences of dishonorable discharge from the service at the expiration of such confinement: Provided, That the Secretary of the Navy is authorized to commute rations for such general courts-martial prisoners in such amounts

as seem to him proper, which may vary in accordance with the location of the naval prison, but which shall in no case exceed thirty cents per diem for each ration so commuted." Act March 4, 1911, c. 239, 36 Stat. 1278.

Sec. 1587.

Funeral expenses.

A deduction, to defray expenses of interment, is to be made from the allowance of six months' pay on the death of an officer or enlisted man, by the provision for such allowance contained in Act May 13, 1909, c. 166, set forth ante, under Rev. St. § 1556.

Provisions for settlement of accounts of deceased officers and enlisted men in certain cases, and payment of the amount due when less than $500, and for payment therefrom of funeral expenses, contained in Act May 27, 1908, c. 200, § 1, are set forth below.

An appropriation for transportation to their homes of the remains of officers and enlisted men of the Navy and Marine Corps who die or are killed in action, and of civilian employés who die outside the continental limits of the United States, is made in the recent Navy appropriation acts. The provision for the fiscal year ending June 30, 1912, is by Act March 4, 1911, c. 239, 36 Stat. 1278.

ACT MAY 27, 1908, c. 200, § 1. [H. R. 21260.]

Settlement of accounts of deceased officers and enlisted men and payment of amount due to widow or heirs; payment of funeral expenses.

Hereafter, in the settlement of the accounts of deceased officers or enlisted men of the Navy and Marine Corps, where the amount due the decedent's estate is less than five hundred dollars and no demand is presented by a duly appointed legal representative of the estate, the accounting officers may allow the amount found due to the decedent's widow or legal heirs in the following order of precedence: First, to the widow; second, if the decedent left no widow, or widow be dead at time of settlement, then to the children or their issue, per stirpes; third, if no widow or descendants, then to the father and mother in equal parts, provided father has not abandoned the support of his family, in which case to the mother alone; fourth, if either the father or mother be dead, then to the one surviving; fifth, if there be no widow, child, father, or mother at the date of settlement, then to the brothers and sisters and children of deceased brothers and sisters, per stirpes: Provided, That this Act shall not be so construed as to prevent payment from the amount due the decedent's estate of funeral expenses, provided a claim therefor is presented by the person or persons who actually paid the same before settlement by the accounting officers.

Act May 27, 1908, c. 200, § 1, 35 Stat. 373.

This is a provision of the sundry civil appropriation act for the fiscal year ending June 30, 1909, cited above.

Sec. 1588.

Pay of retired officers.

The pay of all officers and enlisted men on the retired list at the time of the passage of the act is to be based on the pay provided for officers and enlisted men of corresponding rank and service on the active list by Act May 13, 1908, c. 166, by a provision of that act set forth ante, under Rev. St. § 1556.

CHAPTER NINE.

The Marine Corps.

Secs. 1596, 1597.

ACT MARCH 3, 1899, c. 413, §§ 18, 23.

Composition of active list of line; filling vacancies created.

Additions to the numbers of officers authorized by Act March 3, 1899, c. 413, § 18, set forth in Comp. St. 1901, p. 1090, and to the enlisted force of the Marine Corps are authorized by provisions of Act July 1, 1902, c. 1368, Act March 3, 1903, c. 1010, Act March 3, 1905, c. 1481, and Act May 13, 1908, c. 166, set forth below.

Enlisted force.

Additions to the enlisted force of the Marine Corps, prescribed by Act March 3, 1899, c. 413, § 23, set forth in Comp. St. 1901, p. 1092, are authorized by provisions of Act July 1, 1902, c. 1368, Act March 3, 1903, c. 1010, Act March 3, 1905, c. 1481, and Act May 13, 1908, c. 166, set forth below. And by a proviso of the act last mentioned the number of enlisted men in the corps shall be such as Congress may from time to time authorize.

ACT MARCH 3, 1899, c. 421.

Number of enlisted men exclusive of men imprisoned under sentence of dishonorable discharge.

The provision of this act set forth in Comp. St. 1901, p. 1092, is repeated in the same language in the similar appropriation acts for the subsequent years. The provision for the fiscal year ending June 30, 1912, is by Act March 4, 1911, c. 239, 36 Stat. 1284.

ACT JULY 1, 1902, c. 1368.

Additional enlisted force.

In addition to the enlisted force of the Marine Corps now authorized by law there may be enlisted ten gunnery-sergeants, forty sergeants, sixty corporals, ten drummers, ten trumpeters, and six hundred and twenty privates.

Act July 1, 1902, c. 1368, 32 Stat. 687.

This is a provision of the Navy appropriation act for the fiscal year ending June 30, 1903, cited above. Further additions are authorized by provisions of the similar appropriation acts for subsequent years, set forth below.

ACT MARCH 3, 1903, c. 1010.

Additional officers and enlisted force; filling vacancies.

That from and after the passage of this Act, and in order to further increase the efficiency of the Marine Corps, the following additional officers, noncommissioned officers, drummers, trumpeters, and privates to those now provided by law for said corps, are hereby authorized and directed, namely: One colonel, one lieutenant-colonel, five majors, twelve captains, twenty-five first lieutenants, twelve second lieutenants, one assistant adjutant and inspector with the rank of lieutenant-colonel, two assistant adjutants and inspectors with the rank of major, one assistant quartermaster with the rank of lieutenant-colonel, five assistant quartermasters with the rank of captain, one assistant paymaster with the rank of lieutenant-colonel, one assistant paymaster with the rank of captain, one sergeant-major, forty quartermaster-sergeants, twelve first sergeants, sixty-five sergeants,

fifty-five corporals, ten drummers, ten trumpeters, and five hundred and twenty-seven privates: Provided, That the vacancies now existing in the line and the staff departments of the Marine Corps and those created by this Act below the grade of brigadier-general shall be filled, respectively, first by promotion by seniority and then by selection and appointment as now provided by law, excepting that vacancies in the grade of second lieutenant shall be filled first, as far as practicable, from graduates of the Naval Academy each year on completing the prescribed course at the Naval Academy, exclusive of the probationary tour of sea service before final graduation, then from meritorious noncommissioned officers and from civil life between the ages of twenty-one and twenty-seven years: Provided, That the commissions of officers now in the Marine Corps shall not be vacated by this Act: And provided further, That officers selected for appointment to fill vacancies in the grade of field officers in any of the staff departments shall be taken from officers on the active list not below the grade of captain and who have seen not less than seven years' service as commissioned officers in the Marine Corps. And that appointments to the grade of captain in any of the staff departments shall be made from officers on the active list of the Marine Corps not below the grade of first lieutenant.

Act March 3, 1903, c. 1010, 32 Stat. 1198.

These are provisions of the Navy appropriation act for the fiscal year ending June 30, 1904, cited above. Further additions are authorized by provisions of the similar appropriation acts for subsequent years, set forth below.

ACT MARCH 3, 1905, c. 1481. [H. R. 18467.]

Additional enlisted force.

Pay of noncommissioned officers, musicians, and privates, as prescribed by law; * * and the following additional enlisted men, namely, ten first sergeants, sixty-seven sergeants, one hundred and forty-two corporals, ten drummers, ten trumpeters, and one thousand privates, * *

Act March 3, 1905, c. 1481, 33 Stat. 1113.

This is a provision of an appropriation for "Pay, Marine Corps," in the Navy appropriation act for the fiscal year ending June 30, 1906, cited above. Further additions are authorized by provisions of Act May 11, 1908, c. 166, set forth below.

ACT MAY 13, 1908, c. 166. [H. R. 20471.]

Additional officers and enlisted men; number of enlisted men to be as authorized from time to time.

That from and after the passage of this Act, and in order to further increase the efficiency of the United States Marine Corps, the following additional officers, noncommissioned officers, drummers, trumpeters, and privates to those now provided by law for said corps are hereby authorized and directed, namely: One major-general commandant, in lieu of the present brigadier-general commandant; one colonel; one lieutenant-colonel; two majors; eighteen captains; seven first lieutenants; fourteen second lieutenants; one assistant adjutant and inspector, with the rank of lieutenant-colonel; one assistant quartermaster, with the rank of lieutenant-colonel; one assistant quartermaster, with the rank of major; and three assistant quartermasters, with the rank of captain; one assistant paymaster, with the rank of

major; one assistant paymaster, with the rank of captain; two sergeant-majors; fifteen quartermaster-sergeants, five of whom are to serve in the pay department; twenty first sergeants; fifty sergeants; one hundred and twenty-five corporals; ten drummers; ten trumpeters; and five hundred and eighteen privates: Provided, That hereafter the number of enlisted men in the United States Marine Corps shall be such as the Congress may from time to time authorize.

Act May 13, 1908, c. 166, 35 Stat. 155.

These are provisions of the Navy appropriation act for the fiscal year ending June 30, 1909, cited above.

A previous provision that the commandant of the corps should have the rank, pay, etc., of a major-general in the army, until a vacancy should occur in the office, contained in Act July 1, 1902, c. 1368, is superseded by the provision herein for a major-general commandant.

Filling vacancies created by act.

That the vacancies now existing in the line and staff departments of the United States Marine Corps and those created by this Act shall be filled in the manner provided by law.

Act May 13, 1908, c. 166, 35 Stat. 155.

This is a further provision of the Navy appropriation act for the fiscal year ending June 30, 1909, cited above.

ACT JUNE 24, 1910, c. 378. [H. R. 23311.]

Assistant paymasters' clerks; pay, allowances, etc.

For each assistant paymaster, one clerk who shall hereafter be available where his services are required and who shall receive the same pay, allowances, and other benefits as are now or may hereafter be provided for paymasters' clerks of corresponding length of service in the United States Army (five clerks in all), seven thousand dollars.

Act June 24, 1910, c. 378, 36 Stat. 625.

This is a provision of the Navy appropriation act for the fiscal year ending June 30, 1911, cited above.

The pay and allowances of Army paymasters' clerks are the same as provided by law for Navy paymasters' clerks on shore duty, by a provision of Act March 3, 1911, c. 209, set forth ante, under Title XIV, "The Army," c. 3; and Navy paymasters' clerks receive the same pay and allowances as warrant officers, by a provision of Act May 13, 1908, c. 166, as amended by a provision of Act June 24, 1910, c. 378, cited above, set forth ante, under chapter 8 of this Title.

Sec. 1612.

Pay of Marine Corps.

Provisions fixing the rates of pay of officers and enlisted men of the Army, to which the officers and enlisted men of the Marine Corps are entitled, under this section, contained in Act May 11, 1908, c. 163, are set forth ante, under Title XIV, "The Army," c. 3.

Various provisions relating to pay and allowances, etc., of officers and enlisted men of the Navy and the Marine Corps are set forth ante, under chapter 8 of this Title.

The Navy appropriation acts for recent fiscal years provide for additional compensation for enlisted men of the Marine Corps regularly detailed for certain specified duties, or holding good conduct medals, etc., and for prizes for excellence in gunnery practice and target practice. The provision for the fiscal year ending June 30, 1912, is by Act March 4, 1911, c. 239, 36 Stat. 1284.

The Navy appropriation acts for the fiscal years 1909 to 1912, provide that "the money herein specifically appropriated for pay of the Marine Corps shall be disbursed and accounted for in accordance with existing law as pay of the Marine Corps, and for that purpose shall

constitute one fund." The provision for the fiscal year ending June 30, 1912, is by Act March 4, 1911, c. 239, 36 Stat. 1285.

Additional pay to privates detailed and serving as cooks is authorized by a further provision of Act March 2, 1907, c. 2512, set forth below.

The deposit by enlisted men of their savings, in the same manner as is provided for the enlisted men of the Navy, is authorized by a provision of Act June 29, 1906, c. 3590, set forth below.

A restriction on allowance of extra-duty pay, contained in Act March 3, 1909, c. 255, is set forth below.

ACT JUNE 10, 1896, c. 399, § 1.

Mileage.

Rules for the settlement of traveling expense claims are to be prescribed, by a provision of Act March 3, 1909, c. 255, set forth below.

ACT JUNE 29, 1906, c. 3590. [H. R. 18750.]

Deposits of savings by enlisted men.

* * That hereafter enlisted men of the Marine Corps shall be entitled to deposit their savings with the United States, through any paymaster, in the same manner and under the same conditions as is now or may hereafter be provided for the enlisted men of the Navy: Provided, however, That the sums so deposited shall pass to the credit of the appropriation for pay of the Marine Corps.

Act June 29, 1906, c. 3590, 34 Stat. 579.

This is a proviso annexed to an appropriation for interest on and for refunding such deposits in the Navy appropriation act for the fiscal year ending June 30, 1907, cited above. Provisions relating to such deposits by the enlisted men of the Navy are contained in Act Feb. 9, 1889, c. 119, set forth in Comp. St. 1901, p. 1088.

ACT MARCH 2, 1907, c. 2512. [H. R. 24925.]

Pay of privates detailed and serving as cooks.

* * That hereafter privates regularly detailed and serving as cooks, shall receive, in addition to the pay otherwise allowed by law, the following: First-class cooks, ten dollars per month; second-class cooks, eight dollars; third-class cooks, seven dollars; and fourth-class cooks, five dollars.

Act March 2, 1907, c. 2512, 34 Stat. 1200.

This is a proviso annexed to an appropriation for pay of the Marine Corps in the Navy appropriation act for the fiscal year ending June 30, 1908, cited above.

ACT MARCH 3, 1909, c. 255. [H. R. 26394.]

Settlement of traveling expense claims; rules to be prescribed.

* * That hereafter the settlement of all traveling expense claims, where the payment of such is authorized by existing law, and the determination of distances and of what constitutes the shortest usually traveled route in the meaning of laws relating to traveling allowances, shall accord to such rules as the Secretary of the Navy may prescribe.

Act March 3, 1909, c. 255, 35 Stat. 774.

This is a proviso annexed to the appropriation for mileage to officers in the Navy appropriation act for the fiscal year ending June 30, 1910, cited above.

Extra-duty pay; restriction.

* * That hereafter extra-duty pay will not be allowed to enlisted men of the Marine Corps except when they are regularly detailed thereon by a written order of the commandant of the corps.

Act March 3, 1909, c. 255, 35 Stat. 776.

This is a further provision of the Navy appropriation act for the fiscal year ending June 30, 1910, cited above.

Sec. 1615.

ACT MARCH 3, 1901, c. 852.

Rations of marines on shore duty.

The provision of this act set forth in Comp. St. 1901, p. 1098, is repeated in the same language in the similar appropriation acts for subsequent years. The provision for the fiscal year ending June 30, 1912, is by Act March 4, 1911, c. 239, 36 Stat. 1285.

Appropriations for commutation of quarters for officers serving with troops under certain circumstances, and for enlisted men employed in certain offices specified, are contained in the recent Navy appropriation acts. The provision for the fiscal year ending June 30, 1912, is by Act March 4, 1911, c. 239, 36 Stat. 1286.

Sec. 1622.

Retirement.

The retirement of officers of the Marine Corps with creditable records, who served during the civil war, is regulated by a provision of Act April 27, 1904, c. 1622, and a further provision of Act June 29, 1906, c. 3590, set forth below.

ACT APRIL 27, 1904, c. 1622. [H. R. 12220.]

Retirement of officers who served during the civil war.

That officers of the Marine Corps with creditable records who served during the civil war shall, when retired, be retired in like manner and under the same conditions as provided for officers of the Navy who served during the civil war.

Act April 27, 1904, c. 1622, 33 Stat. 349.

This is a provision of the Navy appropriation act for the fiscal year ending June 30, 1905, cited above. A provision for retirement of officers of the Navy who served during the civil war is contained in Act March 3, 1899, c. 413, § 11, set forth in Comp. St. 1901, p. 1025.

Provisions for retirement of enlisted men who have served thirty years either in the Army, Navy, or Marine Corps, or in all, are contained in Act March 2, 1907, c. 2515, set forth ante, under Title XIV, "The Army," c. 2.

Further provisions relating to retirement of officers of the Marine Corps who served during the Civil War are contained in Act June 29, 1906, c. 3590, set forth below.

The retirement of officers of the Marine Corps generally is regulated by Rev. St. §§ 1622, 1623, set forth in Comp. St. 1901, p. 1100.

ACT JUNE 29, 1906, c. 3590. [H. R. 18750.]

Retirement of officers below grade of brigadier-general who served during the civil war.

That any officer of the Marine Corps below the grade of brigadier-general who served with credit as an officer or as an enlisted man in the regular or volunteer forces during the civil war prior to April ninth, eighteen hundred and sixty-five, otherwise than as a cadet, and whose name is borne on the official register of the Marine Corps, and who has heretofore been, or may hereafter be, retired on account of wounds or disability incident to the service, or on account of age or after forty years' service, may, in the discretion of the President, by and with the advice and consent of the Senate, be placed on the retired list of the Marine Corps with the rank and retired pay of one grade above that actually held by him at the time of retirement: Provided, That this Act shall not apply to any officer who received an advance of grade since the date of his retirement or who has been restored to the Marine Corps

and placed on the retired list by virtue of the provisions of a special Act of Congress.

Act June 29, 1906, c. 3590, 34 Stat. 554.

This is a provision of the Navy appropriation act for the fiscal year ending June 30, 1907, cited above. A previous provision relating to the same subject, contained in Act April 27, 1904, c. 1622, is set forth above.

CHAPTER TEN.

Articles for the Government of the Navy.

Sec. 1624.

[Amended. Act Feb. 16, 1909, c. 131.]

Article 34 of this section, set forth in Comp. St. 1901, p. 1115, is amended by Act Feb. 16, 1909, c. 131, § 14, set forth below.

Article 38 of this section, set forth in Comp. St. 1901, p. 1116, prescribing the authorities by whom general courts martial may be convened, is superseded by the provisions as to the same subject contained in Act Feb. 16, 1909, c. 131, § 10, set forth below.

Provisions for ordering "deck courts," for the trial of enlisted men in the Navy and Marine Corps for minor offenses now triable by summary court-martial, and provisions relating to the proceedings of such courts and of courts-martial and courts of inquiry, punishments for offenses, and approval and carrying into effect of sentences of deck courts and courts martial, are contained in other sections of said Act Feb. 16, 1909, c. 131, set forth below.

The use of irons as a form of punishment in the Navy, authorized to be inflicted by order of the commander of a vessel or sentence of a summary court-martial, by article 24, subd. 2, and article 30, subds. 2, 3, of this section, set forth in Comp. St. 1901, pp. 1112, 1114, is abolished, except for purposes of safe custody or when part of the sentence imposed by a general court-martial, by a provision of Act May 13, 1908, c. 166, set forth below, repeated in Act Feb. 16, 1909, c. 131, § 8, also set forth below.

ACT MAY 13, 1908, c. 166. [H. R. 20471.]

Use of irons as punishment restricted.

That the use of irons, single or double, as a form of punishment in the Navy of the United States is hereby abolished, except for the purposes of safe custody or when part of the sentence imposed by a general court-martial.

Act May 13, 1908, c. 166, 35 Stat. 132.

This is a provision of the Navy appropriation act for the fiscal year ending June 30, 1909, cited above.

ACT FEB. 16, 1909, c. 131. [H. R. 6252.]

An Act to Promote the Administration of Justice in the Navy. (35 Stat. 621.)

Establishment of courts for trial of enlisted men for minor offenses.

Be it enacted, &c., That courts for the trial of enlisted men in the Navy and Marine Corps for minor offenses now triable by summary court-martial may be ordered by the commanding officer of a naval vessel, by the commandant of a navy-yard or station, by a commanding officer of marines, or by higher naval authority.

Act Feb. 16, 1909, c. 131, § 1, 35 Stat. 621.

Deck courts; composition and powers.

Sec. 2. That such courts shall be known as "deck courts," and shall consist of one commissioned officer only, who, while serving in such capacity shall have power to administer oaths, to hear and determine cases, and to impose, in whole or in part, the punishments prescribed by article thirty of the Articles for the Government of the Navy: Provided, That in no case shall such courts adjudge discharge from the service or adjudge confinement of forfeiture of pay for a longer period than twenty days.

Act Feb. 16, 1909, c. 131, § 2, 35 Stat. 621.

Article 30 of the Articles for the Government of the Navy, mentioned in this section, is set forth in Comp. St. 1901, p. 1114.

Recorder of deck court.

Sec. 3. That any person in the Navy under command of the officer by whose order a deck court is convened may be detailed to act as recorder thereof.

Act Feb. 16, 1909, c. 131, § 3, 35 Stat. 621.

Review, etc., of sentence of deck court.

Sec. 4. That the officer within whose command a deck court is sitting shall have full power as reviewing authority to remit or mitigate, but not to commute, any sentence imposed by such court; but no sentence of a deck court shall be carried into effect until it shall have been so approved or mitigated, and such officer shall have power to pardon any punishment such court may adjudge.

Act Feb. 16, 1909, c. 131, § 4, 35 Stat. 621.

Rules governing deck courts to be prescribed.

Sec. 5. That the courts hereby authorized shall be governed in all details of their constitution, powers, and procedure, except as herein provided, by such rules and regulations as the President may prescribe.

Act Feb. 16, 1909, c. 131, § 5, 35 Stat. 621.

Records of proceedings of deck courts; filing and review.

Sec. 6. That the records of the proceedings of the courts hereby authorized shall contain such matters only as are necessary to enable the reviewing authorities to act intelligently thereon, except that if the party accused demands it within thirty days after the decision of the deck court shall become known to him, the entire record or so much as he desires shall be sent to the reviewing authority. Such records, after action thereon by the convening authority, shall be forwarded directly to, and shall be filed in, the Office of the Judge-Advocate-General of the Navy, where they shall be reviewed, and, when necessary, submitted to the Secretary of the Navy for his action.

Act Feb. 16, 1909, c. 131, § 6, 35 Stat. 621.

Right to object to trial by deck court.

Sec. 7. That no person who objects thereto shall be brought to trial before a deck court. Where such objection is made by the person accused, trial shall be ordered by summary or by general court-martial, as may be appropriate.

Act Feb. 16, 1909, c. 31, § 7, 35 Stat. 621.

Courts may adjudge part or whole of any punishment authorized; use of irons as punishment restricted.

Sec. 8. That the courts authorized to impose the punishments prescribed by article thirty of the Articles for the Government of the

Navy may adjudge either a part or the whole, as may be appropriate, of any one of the punishments therein enumerated: Provided, That the use of irons, single or double, is hereby abolished, except for the purpose of safe custody or when part of a sentence imposed by a general court-martial.

Act Feb. 16, 1909, c. 131, § 8, 35 Stat. 621.

Article 30 of the Articles for the Government of the Navy, mentioned in this section, is set forth in Comp. St. 1901, p. 1114.

The proviso annexed to this section, relating to the use of irons as punishment, repeats in the same language a previous provision of Act May 11, 1908, c. 166, set forth above.

Setting aside proceedings or remitting or mitigating sentence of court-martial.

Sec. 9. That the Secretary of the Navy may set aside the proceedings or remit or mitigate, in whole or in part, the sentence imposed by any naval court-martial convened by his order or by that of any officer of the Navy or Marine Corps.

Act Feb. 16, 1909, c. 131, § 9, 35 Stat. 621.

General courts-martial; by whom convened.

Sec. 10. That general courts-martial may be convened by the President, by the Secretary of the Navy, by the commander in chief of a fleet or squadron, and by the commanding officer of any naval station beyond the continental limits of the United States.

Act Feb. 16, 1909, c. 131, § 10, 35 Stat. 621.

This section supersedes the previous provisions relating to the same subject contained in article 38 of the Articles for the Government of the Navy, set forth in Comp. St. 1901, p. 1116.

Process for witnesses in courts-martial or courts of inquiry.

Sec. 11. That a naval court-martial or court of inquiry shall have power to issue like process to compel witnesses to appear and testify which United States courts of criminal jurisdiction within the State, Territory, or District where such naval court shall be ordered to sit may lawfully issue.

Act Feb. 16, 1909, c. 131, § 11, 35 Stat. 621.

Failure of witness to appear or testify, etc., before general court-martial or court of inquiry, a misdemeanor; prosecution and punishment; witness not to be compelled to incriminate, etc., himself.

Sec. 12. That any person duly subpoenaed to appear as a witness before a general court-martial or court of inquiry of the Navy, who willfully neglects or refuses to appear, or refuses to qualify as a witness or to testify or produce documentary evidence, which such person may have been legally subpoenaed to produce, shall be deemed guilty of a misdemeanor, for which such person shall be punished on information in the district court of the United States; and it shall be the duty of the United States District Attorney, on the certification of the facts to him by such naval court to file an information against and prosecute the persons so offending, and the punishment of such person, on conviction, shall be a fine of not more than five hundred dollars or imprisonment not to exceed six months, or both, at the discretion of the court: Provided, That this shall not apply to persons residing beyond the State, Territory, or District in which such naval court is held, and that the fees of such witnesses and his mileage at the rates provided for witnesses in the United States district court for said State, Terri-

tory, or District shall be duly paid or tendered said witness, such amounts to be paid by the Bureau of Supplies and Accounts out of the appropriation for compensation of witnesses: Provided further, That no witness shall be compelled to incriminate himself or to answer any question which may tend to incriminate or degrade him.

Act Feb. 16, 1909, c. 131, § 12, 35 Stat. 622.

Allowances to prisoners during confinement, and on discharge; restrictions.

Sec. 13. That persons confined in prisons in pursuance of the sentence of a naval court-martial shall, during such confinement, be allowed a reasonable sum, not to exceed three dollars per month, for necessary prison expenses, and shall upon discharge be furnished with suitable civilian clothing and paid a gratuity, not to exceed twenty-five dollars: Provided, That such allowances shall be made in amounts to be fixed by, and in the discretion of, the Secretary of the Navy and only in cases where the prisoners so discharged would otherwise be unprovided with suitable clothing or without funds to meet their immediate needs.

Act Feb. 16, 1909, c. 131, § 13, 35 Stat. 622.

Subsequent provisions for furnishing transportation and clothing to discharged naval prisoners, contained in Act March 3, 1909, c. 255, are set forth below.

Amendment of Rev. St. § 1624, art. 34; proceedings of summary courts-martial; records; filing; destruction after two years.

Sec. 14. That section sixteen hundred and twenty-four, article thirty-four, Revised Statutes of the United States, is hereby amended as follows: "The proceedings of summary courts-martial shall be conducted with as much conciseness and precision as may be consistent with the ends of justice, and under such forms and rules as may be prescribed by the Secretary of the Navy, with the approval of the President, and all such proceedings shall be transmitted in the usual mode to the Navy Department, where they shall be kept on file for a period of two years from date of trial, after which time they may be destroyed in the discretion of the Secretary of the Navy."

Act Feb. 16, 1909, c. 131, § 14, 35 Stat. 622.

Rev. St. § 1624, art. 34, amended by this section, is set forth in Comp. St. 1901, p. 1115. The amendment consists in the addition, at the end of the article, of the provisions for keeping the records on file and for their destruction after two years.

Arrest of deserters; authority of civil officers.

Sec. 15. That it shall be lawful for any civil officer having authority under the laws of the United States or of any State, Territory, or District to arrest offenders, to summarily arrest a deserter from the Navy or Marine Corps of the United States and deliver him into the custody of the naval authorities.

Act Feb. 16, 1909, c. 131, § 15, 35 Stat. 622.

Depositions in naval courts.

Sec. 16. That the depositions of witnesses may be taken on reasonable notice to the opposite party, and when duly authenticated, may be put in evidence before naval courts, except in capital cases and cases where the punishment may be imprisonment or confinement for more than one year as follows: First, depositions of civilian witnesses residing outside the State, Territory, or District in which a naval court is

ordered to sit; second, depositions of persons in the naval or military service stationed or residing outside the State, Territory, or District in which a naval court is ordered to sit, or who are under orders to go outside of such State, Territory, or District; third, where such naval court is convened on board a vessel of the United States, or at a naval station not within any State, Territory, or District of the United States, the depositions of witnesses may be taken and used as herein provided whenever such witnesses reside or are stationed at such a distance from the place where said naval court is ordered to sit, or are about to go to such a distance as, in the judgment of the convening authority, would render it impracticable to secure their personal attendance.

Act Feb. 16, 1909, c. 131, § 16, 35 Stat. 622.

Sentences of summary courts-martial and deck courts; approval and carrying into effect.

Sec. 17. That all sentences of summary courts-martial may be carried into effect upon the approval of the senior officer present, and all sentences of deck courts may be carried into effect upon approval of the convening authority or his successor in office.

Act Feb. 16, 1909, c. 131, § 17, 35 Stat. 623.

Repeal.

Sec. 18. That all Acts or parts of Acts inconsistent herewith are hereby repealed.

Act Feb. 16, 1909, c. 131, § 18, 35 Stat. 623.

ACT MARCH 3, 1909, c. 255. [H. R. 26394.]

Discharged naval prisoners; transportation and clothing.

* * That the Secretary of the Navy is hereafter authorized to transport to their homes or places of enlistment, as he may designate, all discharged naval prisoners; the expense of such transportation shall be paid out of any money that may be to the credit of prisoners when discharged; where there is no such money, the expense shall be paid out of money received from fines and forfeitures imposed by naval courts-martial: Provided further, That the Secretary of the Navy is hereby authorized to furnish naval prisoners upon discharge suitable civilian clothing in case, and only where, said discharged prisoners would otherwise be unprovided with suitable clothing to meet their immediate needs.

Act March 3, 1909, c. 255, 35 Stat. 756.

These are provisos annexed to the appropriation for transportation in the Navy appropriation act for the fiscal year ending June 30, 1910, cited above.

Previous provisions for allowances of money to prisoners during confinement and on discharge, and of clothing on discharge, are contained in Act Feb. 16, 1909, c. 131, set forth above.

TITLE XVI.

THE MILITIA.

Secs. 1625–1660.

[Repealed. Act Jan. 21, 1903, c. 196, § 25.]

These sections, comprising the whole of this Title of the Revised Statutes except section 1661, which makes a permanent annual appropriation for arms and equipments for the militia, are repealed by Act Jan. 21, 1903, c. 196, § 25, set forth below. Other sections of that act provide for the composition, organization, equipment, regulation, and service of the militia.

ACT JAN. 21, 1903, c. 196. [*As amended* 1908, 1910.]

An Act to Promote the Efficiency of the Militia, and for Other Purposes. (32 Stat. 775.)

Composition of militia, and classification as organized militia and reserve militia.

Section 1. That the militia shall consist of every able-bodied male citizen of the respective States and Territories and the District of Columbia, and every able-bodied male of foreign birth who has declared his intention to become a citizen, who is more than eighteen and less than forty-five years of age, and shall be divided into two classes: The organized militia, to be known as the National Guard of the State, Territory, or District of Columbia, or by such other designations as may be given them by the laws of the respective States or Territories; the remainder to be known as the Reserve Militia: Provided, That the provisions of this Act and of section sixteen hundred and sixty-one, Revised Statutes, as amended, shall apply only to the militia organized as a land force.

Act Jan. 21, 1903, c. 196, § 1, 32 Stat. 775. Act May 27, 1908, c. 204, § 1, 35 Stat. 399.

This section, and sections 3, 4, 5, 7, 8, 11, 13, 15, 16, and 20, of Act Jan. 21, 1903, c. 196, cited above, are amended by Act May 27, 1908, c. 204, also cited above, to read as set forth here. The amendment of this section consists chiefly in the addition of the proviso at the end of the section.

Whenever the words "State or Territory" are used in this act, as amended, they are to apply to and include the District of Columbia, by section 74 of Act March 1, 1899, c. 328, added to said act by amendment by a provision of Act Feb. 18, 1909, c. 146, set forth below.

Persons exempt.

Sec. 2. That the Vice-President of the United States, the officers, judicial and executive, of the Government of the United States, the members and officers of each House of Congress, persons in the military or naval service of the United States, all custom-house officers, with their clerks, postmasters and persons employed by the United States in the transmission of the mail, ferrymen employed at any ferry on a post road, artificers and workmen employed in the armories and arsenals of the United States, pilots, mariners actually employed in the sea service of any citizen or merchant within the United States,

and all persons who are exempted by the laws of the respective States or Territories shall be exempted from militia duty, without regard to age: Provided, That nothing in this Act shall be construed to require or compel any member of any well-recognized religious sect or organization at present organized and existing whose creed forbids its members to participate in war in any form, and whose religious convictions are against war or participation therein, in accordance with the creed of said religious organization, to serve in the militia or any other armed or volunteer force under the jurisdiction and authority of the United States.

Act Jan. 21, 1903, c. 196, § 2. 32 Stat. 775.

Organized militia; organization, armament, and discipline; minimum number of enlisted men in organizations; privileges of existing corps.

Sec. 3. That the regularly enlisted, organized, and uniformed active militia in the several States and Territories and the District of Columbia who have heretofore participated or shall hereafter participate in the apportionment of the annual appropriation provided by section sixteen hundred and sixty-one of the Revised Statutes of the United States, as amended, whether known and designated as National Guard, militia, or otherwise, shall constitute the organized militia. On and after January twenty-first, nineteen hundred and ten, the organization, armament, and discipline of the organized militia in the several States and Territories and the District of Columbia shall be the same as that which is now or may hereafter be prescribed for the Regular Army of the United States, subject in time of peace to such general exceptions as may be authorized by the Secretary of War: Provided, That in peace and war each organized division of militia may have one inspector of small-arms practice with the rank of lieutenant-colonel; each organized brigade of militia one inspector of small-arms practice with the rank of major; each regiment of infantry or cavalry of organized militia one assistant inspector of small-arms practice with the rank of captain, and each separate or unassigned battalion of infantry or engineers or squadron of cavalry of organized militia one assistant inspector of small-arms practice with the rank of first lieutenant: Provided also, That the President of the United States in time of peace may, by order, fix the minimum number of enlisted men in each company, troop, battery, signal corps, engineer corps, and hospital corps: And provided further, That any corps of artillery, cavalry, and infantry existing in any of the States at the passage of the Act of May eighth, seventeen hundred and ninety-two, which, by the laws, customs, or usages of the said States, have been in continuous existence since the passage of said Act, under its provisions and under the provisions of section two hundred and thirty-two and sections sixteen hundred and twenty-five to sixteen hundred and sixty, both inclusive, of title sixteen of the Revised Statutes of the United States, relating to the militia, shall be allowed to retain their accustomed privileges, subject, nevertheless, to all other duties required by law, in like manner as the other militia.

Act Jan. 21, 1903, c. 196, § 3, 32 Stat. 775. Act May 27, 1908, c. 204, § 2, 35 Stat. 399.

The amendment of this section by Act May 27, 1908, c. 204, § 2, cited above, consists chiefly in an extension of the time within which the organized militia was required to conform to the provisions of the sec-

tion, from five years from the date of approval of Act Jan. 21, 1903, to January 21, 1910, as here set forth, with other changes in that provision, and the insertion of the proviso first in order in the section as set forth here.

A joint resolution, passed before this act, Res. Jan. 16, 1908, No. 4, 35 Stat. 566, which likewise extended the time for the organized militia to conform to the provisions of this section to the same date, January 21, 1910, may be regarded as superseded by the amendment to the same effect by Act May 27, 1908, c. 204, § 2.

Rev. St. § 232, mentioned in this section, is set forth in Comp. St. 1901, p. 121. It is repealed by section 25 of this act, section 12 of which contains more comprehensive provisions of the same nature.

Rev. St. § 1661, mentioned in this section, is set forth in Comp. St. 1901, p. 1131. It is amended by Act June 22, 1906, c. 3515, § 1, set forth below.

Act May 8, 1792, c. 33, also mentioned in this section, was incorporated in various sections of this Title of the Revised Statutes, which are repealed by section 25 of this act.

Provisions to promote the efficiency of the Reserve Militia, and to encourage rifle practice among the members thereof, are contained in Act March 3, 1905, c. 1416, and Act June 22, 1906, c. 3515, set forth below.

Call of President in case of invasion, rebellion, etc.

Sec. 4. That whenever the United States is invaded, or in danger of invasion from any foreign nation, or of rebellion against the authority of the Government of the United States, or the President is unable with the regular forces at his command to execute the laws of the Union, it shall be lawful for the President to call forth such number of the militia of the State or of the States or Territories or of the District of Columbia as he may deem necessary to repel such invasion, suppress such rebellion, or to enable him to execute such laws, and to issue his orders for that purpose, through the governor of the respective State or Territory, or through the commanding general of the militia of the District of Columbia, from which State, Territory, or District such troops may be called, to such officers of the militia as he may think proper.

Act Jan. 21, 1903, c. 196, § 4, 32 Stat. 776. Act May 27, 1908, c. 204, § 3, 35 Stat. 400.

The amendment of this section by Act May 27, 1908, c. 204, § 3, cited above, consists chiefly in the omission of a limitation of the time for which the militia should be called forth, to "a period not exceeding nine months," and in providing that the orders for the purpose shall be issued through the Governor of the state or territory or the commanding general of the District of Columbia.

Term of service to be specified in call; restriction on time of service; organized militia to be called into service before volunteer force.

Sec. 5. That whenever the President calls forth the organized militia of any State, Territory, or of the District of Columbia, to be employed in the service of the United States, he may specify in his call the period for which such service is required, and the militia so called shall continue to serve during the term so specified, either within or without the territory of the United States, unless sooner relieved by order of the President: Provided, That no commissioned officer or enlisted man of the organized militia shall be held to service beyond the term of his existing commission or enlistment: Provided further, That when the military needs of the Federal Government arising from the necessity to execute the laws of the Union, suppress insurrection, or repel invasion, can not be met by the regular forces, the organized

militia shall be called into the service of the United States in advance of any volunteer force which it may be determined to raise.

Act Jan. 21, 1903, c. 196, § 5, 32 Stat. 776. Act May 27, 1908, c. 204, § 4, 35 Stat. 400.

The amendment of this section by Act May 27, 1908, c. 204, § 4, cited above, consists chiefly in the omission of a limitation of the time of service to "not exceeding nine months," and in the addition of the two provisos at the end of the section.

Apportionment of number called into service among States, etc.

Sec. 6. That when the militia of more than one State is called into the actual service of the United States by the President he may, in his discretion, apportion them among such States or Territories or to the District of Columbia according to representative population.

Act Jan. 21, 1903, c. 196, § 6, 32 Stat. 776.

Muster into service without further enlistment; refusal to answer call; punishment.

Sec. 7. That every officer and enlisted man of the militia who shall be called forth in the manner hereinbefore prescribed, shall be mustered for service without further enlistment, and without further medical examination previous to such muster, except for those States and Territories which have not adopted the standard of medical examination prescribed for the Regular Army: Provided, however, That any officer or enlisted man of the militia who shall refuse or neglect to present himself for such muster, upon being called forth as herein prescribed, shall be subject to trial by court-martial and shall be punished as such court-martial may direct.

Act Jan. 21, 1903, c. 196, § 7, 32 Stat. 776. Act May 27, 1908, c. 204, § 5, 35 Stat. 401.

The amendment of this section by Act May 27, 1908, c. 204, § 5, cited above, consists chiefly in the addition of the provisions for muster into service without further enlistment and without further medical examination.

Courts-martial, composition.

Sec. 8. That the majority membership of courts-martial for the trial of officers or men of the militia when in the service of the United States shall be composed of militia officers.

Act Jan. 21, 1903, c. 196, § 8, 32 Stat. 776. Act May 27, 1908, c. 204, § 6, 35 Stat. 401.

The amendment of this section by Act May 27, 1908, c. 204, § 6, cited above, consists in requiring a majority of the members of a court-martial to be composed of militia officers, instead of requiring such court to be composed of militia officers only.

Courts-martial, summary courts, and courts of inquiry are provided for by the Articles of War, arts. 72–121, and subsequent statutes, set forth in Comp. St. 1901, pp. 959–971.

Militia in actual service subject to Rules and Articles of War.

Sec. 9. That the militia, when called into the actual service of the United States, shall be subject to the same Rules and Articles of War as the regular troops of the United States.

Act Jan. 21, 1903, c. 196, § 9, 32 Stat. 776.

The Articles of War are set forth in Title XIV, "The Army," c. 5, Comp. St. 1901, pp. 942–974.

Pay and allowances of militia in actual service.

Sec. 10. That the militia, when called into the actual service of the United States, shall, during their time of service, be entitled to the

same pay and allowances as are or may be provided by law for the Regular Army.

Act Jan. 21, 1903, c. 196, § 10, 32 Stat. 776.

Payment for actual field or camp service for instruction, from the allotment of the state out of the annual appropriation, under Rev. St. § 1661, is provided for by section 14 of this act, set forth below.

Payment for service while participating in encampments, maneuvers, etc., of the Regular Army, is also provided for by section 15 of this act, set forth below.

Time of commencement of pay; previous expenditures.

Sec. 11. That when the militia is called into the actual service of the United States, or any portion of the militia is called forth under the provisions of this Act, their pay shall commence from the day of their appearing at the place of company rendezvous, but this provision shall not be construed to authorize any species of expenditure previous to arriving at such places of rendezvous which is not provided by existing laws to be paid after their arrival at such places of rendezvous.

Act Jan. 21, 1903, c. 196, § 11, 32 Stat. 776. Act May 27, 1908, c. 204, § 7, 35 Stat. 401.

The amendment of this section by Act May 27, 1908, c. 204, § 7, cited above, consists in providing for pay of the militia when "called forth" under the provisions of the act, instead of when "accepted" thereunder.

Provisions relating to the pay, etc., of the organized militia participating in encampments, maneuver, etc., of the Regular Army are contained in section 15 of this act, set forth below.

Adjutant-General in each State, etc.; duties, and returns and reports to Secretary of War; report to Congress.

Sec. 12. That there shall be appointed in each State, Territory and District of Columbia, an Adjutant-General, who shall perform such duties as may be prescribed by the laws of such State, Territory, and District, respectively, and make returns to the Secretary of War, at such times and in such form as he shall from time to time prescribe, of the strength of the organized militia, and also make such reports as may from time to time be required by the Secretary of War. That the Secretary of War shall, with his annual report of each year, transmit to Congress an abstract of the returns and reports of the adjutants-general of the States, Territories, and the District of Columbia, with such observations thereon as he may deem necessary for the information of Congress.

Act Jan. 21, 1903, c. 196, § 12, 32 Stat. 776.

Previous provisions, that the Secretary of War should lay before Congress in each year an abstract of the returns of the adjutant-generals of the several States of the militia thereof, were contained in Rev. St. § 232, Comp. St. 1901, p. 121.

Issue of arms, etc., uniforms, etc., and military stores; exchange of ammunition; accounting for property; clothing allowance; issue of ammunition; appropriation; report of expenditures.

Sec. 13. That the Secretary of War is hereby authorized to procure, by purchase or manufacture, and issue from time to time to the organized militia, under such regulations as he may prescribe, such number of the United States service arms, together with all accessories and such other accouterments, equipments, uniforms, clothing, equipage, and military stores of all kinds required for the Army of the United States, as are necessary to arm, uniform, and equip all of the organized militia in the several States, Territories, and the District of Columbia, in accordance with the requirements of this Act, without

charging the cost or value thereof, or any expense connected therewith, against the allotment of said State, Territory, or the District of Columbia, out of the annual appropriation provided by section sixteen hundred and sixty-one of the Revised Statutes as amended, or requiring payment therefor, and to exchange, without receiving any money credit therefor, ammunition or parts thereof suitable to the new arms, round for round, for corresponding ammunition suitable to the old arms heretofore issued to said State, Territory, or the District of Columbia by the United States: Provided, That said property shall remain the property of the United States, except as hereinafter provided, and be annually accounted for by the governors of the States and Territories as required by law, and that each State, Territory, and the District of Columbia shall, on receipt of new arms or equipments, turn in to the War Department, or otherwise dispose of in accordance with the directions of the Secretary of War, without receiving any money credit therefor and without expense for transportation, all United States property so replaced or condemned. When the organized militia is uniformed as above required, the Secretary of War is authorized to fix an annual clothing allowance to each State, Territory, and the District of Columbia for each enlisted man of the organized militia thereof, and thereafter issues of clothing to such States, Territories, and the District of Columbia shall be in accordance with such allowance, and the governors of the States and Territories and the commanding general of the militia of the District of Columbia shall be authorized to drop from their returns each year as expended clothing corresponding in value to such allowance. The Secretary of War is hereby further authorized to issue from time to time to the organized militia, under such regulations as he may prescribe, small arms and artillery ammunition upon the requisition of the governor, in the proportion of fifty per centum of the corresponding Regular Army allowance, without charge to the State's allotment from the appropriation under section sixteen hundred and sixty-one, Revised Statutes, as amended. To provide means to carry into effect the provisions of this section, the necessary money to cover the cost of procuring, exchanging, or issuing of arms, accouterments, equipments, uniforms, clothing, equipage, ammunition, and military stores to be exchanged or issued hereunder is hereby appropriated out of any money in the Treasury not otherwise appropriated: Provided, That the sum expended in the execution of the purchases and issues provided for in this section shall not exceed the sum of two million dollars in any fiscal year: Provided also, That the Secretary of War shall annually submit to Congress a report of expenditures made by him in the execution of the requirements of this section.

Act Jan. 21, 1903, c. 196, § 13, 32 Stat. 777. Act May 27, 1908, c. 204, § 8, 35 Stat. 401.

The amendment of this section by Act May 27, 1908, c. 204, § 8, cited above, consists chiefly in omitting a provision that the issue of arms, etc., authorized should be on requisition of the Governors of the several states, etc., in including among the supplies to be issued, "uniforms, clothing, equipage, and military stores of all kinds," and in adding the provisions for an annual clothing allowance and for issue of ammunition, and the last two provisos following the appropriation at the end of the section.

Rev. St. § 1661, mentioned in this section, making an annual appro-

priation for arms, etc., for the militia, is set forth in Comp. St. 1901, p. 1161. It is amended by Act June 22, 1906, c. 3515, § 1, set forth below.

Previous provisions for the issue of arms, equipments, etc., for the militia of the States and Territories, are collected under Rev. St. § 1661, Comp. St. 1901, pp. 1131–1134.

Other provisions, similar to those of this section, for furnishing arms, equipments, etc., to the organized militia, contained in Act March 2, 1903, c. 975, 32 Stat. 941, Act April 23, 1904, c. 1485, 33 Stat. 275, and Act March 2, 1907, c. 2511, 34 Stat. 1174, previous to such amendment of this section, are superseded by the re-enactment thereof as so amended, including the provisions on that subject, as set forth here.

Provisions for the sale of magazine rifles and ammunition, ordnance stores, and equipments, for the use of rifle clubs, formed for the promotion of rifle practice, are contained in Act March 3, 1905, c. 1416, set forth below.

Material, equipment, etc., purchased for state coast artillery organizations, may be withdrawn, in time of war, and used in fortifications, by a provision of Act March 3, 1909, c. 252, set forth below.

Payment from allotment out of annual appropriation for actual field or camp service for instruction; disbursing officer; accounts.

Sec. 14. That whenever it shall appear by the report of inspections, which it shall be the duty of the Secretary of War to cause to be made at least once in each year by officers detailed by him for that purpose, that the organized militia of a state or territory or of the District of Columbia is sufficiently armed, uniformed, and equipped for active duty in the field, the Secretary of War is authorized, on the requisition of the governor of such State or Territory, to pay to the quartermaster-general thereof, or to such other officer of the militia of said State as the said governor may designate and appoint for the purpose, so much of its allotment out of the said annual appropriation under section sixteen hundred and sixty-one of the Revised Statutes as amended as shall be necessary for the payment, subsistence, and transportation of such portion of said organized militia as shall engage in actual field or camp service for instruction, and the officers and enlisted men of such militia while so engaged shall be entitled to the same pay, subsistence, and transportation or travel allowances as officers and enlisted men of corresponding grades of the Regular Army are or may hereafter be entitled by law, and the officer so designated and appointed shall be regarded as a disbursing officer of the United States, and shall render his accounts through the War Department to the proper accounting officers of the Treasury for settlement, and he shall be required to give good and sufficient bonds to the United States, in such sums as the Secretary of War may direct, faithfully to account for the safe-keeping and payment of the public moneys so intrusted to him for disbursement.

Act Jan. 21, 1903, c. 196, § 14, 32 Stat. 777.

Rev. St. § 1661, mentioned in this section, is set forth in Comp. St. 1901, p. 1131. It is amended by Act June 22, 1906, c. 3515, § 1, set forth below.

Participation in encampments, maneuvers, etc., of Regular Army; pay, subsistence, and transportation during joint encampments, maneuvers, etc., appropriations therefor, and disbursement thereof; right to command during joint encampments, maneuvers, etc.

Sec. 15. That the Secretary of War is authorized to provide for participation by any part of the organized militia of any State, Territory, or the District of Columbia, on the request of the governor of a State or Territory, or the commanding-general of the militia of the

District of Columbia, in the encampments, maneuvers, and field instruction of any part of the Regular Army, at or near any military post or camp or lake or sea-coast defenses of the United States. In such case the organized militia so participating shall receive the same pay, subsistence, and transportation as is provided by law for the officers and men of the Regular Army, and no part of the sums appropriated for the support of the Regular Army shall be used to pay any part of the expenses of the organized militia of any State or Territory or the District of Columbia, while engaged in joint encampments, maneuvers, and field instruction of the Regular Army and militia: Provided, That the Secretary of War is authorized, under requisition of the governor of a State or Territory or the commanding-general of the militia of the District of Columbia, to pay to the quartermaster-general, or such other officer of the militia as may be duly designated and appointed for the purpose, so much of its allotment, under the annual appropriation authorized by section sixteen hundred and sixty-one, Revised Statutes, as amended, as shall be necessary for the payment, subsistence, transportation, and other expenses of such portion of the organized militia as may engage in encampments, maneuvers, and field instruction with any part of the Regular Army at or near any military post or camp or lake or sea-coast defenses of the United States, and the Secretary of War shall forward to Congress, at each session next after said encampments, a detailed statement of the expense of such encampments and maneuvers: Provided, That the command of such military post or camp and the officers and troops of the United States there stationed shall remain with the regular commander of the post without regard to the rank of the commanding or other officers of the militia temporarily so encamped within its limits or in its vicinity: Provided further, That except as herein specified the right to command during such joint encampments, maneuvers, and field instruction shall be governed by the rules set out in Articles One hundred and twenty-two and One hundred and twenty-four of the rules and articles for the government of the armies of the United States.

Act Jan. 21, 1903, c. 196, § 15, 32 Stat. 777. Act May 27, 1908, c. 204, § 9, 35 Stat. 402. Act April 21, 1910, c. 185, 36 Stat. 329.

The amendments of this section by Act May 27, 1908, c. 204, § 9, and by Act April 21, 1910, c. 185, cited above, consist chiefly in different provisions for the payment of the pay and expenses of the organized militia, and in the addition to the section of the last proviso, relating to the right to command during joint encampments, etc.

Articles 122 and 124 of the Articles of War, mentioned in said last proviso to this section, were amended by Act March 8, 1910, c. 88, previous to the amendment of this section by Act April 21, 1910, c. 185, and are set forth, as so amended, ante, under Title XIV, "The Army," c. 5.

Other provisions, similar to those of this section, relating to the appropriations out of which the pay, etc., of the organized militia engaged in joint encampments, etc., with the Regular Army is to be paid, and the disbursement thereof, contained in Act April 23, 1904, c. 1485, 33 Stat. 265, 267, and Act March 2, 1905, c. 1307, 33 Stat. 837, previous to the amendment of this section by Act May 27, 1908, c. 204, § 9, are superseded by the re-enactment of section as so amended, and as amended by Act April 21, 1910, c. 185, including the provisions on those subjects, as set forth here.

Any portion of the organized militia participating in the encampment, etc., of any part of the Regular Army, under the provisions of this section, may be paid at any time after being duly mustered by an officer

of the Regular Army, by a provision of Act June 12, 1906, c. 3078, set forth below.

Officers of the organized militia furnished with funds for purchase of travel rations for their commands are not to be required to give bond therefor, by a provision of Act May 11, 1908, c. 163, set forth below.

Appropriations for the expenses of the organized militia participating in encampments for field instruction of troops of the Regular Army, as provided by this section and section 21 of this act, are made in the annual Army appropriation acts. The provision for the fiscal year ending June 30, 1912, is by Act March 4, 1911, c. 209, 36 Stat. 1044.

Allowances to officers and enlisted men of militia attending military schools.

Sec. 16. That whenever any officer or enlisted man of the organized militia shall upon the recommendation of the governor of any State, Territory, or the commanding general of the District of Columbia militia, and when authorized by the President, attend and pursue a regular course of study at any military school or college of the United States, such officer or enlisted man shall receive from the annual appropriation for the support of the Army, the same travel allowances and quarters or commutation of quarters to which an officer or enlisted man of the Regular Army would be entitled for attending such school or college under orders from proper military authority; such officer shall also receive commutation and subsistence at the rate of one dollar per day and each enlisted man such subsistence as is furnished to an enlisted man of the Regular Army while in actual attendance upon a course of instruction.

Act Jan. 21, 1903, c. 196, § 16, 32 Stat. 778. Act May 27, 1908, c. 204, § 10, 35 Stat. 402.

The amendment of this section by Act May 27, 1908, c. 204, § 10, cited above, consists in including in its provisions enlisted men as well as officers of the militia.

Issue of Army stores, etc.; purchase of additional stores, etc., from War Department.

Sec. 17. That the annual appropriation made by section sixteen hundred and sixty-one, Revised Statutes, as amended, shall be available for the purpose of providing for issue to the organized militia any stores and supplies or publications which are supplied to the Army by any department. Any State, Territory, or the District of Columbia may, with the approval of the Secretary of War, purchase for cash from the War Department, for the use of its militia, stores, supplies, material of war, or military publications, such as are furnished to the Army, in addition to those issued under the provisions of this Act, at the price at which they are listed for issue to the Army, with the cost of transportation added, and funds received from such sales shall be credited to the appropriations to which they belong and shall not be covered into the Treasury, but shall be available until expended to replace therewith the supplies sold to the States and Territories and to the District of Columbia in the manner herein provided.

Act Jan. 21, 1903, c. 196, § 17, 32 Stat. 778.

Rev. St. § 1661, mentioned in this section, is set forth in Comp. St. 1901, p. 1131. It is amended by Act June 22, 1906, c. 3515, § 1, set forth below.

Annual practice marches or camps of instruction, drill or target practice, and inspection, required before annual allotment of funds.

Sec. 18. That each State or Territory furnished with material of war under the provisions of this or former Acts of Congress shall,

during the year next preceding each annual allotment of funds, in accordance with section sixteen hundred and sixty-one of the Revised Statutes as amended, have required every company, troop, and battery in its organized militia not excused by the governor of such State or Territory to participate in practice marches or go into camp of instruction at least five consecutive days, and to assemble for drill and instruction at company, battalion, or regimental armories or rendezvous or for target practice not less than twenty-four times, and shall also have required during such year an inspection of each such company, troop, and battery to be made by an officer of such militia or an officer of the Regular Army.

Act Jan. 21, 1903, c. 196, § 18, 32 Stat. 778.

Rev. St. § 1661, mentioned in this section, is set forth in Comp. St. 1901, p. 1131. It is amended by Act June 22, 1906, c. 3515, § 1, set forth below.

Detail of officers of Army to attend encampments of militia; reports.

Sec. 19. That upon the application of the governor of any State or Territory furnished with material of war under the provisions of this Act or former laws of Congress, the Secretary of War may detail one or more officers of the Army to attend any encampment of the organized militia, and to give such instruction and information to the officers and men assembled in such camp as may be requested by the governor. Such officer or officers shall immediately make a report of such encampment to the Secretary of War, who shall furnish a copy thereof to the governor of the State or Territory.

Act Jan. 21, 1903, c. 196, § 19, 32 Stat. 778.

Detail of officers or enlisted men of Army for duty in connection with organized militia; board of officers of militia for consultation with Secretary of War respecting condition, etc., of whole body of organized militia.

Sec. 20. That upon the application of the governor of any State or Territory furnished with material of war under the provisions of this Act, or former laws of Congress, the Secretary of War may, in his discretion, detail one or more officers or enlisted men of the Army to report to the governor of such State or Territory for duty in connection with the organized militia. All such assignments may be revoked at the request of the governor of such State or Territory or at the pleasure of the Secretary of War. The Secretary of War is hereby authorized to appoint a board of five officers on the active list of the organized militia so selected as to secure, as far as practicable, equitable representation to all sections of the United States, and which shall, from time to time, as the Secretary of War may direct, proceed to Washington, District of Columbia, for consultation with the Secretary of War respecting the condition, status, and needs of the whole body of the organized militia. Such officers shall be appointed for the term of four years unless sooner relieved by the Secretary of War.

The actual and necessary traveling expenses of the members of the board, together with a per diem to be established by the Secretary of War, shall be paid to the members of the board. The expenses herein authorized, together with the necessary clerical and office expenses of the division of militia affairs in the office of the Secretary of War, shall constitute a charge against the whole sum annually appropriated under section sixteen hundred and sixty-one, Revised Statutes, as amended, and shall be paid therefrom, and not from the allotment duly

apportioned to any particular State, Territory, or the District of Columbia; and a list of such expenses shall be submitted to Congress annually by the Secretary of War in connection with his annual report.

Act Jan. 21, 1903, c. 196, § 20, 32 Stat. 779. Act May 27, 1908, c. 204, § 11, 35 Stat. 403.

The amendment of this section by Act May 27, 1908, c. 204, § 11, cited above, consists in including enlisted men as well as officers of the militia in its provisions for details for duty in connection with the organized militia, and in the addition of the provisions relating to a board of militia officers for consultation with the Secretary of War respecting the condition, etc., of the organized militia.

The detail or assignment of retired officers of the Army for service with the organized militia in the States or Territories is authorized, and their compensation while so employed is regulated, by provisions of Act March 2, 1903, c. 975, Act April 23, 1904, c. 1485, and Act March 2, 1905, c. 1307, set forth ante, under Title XIV, "The Army," cc. 2, 3.

Ammunition for instruction in firing and target practice.

Sec. 21. That the troops of the militia encamped at any military post or camp of the United States may be furnished such amounts of ammunition for instruction in firing and target practice as may be prescribed by the Secretary of War, and such instruction in firing shall be carried on under the direction of an officer selected for that purpose by the proper military commander.

Act Jan. 21, 1903, c. 196, § 21, 32 Stat. 779.

Pensions for disabilities incurred or in case of death in service of the United States.

Sec. 22. That when any officer, noncommissioned officer, or private of the militia is disabled by reason of wounds or disabilities received or incurred in the service of the United States he shall be entitled to all the benefits of the pension laws existing at the time of his service, and in case such officer, noncommissioned officer, or private dies in the service of the United States or in returning to his place of residence after being mustered out of such service, or at any time, in consequence of wounds or disabilities received in such service, his widow and children, if any, shall be entitled to all the benefits of such pension laws.

Act Jan. 21, 1903, c. 196, § 22, 32 Stat. 779.

The pension laws are contained in Title LVII, "Pensions," Comp. St. 1901, pp. 3224-3304.

Examinations as to qualifications for commissions in volunteer forces; certificates; eligibility for commissions and for instruction at military schools; limits of age; apportionment of appointments; restriction of appointments.

Sec. 23. That for the purpose of securing a list of persons specially qualified to hold commissions in any volunteer force which may hereafter be called for and organized under the authority of Congress, other than a force composed of organized militia, the Secretary of War is authorized from time to time to convene boards of officers at suitable and convenient army posts in different parts of the United States, who shall examine as to their qualifications for the command of troops or for the performance of staff duties all applicants who shall have served in the Regular Army of the United States, in any of the volunteer forces of the United States, or in the organized militia of any State or Territory or District of Columbia, or who, being a citizen of the United States, shall have attended or pursued a regular

course of instruction in any military school or college of the United States Army, or shall have graduated from any educational institution to which an officer of the Army or Navy has been detailed as superintendent or professor pursuant to law after having creditably pursued the course of military instruction therein provided. Such examinations shall be under rules and regulations prescribed by the Secretary of War, and shall be especially directed to ascertain the practical capacity of the applicant. The record of previous service of the applicant shall be considered as a part of the examination. Upon the conclusion of each examination the board shall certify to the War Department its judgment as to the fitness of the applicant, stating the office, if any, which it deems him qualified to fill, and, upon approval by the President, the names of the persons certified to be qualified shall be inscribed in a register to be kept in the War Department for that purpose. The persons so certified and registered shall, subject to a physical examination at the time, constitute an eligible class for commissions pursuant to such certificates in any volunteer force hereafter called for and organized under the authority of Congress, other than a force composed of organized militia, and the President may authorize persons from this class to attend and pursue a regular course of study at any military school or college of the United States other than the Military Academy at West Point and to receive from the annual appropriation for the support of the Army the same allowances and commutations as provided in this Act for officers of the organized militia: Provided, That no person shall be entitled to receive a commission as a second lieutenant after he shall have passed the age of thirty; as first lieutenant after he shall have passed the age of thirty-five; as captain after he shall have passed the age of forty; as major after he shall have passed the age of forty-five; as lieutenant-colonel after he shall have passed the age of fifty. or as colonel after he shall have passed the age of fifty-five: And provided further, That such appointments shall be distributed proportionately, as near as may be, among the various States contributing such volunteer force: And provided, That the appointments in this section provided for shall not be deemed to include appointments to any office in any company, troop, battery, battalion, or regiment of the organized militia which volunteers as a body or the officers of which are appointed by the governor of a State or Territory.

Act Jan. 21, 1903, c. 196, § 23, 32 Stat. 779.

Provisions for the organization of a Volunteer Army in time of war are contained in Act April 22, 1898, c. 187, and subsequent acts, set forth in Comp. St. 1901, pp. 876–883.

Organization of volunteer forces.

Sec. 24. That all the volunteer forces of the United States called for by authority of Congress shall, except as hereinbefore provided, be organized in the manner provided by the Act entitled "An Act to provide for temporarily increasing the military establishment of the United States in time of war, and for other purposes," approved April twenty-second, eighteen hundred and ninety-eight.

Act Jan. 21, 1903, c. 196, § 24, 32 Stat. 780.

Act April 22, 1898, c. 187, mentioned in this section, providing for the organization of a Volunteer Army, and subsequent provisions relating to the same subject, are set forth in Comp. St. 1901, pp. 876–883.

Repeal.

Sec. 25. That sections sixteen hundred and twenty-five to sixteen hundred and sixty, both included, of title sixteen of the Revised Statutes, and section two hundred and thirty-two thereof, relating to the militia, are hereby repealed.

Act Jan. 21, 1903, c. 196, § 25, 32 Stat. 780.

Rev. St. §§ 1625–1660, repealed by this section, are set forth in Comp. St. 1901, pp. 1121–1130, and Rev. St. § 232, also repealed thereby, is set forth in Comp. St. 1901, p. 121.

Time of taking effect of act.

Sec. 26. That this Act shall take effect upon the date of its approval.

Act Jan. 21, 1903, c. 196, § 26, 32 Stat. 780.

ACT JUNE 12, 1906, c. 3078. [H. R. 14397.]

Payment of militia, for service in encampment, etc., at any time after muster.

* * That hereafter when any portion of the organized militia of any State, Territory, or the District of Columbia participates in the encampment, maneuvers, and field instruction of any part of the Regular Army, under the provisions of section fifteen of the Act of January twenty-first, nineteen hundred and three, they may, after being duly mustered by an officer of the Regular Army, be paid at any time after such muster for the period from the date of leaving the home rendezvous to date of return thereto as determined in advance, both dates inclusive, and such payment, if otherwise correct, shall pass to the credit of the paymaster making the same.

Act June 12, 1906, c. 3078, 34 Stat. 249.

This is a proviso annexed to an appropriation for the expenses of the militia participating in such encampments, etc., in the Army appropriation act for the fiscal year ending June 30, 1908, cited above.

ACT MAY 11, 1908, c. 163. [H. R. 17288.]

Officers of organized militia not required to give bonds for funds for purchase of travel rations.

* * That officers of the organized militia who may hereafter be furnished, under proper authority, with funds for the purchase of coffee, or other components of the travel ration for the use of their respective commands, shall not be required to furnish bonds for the safekeeping and disbursement of the same.

Act May 11, 1908, c. 163, 35 Stat. 117.

This is a proviso annexed to the appropriation for purchase of subsistence supplies in the Army appropriation act for the fiscal year ending June 30, 1909, cited above.

ACT FEB. 18, 1909, c. 146. [H. R. 21926.]

Construction of Act Jan. 21, 1903, c. 126; words "State or Territory" to include District of Columbia.

That whenever the words "State or Territory" are used in the "Act to promote the efficiency of the militia, and for other purposes," approved January twenty-first, nineteen hundred and three, as amended, they shall be held to apply to and include the District of Columbia.

Act Feb. 18, 1909, c. 146, 35 Stat. 636.

This is a provision of "An act for the organization of the militia in the District of Columbia," cited above, which makes numerous amendments

of the previous act on that subject, Act March 1, 1889, c. 328, 25 Stat. 772, the last of which strikes out section 58 of that act and inserts in lieu thereof several sections, among them this provision, numbered as section 74 of that act.

Sec. 1661. [*As amended* 1887, 1900.]

[Amended. Act June 22, 1906, c. 3515, § 1.]

This section, set forth, as amended by Act Feb. 12, 1887, c. 129, § 1, and Act June 6, 1900, c. 805, in Comp. St. 1901, p. 1131, is further amended by Act June 22, 1906, c. 3515, set forth below.

ACT MAY 19, 1882, c. 172, § 2.

[Repealed. Act March 2, 1907, c. 2507.]

This section, set forth in Comp. St. 1901, p. 1131, is repealed by a provision of Act March 2, 1907, c. 2507, set forth below.

ACT FEB. 12, 1887, c. 129, §§ 2-4.

[Amended. Act June 22, 1906, c. 3515.]

Sections 2, 3, and 4 of this act, set forth in Comp. St. 1901, pp. 1131, 1132, are amended by Act June 22, 1906, c. 3515, §§ 2-4, set forth below.

ACT FEB. 24, 1897, c. 310, § 1.

[Superseded. Act Jan. 21, 1903, c. 196, § 13.]

The provisions of this section for issuing Springfield breech-loading rifles for arming all the regularly organized armed and equipped militia, set forth in Comp. St. 1901, p. 1133, are superseded by the provisions for issuing for the same purpose the United States service arms, etc., contained in Act Jan. 21, 1903, c. 196, § 13, set forth above.

ACT MARCH 3, 1905, c. 1416. [S. 5094.]

An Act to Promote the Efficiency of the Reserve Militia and to Encourage Rifle Practice among the Members thereof. (33 Stat. 986.)

Sales of magazine rifles for use of rifle clubs.

Be it enacted, &c., That the Secretary of War is hereby authorized to sell, at the prices at which they are listed for the Army, upon the request of the governors of the several States and Territories, such magazine rifles belonging to the United States as are not necessary for the equipment of the Army and the organized militia, for the use of rifle clubs formed under regulations prepared by the national board for the promotion of rifle practice and approved by the Secretary of War.

Act March 3, 1905, c. 1416, § 1, 33 Stat. 986.

Sales of ammunition, ordnance stores, and equipments for use of rifle clubs.

Sec. 2. That the Secretary of War is hereby authorized in his discretion to sell to the several States and Territories, as prescribed in section seventeen of the Act approved January twenty-first, nineteen hundred and three, for the use of said clubs, ammunition, ordnance stores, and equipments of the Government standard at the prices at which they are listed for the Army. The practice of the rifle clubs herein provided shall be carried on in conformity to regulations prescribed by the national board for the promotion of rifle practice, ap-

proved by the Secretary of War, and the results thereof shall be filed in the office of the Military Secretary of the Army.

Act March 3, 1905, c. 1416, § 2, 33 Stat. 987.

Provisions for a national trophy and medals and prizes to be contested for annually, said contest to be open to the Army, Navy, Marine Corps, and the National Guard or organized militia of the several States, Territories, and of the District of Columbia, contained in Act March 3, 1911, c. 209, are set forth ante, under Title XIV, "The Army," c. 1, subchapter "Of Promotions, Brevets, and Certificates of Merit."

ACT JUNE 22, 1906, c. 3515. [S. 1442.]

An Act to Increase the Efficiency of the Militia and Promote Rifle Practice. (34 Stat. 449.)

Amendment of Rev. St. § 1661.

Be it enacted, &c., That section sixteen hundred and sixty-one of the Revised Statutes, as amended by the Acts of February twelfth, eighteen hundred and eighty-seven, and June sixth, nineteen hundred, is hereby amended and reenacted so as to read as follows:

Appropriation for arms and equipments.

"Section 1. That the sum of two million dollars is hereby annually appropriated, to be paid out of any money in the Treasury not otherwise appropriated, for the purpose of providing arms, ordnance stores, quartermaster stores, and camp equipage for issue to the militia, such appropriation to remain available until expended."

Act June 22, 1906, c. 3515, § 1, 34 Stat. 449.

Rev. St. § 1661, amended by this section, is set forth, as previously amended by Act Feb. 12, 1887, c. 129, § 1, and Act June 6, 1900, c. 805, in Comp. St. 1901, p. 1131. The amendment consists in the increase of the annual appropriation from $1,000,000 to $2,000,000, and the addition, at the end of the section, of the words "such appropriation to remain available until expended," as set forth here.

Further provisions relating to the apportionment among the States, etc., and the application of the appropriation made by this section, are contained in the provisions of Act Feb. 12, 1887, c. 129, §§ 2–4, as amended by the corresponding sections of this act, set forth below.

The regularly enlisted, organized, and uniformed active militia who participate in the apportionment of the annual appropriation provided by this section constitute the organized militia, as distinguished from the reserve militia, by Act Jan. 21, 1903, c. 196, § 3, set forth above.

Arms, equipments, etc., may be issued for arming all the organized militia, without charging the cost thereof against the allotment out of the annual appropriation under this section, by Act Jan. 21, 1903, c. 196, § 13, set forth above.

The annual appropriation made by this section is available for the purpose of providing for issue to the organized militia any stores and supplies or publications which are supplied to the Army by any department, by Act Jan. 21, 1903, c. 196, § 17, set forth above.

Amendment of Act Feb. 12, 1887, c. 129, § 2.

Sec. 2. That section two of the Act of February twelfth, eighteen hundred and eighty-seven, is hereby amended and reenacted, so as to read as follows:

Apportionment of appropriation among States and Territories; purposes for which appropriation available.

"Sec. 2. That said appropriation shall be apportioned among the several States and Territories, under the direction of the Secretary of

War, according to the number of Senators and Representatives to which each State respectively is entitled in the Congress of the United States, and to the Territories and District of Columbia such proportion and under such regulations as the President may prescribe: Provided, however, That no State shall be entitled to the benefits of the appropriation apportioned to it unless the number of its regularly enlisted, organized, and uniformed active militia shall be at least one hundred men for each Senator and Representative to which such State is entitled in the Congress of the United States. And the amount of said appropriation which is thus determined not to be available shall be covered back into the Treasury: Provided also, That the sums so apportioned among the several States and Territories and the District of Columbia shall be available for the purposes named in section fourteen of the Act of January twenty-first, nineteen hundred and three, for the actual excess of expenses of travel in making the inspections therein provided for over the allowances made for same by law; for the promotion of rifle practice, including the acquisition, construction, maintenance, and equipment of shooting galleries and suitable target ranges; for the hiring of horses and draft animals for the use of mounted troops, batteries, and wagons; for forage for the same and for such other incidental expenses in connection with encampments, maneuvers, and field instruction provided for in sections fourteen and fifteen of the said Act of January twenty-first, nineteen hundred and three, as the Secretary of War may deem necessary."

Act June 22, 1906, c. 3515, § 2, 34 Stat. 449.

Act Feb. 12, 1887, c. 129, § 2, amended by this section, is set forth in Comp. St. 1901, p. 1131. The amendment consists in the addition, at the end of the section as originally enacted, of the last proviso set forth here specifying various purposes for which the appropriation shall be available.

Amendment of Act Feb. 12, 1887, c. 129, § 3.

Sec. 3. That section three of the Act of February twelfth, eighteen hundred and eighty-seven, is hereby amended and reenacted as follows:

Purchase of arms, etc., and accountability therefor.

"Sec. 3. That the purchase or manufacture of arms, ordnance stores, quartermaster stores, and camp equipage for the militia under the provisions of this Act shall be made under the direction of the Secretary of War, as such arms, ordnance and quartermaster stores, and camp equipage are now manufactured or otherwise provided for the use of the Regular Army, and they shall be receipted for and shall remain the property of the United States, and be annually accounted for by the governors of the States and Territories and by the commanding general of the National Guard of the District of Columbia, for which purpose the Secretary of War shall prescribe and supply the necessary blanks and make such regulations as he may deem necessary to protect the interests of the United States."

Act June 22, 1906, c. 3515, § 3, 34 Stat. 450.

Act Feb. 12, 1887, c. 129, § 3, amended by this section, is set forth in Comp. St. 1901, p. 1132. The amendment consists in the insertion, after the words "by the governors of the States and Territories," of the words "and by the commanding general of the National Guard of the District of Columbia," as set forth here.

Amendment of Act Feb. 12, 1887, c. 129, § 4.

Sec. 4. That section four of the Act of February twelfth, eighteen hundred and eighty-seven, is hereby amended so as to read as follows:

Property lost or destroyed, or becoming unserviceable or unsuitable; examination and determination as to accountability; disposition of articles.

"Sec. 4. That whenever any property furnished to any State or Territory, or the District of Columbia, as hereinbefore provided, has been lost or destroyed, or has become unserviceable or unsuitable from use in service, or from any other cause, it shall be examined by a disinterested surveying officer of the organized militia, to be appointed by the governor of the State or Territory, or the commanding general of the National Guard of the District of Columbia, to whom the property has been issued, and his report shall be forwarded by said governor or commanding general direct to the Secretary of War, and if it shall appear to the Secretary of War from the record of survey that the property has been lost or destroyed through unavoidable causes, he is hereby authorized to relieve the State from further accountability therefor; if it shall appear that the loss or destruction of property was due to carelessness or neglect or that its loss could have been avoided by the exercise of reasonable care, the money value thereof shall be charged against the allotment to the States under section sixteen hundred and sixty-one of the Revised Statutes as amended. If the articles so surveyed are found to be unserviceable or unsuitable, the Secretary of War shall direct what disposition, by sale or otherwise, shall be made of them, except unserviceable clothing which shall be destroyed, and if sold the proceeds of such sale shall be covered into the Treasury of the United States."

Act June 22, 1906, c. 3515, § 4. 34 Stat. 450.

Act Feb. 12, 1887, c. 129, § 4, amended by this section, is set forth in Comp. St. 1901, p. 1132.

ACT MARCH 2, 1907, c. 2507. [H. R. 23821.]

Repeal of Act May 19, 1882, c. 172, § 2.

Section two of the Act approved May nineteenth, eighteen hundred and eighty-two, authorizing the Secretary of War to issue, on the requisition of the governor of a State bordering on the sea or Gulf coast, and having a permanent camping ground for the encampment of the militia not less than six days annually, two heavy guns and four mortars, with carriages and platforms, for their instruction, and for the construction of a suitable battery for the cannon so issued, and appropriating five thousand dollars for each State to carry out the above-mentioned objects, is hereby repealed: Provided, That this repeal shall not affect the existing law regarding the disposition of the cannon and other stores already issued.

Act March 2, 1907, c. 2507, 34 Stat. 1060.

This is a provision of the fortifications appropriation act of March 2, 1907, cited above. Act May 19, 1882, c. 172, § 2, repealed by this provision, is set forth in Comp St. 1901, p. 1131.

ACT MARCH 23, 1910, c. 115. [H. R. 15384.]

Material, equipment, etc., for State coast artillery organizations; withdrawal in time of war.

For the purchase of material, equipment, books of instruction, range finders, and fire-control equipment for the instruction and use of State

coast artillery organizations, twenty-five thousand dollars: Provided, That in time of war, or threatened war, such equipment may, in the discretion of the Secretary of War, be withdrawn from armories or other places where it is in use by the State coast artillery organizations, and may be used in the fortifications of the United States.

Act March 23, 1910, c. 115. 36 Stat. 261.

This is a provision of the Army appropriation act for the fiscal year ending June 30, 1911, cited above. A similar appropriation, with the same proviso annexed, was made in the Army appropriation acts for the two preceding fiscal years. It is not repeated in the similar act for the fiscal year ending June 30, 1912, but an appropriation is made thereby for equipments of coast artillery armories of the organized militia. Act March 3, 1911, c. 209, 36 Stat. 1045.

ACT MARCH 3, 1911, c. 209. [H. R. 31237.]

Automatic pistols, etc., to be issued; ammunition therefor to be exchanged; receipt and accounting for pistols, etc.; old United States revolvers, etc., to be turned in.

* * That whenever in his opinion a sufficient number of automatic pistols of the standard service type, holsters, and pistol-cartridge boxes therefor, shall have been procured and be available for the purpose, the Secretary of War is hereby authorized to issue, on the requisition of the governors of the several States and Territories, or of the commanding general of the Militia of the District of Columbia, such number of standard pistols, holsters, and pistol-cartridge boxes therefor as are required for arming all of the Organized Militia in said States, Territories, and District of Columbia, without charging the cost or value thereof, or any expense connected therewith, against the allotment to said State, Territory, or District of Columbia, out of the annual appropriation provided by section sixteen hundred and sixty-one of the Revised Statutes, as amended, or requiring payment therefor, and to exchange, without receiving any money credit therefor, ammunition, or parts thereof, suitable to the new standard pistol, round for round, for corresponding ammunition suitable to the old revolver theretofore issued to said States, Territory, or District by the United States: Provided, That the said standard pistols, holsters, and pistol-cartridge boxes therefor shall be receipted for and shall remain the property of the United States and be annually accounted for by the governors of the States and Territories and the commanding general of the Militia of the District of Columbia as now required by law, and that each State, Territory, and District shall, on receipt of the new pistols, holsters, and pistol-cartridge boxes, and ammunition, turn in to the Ordnance Department of the United States Army, without receiving any money credit therefor and without expense for transportation, all United States revolvers and ammunition therefor, holsters, and revolver-cartridge boxes now in its possession.

To provide means to carry into effect the foregoing provisions, the necessary money, not to exceed three hundred thousand dollars, to recover the cost of exchanging or issuing the new pistols, ammunition therefor, holsters, and pistol-cartridge boxes to be exchanged or issued hereunder, is hereby appropriated out of any moneys in the Treasury not otherwise appropriated.

Act March 3, 1910, c. 209, 36 Stat. 1057.

These are provisos annexed to an appropriation for the manufacture of arms in the Army appropriation act for the fiscal year ending June 30, 1911, cited above.

Field artillery material to be issued; accounting therefor.

* * For the purpose of procuring Field Artillery material for the Organized Militia of the several States, Territories, and the District of Columbia, without cost to the said States, Territories, or the District of Columbia, but to remain the property of the United States and to be accounted for in the manner now prescribed by law, the Secretary of War is hereby authorized, under such regulations as he may prescribe, on the requisitions of the governors of the several States and Territories or the commanding general of the Militia of the District of Columbia, to issue said artillery material to the Organized Militia; and the sum of seven hundred and seventy thousand dollars is hereby appropriated and made immediately available and to remain available until the end of the fiscal year nineteen hundred and thirteen, for the procurement and issue of the articles constituting the same, seven hundred and seventy thousand dollars.

Act March 3, 1911, c. 209, 36 Stat. 1058.

This is a further provision of the Army appropriation act for the fiscal year ending June 30, 1912, cited above.

An appropriation for arming and equipping naval militia is made by each of the Navy appropriation acts for recent years. The provision for the fiscal year ending June 30, 1912, is by Act March 4, 1911, c. 239, 36 Stat. 1272.

TITLE XVII.

ARMS, ARMORIES, AND ARSENALS [AND ORDNANCE AND FORTIFICATIONS.]

Sec. 1663.

Pay of officers, clerks, etc., at armories.

All employés of the Ordnance Department whose rate of compensation is annual are to be paid monthly, by a provision of Act April 23, 1904, c. 1485, set forth below.

ACT APRIL 23, 1904, c. 1485. [H. R. 10670.]

Payments to be made monthly; computation of amount.

Hereafter all employees of the Ordnance Department whose rate of compensation is annual shall be paid monthly at the rate of one-twelfth of the annual rate, and of such monthly rate and of all other monthly rates of compensation one-thirtieth shall be the daily rate for computation of pay for fractional parts of a month; and for the purposes of this provision each and every month shall be held to consist of thirty days, whether the actual number of days be greater or less.

Act April 23, 1904, c. 1485, 33 Stat. 276.

This is a provision of the Army appropriation act for the fiscal year ending June 30, 1905, cited above.

A similar provision relating to all payments under provisions of Army appropriation acts, when the rate of compensation is annual, was contained in Act March 2, 1903, c. 975, 32 Stat. 934.

Subsequent more specific provisions for computation of pay of any person in the military service where the compensation is annual or monthly, contained in Act June 12, 1906, c. 3078, are also set forth ante, under Title XIV, "The Army," c. 3.

Similar rules for computation of the compensation of any person in the service of the United States are prescribed by Act June 30, 1906, c. 3914, § 6, set forth post, under Title XIX, "Provisions Applicable to Several Classes of Officers."

Sec. 1667.

Distribution of arms to States, etc.

The issue of arms and equipments for the organized militia, to remain the property of the United States, is provided for by Act Jan. 21, 1903, c. 196, § 13, and subsequent provisions set forth ante, under Title XVI, "The Militia."

Sales of magazine rifles, ammunition, ordnance stores, and equipments, for the use of rifle clubs, are authorized by Act March 3, 1905, c. 1416, set forth ante, under Title XVI, "The Militia."

The issue of obsolete ordnance and ordnance stores to State and Territorial educational institutions and to State soldiers and sailors orphans' homes is authorized by Act June 30, 1906, c. 3938, set forth below; sales of articles of ordnance property to such institutions for maintaining the ordnance, etc., issued to them, are authorized by a provision of Act May 11, 1908, c. 163, also set forth below; and the issue of ammunition of old model for target practice of students at said in-

stitutions is authorized by a provision of Act March 3, 1909, c. 251, also set forth below.

Sales of surplus obsolete small arms, etc., to patriotic organizations for military purposes are authorized by Act May 28, 1908, c. 215, § 14, set forth below.

Sales of surplus obsolete cannon, etc., for public parks, public buildings, and soldiers' monuments are authorized by Act March 4, 1909, c. 319, § 47, set forth below.

Provisions for sales of ordnance stores, etc., by the Chief of Ordnance to civilian employés in the Army and others, and to officers of the Navy and Marine Corps, contained in Act March 3, 1909, c. 252, are set forth ante, under Title XIV, "The Army," c. 1.

ACT JUNE 30, 1906, c. 3938. [H. R. 19814.]

An Act Authorizing the Issue of Obsolete Ordnance and Ordnance Stores for Use of State and Territorial Educational Institutions and to State Soldiers and Sailors Orphans' Homes. (34 Stat. 817.)

Obsolete ordnance and ordnance stores to be issued to State, etc., educational institutions and soldiers and sailors orphans' homes.

Be it enacted, &c., That the Secretary of War is hereby authorized to issue, at his discretion and under proper regulations to be prescribed by him, without cost of transportation to the United States, such obsolete ordnance and ordnance stores as may be available to State and Territorial educational institutions and to State soldiers and sailors orphans' homes, for purposes of drill and instruction.

And the Secretary of War shall require from such institutions or homes a bond in each case in double the value of the property issued, for the care and safe-keeping thereof and for the return of the same to the United States when required: Provided, That the issues herein provided for shall be made only to institutions upon recommendation of the governors of States and Territories and shall not be made in any case to any educational institution to which issues of such stores are allowed to be made under provisions of existing law.

Act June 30, 1906, c. 3938, 34 Stat. 817.

Sales of articles of ordnance property for maintaining the ordnance, etc., issued under this act are authorized by a provision of Act May 11, 1908, c. 163, set forth below; and the issue of ammunition of old model for target practice of students at institutions to which the issue of artillery is authorized, is permitted by a provision of Act March 3, 1909, c. 251, also set forth below.

ACT MAY 11, 1908, c. 163. [H. R. 17288.]

Sales of articles of ordnance property to educational institutions and soldiers' and sailors' orphans' homes.

Sales of articles of ordnance property are authorized to educational institutions and State soldiers' and sailors' orphans' homes for maintaining the ordnance and ordnance stores issued to them.

Act May 11, 1908, c. 163, 35 Stat. 125.

This is a provision of the Army appropriation act for the fiscal year ending June 30, 1909, cited above.

The issue of obsolete ordnance and ordnance stores to educational, and other institutions is authorized by Act June 30, 1906, c. 3938, set forth above.

ACT MAY 28, 1908, c. 215, § 14. [H. R. 21410.]

Sales of obsolete small arms, etc., to patriotic organizations.

That the Chief of Ordnance is hereby authorized to sell without advertisement to patriotic organizations for military purposes surplus

obsolete small arms and their equipments and ammunition at such prices as he may deem reasonable and just: Provided, That hereafter obsolete small arms and their equipment and ammunition shall not be disposed of to such organizations except as provided for in this Act.

Act May 28, 1908, c. 215, § 14, 35 Stat. 443.
This is the final section of an act granting condemned ordnance to certain institutions cited above.

ACT MARCH 3, 1909, c. 251. [H. R. 27054.]

Ammunition of old model to be issued to institutions to which issue of artillery is authorized.

Hereafter ammunition of older model than current may be issued for the instruction in target practice of students at the institutions to which the issue of artillery is authorized to the value of not more than five thousand dollars of original cost in any one year.

Act March 3, 1909, c. 251, 35 Stat. 730.
This is a provision of the fortifications appropriation act, cited above. A similar provision, without the word "hereafter," was contained in the similar act of the preceding year, Act May 27, 1908, c. 202, 35 Stat. 395.

ACT MARCH 4, 1909, c. 319, § 47. [H. R. 28304.]

Sales of obsolete ordnance for public parks, public buildings, and soldiers' monuments.

That the Chief of Ordnance is hereby authorized to sell without advertisement for public parks, public buildings, and soldiers' monuments purposes surplus obsolete brass or bronze cannon, carriages, and cannon balls at such prices as he may deem reasonable and just: Provided, That hereafter obsolete brass or bronze cannon and their accessories shall not be disposed of for such purposes except as provided for in this Act.

Act March 4, 1909, c. 319, § 47, 35 Stat. 1075.
This is the final section of an act granting certain obsolete ordnance for ornamental purposes, cited above.

Sec. 1668.

[Repealed. Act March 4, 1909, c. 321, § 341.]

This section, set forth in Comp. St. 1901, p. 1140, is incorporated in the act to codify, etc., the penal laws. Act March 4, 1909, c. 321, in chapter 4, § 43, thereof, and is expressly repealed by chapter 15, § 341, of said act, taking effect January 1, 1910. Said act is set forth post, under Title LXIX, "The Criminal Code."

Sec. 1673.

ACT MARCH 3, 1885, c. 360, § 1.

Machine for testing iron and steel.

A provision contained in Act May 27, 1908, c. 200, § 1, 35 Stat. 354, transferring the testing machines at the Watertown Arsenal to the Department of Commerce and Labor, was repealed by a provision of Act March 4, 1909, c. 297, § 1, 35 Stat. 905.

[BOARD OF ORDNANCE AND FORTIFICATION.]

ACT SEPT. 22, 1888, c. 1028, §§ 1, 6.

Board of Ordnance and Fortification; composition; powers and duties.

Duties prescribed by statute for the Commanding General of the Army as a member of the Board of Ordnance and Fortification are to be per-

formed by the Chief of Staff or other officer designated by the President, by a provision of Act Feb. 14, 1903, c. 553, § 4, set forth ante, under Title XIV, "The Army," c. 1.

Investigations and tests by Board; limit of expenditures; guns and materials to be of American production.

The annual fortifications appropriation acts require all materials purchased under their provisions to be of American manufacture, except in cases where, in the judgment of the Secretary of War, it will be to the manifest interest of the United States to purchase such materials in limited quantities abroad. Such provision is contained in Act March 4, 1911, c. 242, 36 Stat. 1343.

[ORDNANCE MATERIALS, STORES, AND SUPPLIES.]

ACT JUNE 22, 1874, c. 413.

Sale of unserviceable ordnance stores.

Special provisions for the sale of serviceable ordnance and ordnance stores, contained in Act April 23, 1904, c. 1485, and Act March 2, 1905, c. 1307, are set forth below.

ACT MARCH 3, 1875, c. 130, § 1.

Sale of useless ordnance materials.

Further provisions relating to moneys arising from the disposition of ordnance and ordnance stores, contained in Act April 23, 1904, c. 1485, are set forth below.

ACT MARCH 1, 1901, c. 677.

Maximum contract price of steel for guns and mortars.

The provision of this act, limiting the price of steel for guns and mortars, set forth in Comp. St. 1901, p. 1147, is repeated in the same language in the similar appropriation act for the year next following, Act June 6, 1902, c. 1033, 32 Stat. 307. It is again repeated, with a clause excepting nickel steel, in the fortifications appropriation act for the next year, Act March 3, 1903, c. 1000, 32 Stat. 1025; but it does not appear in the subsequent similar acts.

Right to use invention involved in construction of guns, etc., to be determined before constructing or testing same.

The further provision of this act, set forth in Comp. St. 1901, pp. 1147, 1148, is also repeated in the same language in the similar appropriation acts of subsequent years. Such provision is contained in Act March 4, 1911, c. 242, 36 Stat. 1344.

ACT APRIL 23, 1904, c. 1485. [H. R. 10670.]

Application of moneys arising from disposition of serviceable ordnance and ordnance stores; sale to American designers for development of designs.

Hereafter all moneys arising from disposition authorized by law and regulation of serviceable ordnance and ordnance stores shall constitute one fund on the books of the Treasury Department, which shall be available to replace ordnance and ordnance stores throughout the fiscal year in which the disposition was effected and throughout the following year. The Secretary of War is hereby authorized to sell to American designers such serviceable ordnance and ordnance stores as may be necessary in the development of designs which may be used in the military service: Provided, That such ordnance and ordnance stores can be spared for the purpose, and funds arising from such sales shall be available to replace like ordnance and ordnance stores.

Act April 23, 1904, c. 1485, 33 Stat. 276.

These are provisions of the Army appropriation act for the fiscal year ending June 30, 1905, cited above.

ACT MARCH 2, 1905, c. 1307. [H. R. 17473.]

Sale of individual pieces of armament.

* * And individual pieces of United States armament which are not needed on account of historical value, and can be advantageously replaced, may be sold at a price not less than their cost price, when there exist for such sale sentimental reasons adequate in the judgment of the Secretary of War or Secretary of the Navy.

Act March 2, 1905, c. 1307, 33 Stat. 841.

This is a provision of the Army appropriation act for the fiscal year ending June 30, 1906, cited above.

A provision of the same act, immediately preceding this, relating to moneys arising from deductions made from carriers on account of loss of or damage to military stores, is set forth ante, under Title XIV, "The Army," c. 1.

ACT MARCH 2, 1901, c. 803.

[Superseded. Act June 30, 1902, c. 1328.]

The provision of this act that appropriations for the Ordnance Department should not be used in payment of freight charges on ordnance, etc., set forth in Comp. St. 1901, p. 1148, is repeated, with the insertion of the word "hereafter," in the similar appropriation act for the year next following, Act June 30, 1902, c. 1328, as set forth below, which supersedes all previous provisions.

ACT JUNE 30, 1902, c. 1328.

* * That hereafter no part of the appropriations made for the Ordnance Department shall be used in payment of freight charges on ordnance or ordnance stores issued by said Department.

Act June 30, 1902, c. 1328, 32 Stat. 520.

This is a proviso annexed to the appropriation, under the heading "Ordnance Department," for manufacture, etc., of arms, in the Army appropriation act for the fiscal year ending June 30, 1903, cited above. It re-enacts similar provisos in previous appropriation acts, with the word "hereafter" inserted, making the provision permanent in its operation.

ACT JUNE 12, 1906, c. 3078. [H. R. 14397.]

Expenses of Ordnance Department in procuring stores for other departments or bureaus to be defrayed from its appropriations, subject to reimbursement.

Whenever the Ordnance Department, under existing regulations, procures stores for other Executive Departments or bureaus, including the Philippine government, its appropriations shall be applicable to defray the necessary expenses in connection with the procurement, subject to reimbursement from time to time, or on completion of the work, from the department or bureau for which the stores were procured.

Act June 12, 1906, c. 3078, 34 Stat. 258.

This is a provision of the Army appropriation act for the fiscal year ending June 30, 1907, cited above.

ACT MARCH 2, 1907, c. 2511. [H. R. 23551.]

Appropriations for ordnance-stores ammunition, etc., available for two years.

Hereafter the appropriations "Ordnance-stores ammunition," "Small-arms target practice," and "Ordnance stores and supplies" shall be available for two years to procure the stores authorized by them.

Act March 2, 1907, c. 2511, 34 Stat. 1175.

This is a provision of the Army appropriation act for the fiscal year ending June 30, 1908, cited above.

TITLE XVIII.

DIPLOMATIC AND CONSULAR OFFICERS.

CHAPTER ONE.

Diplomatic Officers.

Sec. 1675. [*As amended* 1875.]

Salaries.

The diplomatic and consular appropriation acts for the fiscal year 1903 and subsequent years, respectively, provided for various diplomatic officers and salaries, differing, in many instances, from those provided for by the similar act for the fiscal year ending June 30, 1902, which are given in the notes under this section in Comp. St. 1901, pp. 1151, 1152. The appropriations for diplomatic officers for the year ending June 30, 1912, are as follows:

"SCHEDULE A.

"Salaries of Ambassadors and Ministers.

"Ambassadors extraordinary and plenipotentiary to Austria-Hungary, Brazil, France, Germany, Great Britain, Italy, Japan, Mexico, Russia, and Turkey, at seventeen thousand five hundred dollars each, one hundred and seventy-five thousand dollars;

"Envoys extraordinary and ministers plenipotentiary to the Argentine Republic, Belgium, Chili, China, Cuba, the Netherlands and Luxemburg, and Spain, at twelve thousand dollars each, eighty-four thousand dollars;

Envoys extraordinary and ministers plenipotentiary to Bolivia, Colombia, Costa Rica, Denmark, Ecuador, Greece and Montenegro, Guatemala, Haiti, Honduras, Morocco, Nicaragua, Norway, Panama, Paraguay and Uruguay, Persia, Peru, Portugal, Salvador, Siam, Sweden, Switzerland, and Venezuela, at ten thousand dollars each, two hundred and twenty thousand dollars;

Envoy extraordinary and minister plenipotentiary to Roumania, Servia, and Bulgaria, ten thousand dollars;

Envoy extraordinary and minister plenipotentiary to the Dominican Republic, ten thousand dollars;

"Minister resident and consul-general to Liberia, five thousand dollars;

"Agent and consul-general at Cairo, six thousand five hundred dollars:

"Provided, That no salary herein appropriated shall be paid to any official receiving any other salary from the United States Government.

Chargés d'affaires ad interim, fifty thousand dollars;

Total, five hundred and sixty thousand five hundred dollars.

"Salaries of Secretaries of Embassies and Legations.

"Secretaries of embassy to Austria-Hungary, Brazil, Great Britain, France, Germany, Italy, Japan, Mexico, Russia, and Turkey, at three thousand dollars each, thirty thousand dollars;

Japanese secretary of embassy to Japan, three thousand six hundred dollars;

Interpreter to embassy to Turkey, three thousand dollars;

Chinese secretary of legation to China, three thousand six hundred dollars;

"Secretaries of legation to the Argentine Republic, Belgium, Chili, China, Cuba, the Netherlands and Luxemburg, and Spain, at two thou-

sand six hundred and twenty-five dollars each, eighteen thousand three hundred and seventy-five dollars;

"Secretaries of legation to Bolivia, Colombia, Costa Rica, Denmark, the Dominican Republic, Ecuador, Guatemala, Honduras, Liberia, Morocco, Nicaragua, Norway, Panama, Peru, Portugal, Sweden, Switzerland, and Venezuela, at two thousand dollars each, thirty-six thousand dollars;

"Secretary of legation to Salvador and consul-general to San Salvador, two thousand dollars;

"Secretary of legation to Siam and consul-general at Bangkok, two thousand dollars:

"Secretary of legation to Greece and Montenegro, two thousand dollars;

"Secretary of legation to Paraguay and Uruguay, two thousand dollars;

"Secretary of legation and consul-general to Roumania, Servia, and Bulgaria, two thousand dollars;

"Secretary of legation to Persia, who shall be an American student of the language of that country, two thousand dollars;

"Second secretaries of embassy to Austria-Hungary, Brazil, Great Britain, France, Germany, Italy, Japan, Mexico, and Russia, at two thousand dollars each, eighteen thousand dollars;

Second secretaries of legation to China and Cuba, at one thousand eight hundred dollars each, three thousand six hundred dollars;

"Second secretary of embassy to Turkey, who shall be an American student of the language of that court and country, two thousand dollars;

"Third secretaries of embassy to Great Britain, France, Mexico, Germany, and Russia, at one thousand two hundred dollars each, six thousand dollars;

"Third secretary of embassy to Japan, who shall be an American student of the Japanese language, one thousand two hundred dollars:

"Third secretary of embassy to Turkey, who shall be an American student of the Turkish language, one thousand two hundred dollars:

"Total, one hundred and thirty-eight thousand five hundred and seventy-five dollars."

"Salaries of Interpreters to Embassies and Legations.

"Assistant Chinese secretary of legation to China, to be appointed from the corps of student interpreters, two thousand dollars;

"Assistant Japanese secretary of embassy to Japan, to be appointed from the corps of student interpreters, two thousand dollars;

"Interpreter to legation and consulate-general to Persia, one thousand dollars;

"Interpreter to legation and consulate-general to Bangkok, Siam, five hundred dollars;

"For ten student interpreters at the legation to China, who shall be citizens of the United States, and whose duty it shall be to study the Chinese language with a view to supplying interpreters to the legation and consulates in China, at one thousand dollars each, ten thousand dollars: Provided, That said student interpreters shall be chosen in such manner as will make the selections nonpartisan: And provided further, That upon receiving such appointment each student interpreter shall sign an agreement to continue in the service as interpreter to the legation and consulates in China so long as his said services may be required within a period of five years:

"For the payment of the cost of tuition of student interpreters at the legation to China, at the rate of one hundred and twenty-five dollars per annum each, one thousand two hundred and fifty dollars;

"For six student interpreters at the embassy to Japan, who shall be citizens of the United States, and whose duty it shall be to study the Japanese language with a view to supplying interpreters to the embassy and consulates in Japan, at one thousand dollars each, six thousand dollars: Provided, That said student interpreters shall be chosen in such manner as will make the selections nonpartisan: And provided further, That upon receiving such appointment each student interpreter

shall sign an agreement to continue in the service as interpreter to the embassy and consulates in Japan so long as his said services may be required within a period of five years;

"For the payment of the cost of tuition of student interpreters at the embassy to Japan, at the rate of one hundred and twenty-five dollars per annum each, seven hundred and fifty dollars;

For ten student interpreters at the embassy to Turkey, who shall be citizens of the United States, and whose duty it shall be to study the language of Turkey and any other language that may be necessary to qualify them for service as interpreters to the embassy and consulates in Turkey, at one thousand dollars each, ten thousand dollars: Provided, That said student interpreters shall be chosen in such manner as will make the selections nonpartisan: And provided further, That upon receiving such appointment each student interpreter shall sign an agreement to continue in the service as interpreter to the embassy and consulates in Turkey so long as his said services may be required within a period of five years;

"For the payment of the cost of tuition of student interpreters at the embassy to Turkey, at the rate of one hundred and twenty-five dollars per annum each, one thousand two hundred and fifty dollars.

"Total, thirty-five thousand seven hundred and fifty dollars.

"But no person drawing the salary of interpreter as above provided shall be allowed any part of the salary appropriated for any secretary of legation or other officer."

Act March 3, 1911, c. 208, 36 Stat. 1027.

The sums thus appropriated are, as in previous acts, "severally appropriated, in full compensation for the diplomatic and consular service for the fiscal year," and these provisions cannot be deemed permanent.

A provision for the employment of clerks at embassies and legations, more permanent in its nature so far as it refers to such clerks "whenever hereafter appointed," contained in the diplomatic and consular appropriation act for the fiscal year ending June 30, 1907, Act June 16, 1906, c. 3337, and repeated in the similar acts for the following years, cited above, is set forth below.

ACT MARCH 1, 1893, c. 182, § 1.

[Repealed. Act March 2, 1909, c. 235.]

The provision of this act, set forth in Comp. St. 1901, p. 1152, is expressly repealed by a provision of Act March 2, 1909, c. 235, set forth below.

ACT JUNE 16, 1906, c. 3337. [H. R. 19264.]

Clerks at embassies and legations.

For the employment of necessary clerks at the embassies and legations, who, whenever hereafter appointed, shall be citizens of the United States, sixty-five thousand dollars.

Act June 16, 1906, c. 3337, 34 Stat. 288.

This is a provision of the diplomatic and consular appropriation act for the fiscal year ending June 30, 1907, cited above. It is repeated in the same language in the similar acts for subsequent years. The provision for the fiscal year ending June 30, 1912, is by Act March 3, 1911, c. 208, 36 Stat. 1029.

ACT MARCH 2, 1909, c. 235. [H. R. 27523.]

Repeal of provision of Act March 1, 1893, c. 182, § 1.

The following provision of an Act making appropriations for the diplomatic and consular service of the United States for the fiscal year ending June thirtieth, eighteen hundred and ninety-four, be, and is hereby, repealed, namely:

"Whenever the President shall be advised that any foreign government is represented, or is about to be represented, in the United States by an ambassador, envoy extraordinary, minister plenipotentiary, minister resident, special envoy, or chargé d'affaires, he is au-

thorized, in his discretion, to direct that the representative of the United States to such government shall bear the same designation. This provision shall in nowise affect the duties, powers, or salary of such representative."

Act March 2, 1909, c. 235, 35 Stat. 672.

This is a provision of the diplomatic and consular appropriation act for the fiscal year ending June 30, 1910, cited above.

The provision of Act March 1, 1893, c. 182, § 1, repealed by this provision, is set forth in Comp. St. 1901, p. 1152.

No new ambassadorship to be created unless provided for by act of Congress.

And hereafter no new ambassadorship shall be created unless the same shall be provided for by Act of Congress.

Act March 2, 1909, c. 235, 35 Stat. 672.

This is a further provision of the diplomatic and consular appropriation act for the fiscal year ending June 30, 1910, cited above.

Sec. 1676. [*As amended* 1875.]

Agent and consul-general at Cairo.

The salary of the agent and consul-general at Cairo, which by Rev. St. § 1676, Comp. St. 1901, p. 1153, was $3,500 per annum, is $6,500 for the fiscal year ending June 30, 1910, by a provision of Act March 3, 1911, c. 208, set forth ante, in note under Rev. St. § 1675.

Sec. 1677.

Secretary of legation to Turkey.

The provision of this section, set forth in Comp. St. 1901, p. 1153, that the consul-general at Constantinople should be the secretary of the legation to Turkey, without compensation therefor, is superseded by the annual appropriations for salary of such secretary as for a distinct office. The appropriations for the fiscal year ending June 30, 1912, are for a secretary of embassy, $3,000, and a second secretary of embassy, $2,000, by provisions of Act March 3, 1911, c. 208, set forth ante, in note under Rev. St. § 1675.

Sec. 1678.

Interpreter of legation to Turkey.

An interpreter to the embassy to Turkey, at $3,000, for the fiscal year ending June 30, 1912, is provided for by Act March 3, 1911, c. 208, set forth ante, in note under Rev. St. § 1675. Provisions for student interpreters, also, at the embassy, are contained in said act.

Sec. 1679.

Interpreter of legation to Japan.

A Japanese secretary and an assistant Japanese secretary of embassy to Japan, at $3,600 and $2,000, respectively, for the fiscal year ending June 30, 1912, are provided for by Act March 3, 1911, c. 208, set forth ante, under Rev. St. § 1675. Further appropriations and provisions for other interpreters to embassies and legations, and provisions for student interpreters at the legation to China and the embassies to Japan and Turkey, are also contained in said act.

Sec. 1682.

Minister to Guatemala, Costa Rica, Honduras, Salvador, and Nicaraugua.

Envoys extraordinary and ministers plenipotentiary to Costa Rica, Guatemala, Honduras, Nicaragua, and Salvador, at $10,000 each, for the fiscal year ending June 30, 1912, are provided for by Act March 3, 1911, c. 208, set forth ante, in note under Rev. St. § 1675.

Sec. 1683.

Representatives to Haiti, Liberia, etc.

So much of the former provision for an envoy extraordinary and minister plenipotentiary to Haiti as required him to be accredited also as chargé d'affaires to Santo Domingo was repealed by Act April 27, 1904, c. 1630, 33 Stat. 394, and a minister resident and consul-general to the Dominican Republic was also provided for by that act and subsequent diplomatic and consular appropriation acts. An envoy extraordinary and minister plenipotentiary to the Dominican Republic is provided for the fiscal year ending June 30, 1912, by Act March 3, 1911, c. 208, set forth ante, in note under Rev. St. § 1675.

A minister resident and consul-general to Liberia, at $5,000, is provided for also by said Act March 3, 1911, c. 208.

Sec. 1685.

[Amended. Act March 2, 1909, c. 235.]

This section, set forth in Comp. St. 1901, p. 1156, is expressly amended by a provision of Act March 2, 1909, c. 235, set forth below.

ACT MARCH 2, 1909, c. 235. [H. R. 27523.]

Amendment of Rev. St. § 1685; compensation of secretary of embassy or legation acting as chargé d'affaires.

Section sixteen hundred and eighty-five of the Revised Statutes is hereby amended to read as follows: "For such time as any secretary of embassy or legation shall be lawfully authorized to act as chargé d'affaires ad interim at the post to which he shall have been appointed, he shall be entitled to receive, in addition to his salary as secretary of embassy or legation, compensation equal to the difference between such salary and fifty per centum of the salary provided by law for the ambassador or minister at such post."

Act March 2, 1909, c. 235, 35 Stat. 673.

This is a provision of the diplomatic and consular appropriation act for the fiscal year ending June 30, 1910, cited above.

Rev. St. § 1685, amended by this provision, is set forth in Comp. St. 1901, p. 1156.

Sec. 1687.

ACT MARCH 3, 1875, c. 130, § 1.

Rent of buildings for legation at Pekin.

The appropriation for rent mentioned in the note under this section in Comp. St. 1901, p. 1157, was repeated in subsequent similar appropriation acts, but was not continued after the provision of Act March 3, 1905, c. 1407, 33 Stat. 918.

CHAPTER TWO.

Consular Officers.

Sec. 1690.

[Superseded. Act April 5, 1906, c. 1366.]

This section and subsequent provisions also set forth or referred to under it in Comp. St. 1901, pp. 1159–1172, relating to appointment and salaries of consular officers, are superseded by the provisions for the re-

organization of the consular service contained in Act April 5, 1906, c. 1306, set forth below as amended by Act May 11, 1908, c. 161, and Act Feb. 3, 1909, c. 60.

ACT MARCH 3, 1875, c. 157.

[Superseded. Act April 5, 1906, c. 1366.]

This act, set forth in Comp. St. 1901, p. 1171, is superseded by the provisions for the reorganization of the consular service contained in Act April 5, 1906, c. 1366, set forth below.

ACT FEB. 18, 1876, c. 12.

[Superseded. Act April 5, 1906, c. 1366.]

This act, set forth in Comp. St. 1901, p. 1172, is superseded by the provisions for the reorganization of the consular service contained in Act April 5, 1906, c. 1366, set forth below.

ACT FEB. 11, 1878, c. 14.

[Superseded. Act April 5, 1906, c. 1366.]

This act, set forth in Comp. St. 1901, p. 1172, is superseded by the provisions for the reorganization of the consular service contained in Act April 5, 1906, c. 1366, set forth below.

ACT APRIL 5, 1906, c. 1366. [S. 1345.] [*As amended* 1908, 1909.]

An Act to Provide for the Reorganization of the Consular Service of the United States. (34 Stat. 99.)

Consular system reorganized.

Be it enacted, &c., That the consular system of the United States be reorganized in the manner hereinafter provided in this Act.

Act April 5, 1906, c. 1366, § 1, 34 Stat. 99.

Before this act, appointments and salaries of consular officers were regulated by Rev. St. § 1690, and subsequent provisions set forth in Comp. St. 1901, pp. 1159–1172, and by the provisions made for each fiscal year by the diplomatic and consular appropriation acts. All such previous provisions relating to the subject are superseded by this act.

Consuls-general and consuls: classification; salaries.

Sec. 2. That the consuls-general and the consuls of the United States shall hereafter be classified and graded as hereinafter specified, with the salaries of each class herein affixed thereto.

CONSULS-GENERAL.

Class one, twelve thousand dollars: London, Paris.

Class two, eight thousand dollars: Berlin, Habana, Hongkong, Hamburg, Rio de Janeiro, Shanghai.

Class three, six thousand dollars: Calcutta, Cape Town, Constantinople, Mexico City, Montreal, Ottawa, Vienna, Yokohama.

Class four, five thousand five hundred dollars: Antwerp, Barcelona, Brussels, Canton, Frankfort, Marseilles, Moscow, Panama, Rotterdam, Seoul, Sydney (Australia), Tientsin.

Class five, four thousand five hundred dollars: Auckland, Beirut, Boma, Buenos Ayres, Callao, Coburg, Dresden, Genoa, Guayaquil, Halifax, Hankau, Mukden, Munich, Singapore, Vancouver, Winnipeg, Zurich.

Class six, three thousand five hundred dollars: Adis Ababa, Bogota, Budapest, Guatemala, Lisbon, Monterey, San Salvador, Smyrna, Stockholm, Tangier.

Class seven, three thousand dollars: Athens, Christiania, Copenhagen.

CONSULS.

Class one, eight thousand dollars: Liverpool.

Class two, six thousand dollars: Manchester.

Class three, five thousand dollars: Amsterdam, Bremen, Dawson, Belfast, Havre, Johannesburg, Kobe, Lourenço Marquez, Lyon.

Class four, four thousand five hundred dollars: Amoy, Birmingham, Chefoo, Cienfuegos, Fuchau, Glasgow, Kingston (Jamaica), Newchwang, Nottingham, Saint Gall, Santiago, Southampton, Veracruz, Valparaiso.

Class five, four thousand dollars: Bahia, Bombay, Bordeaux, Colon, Dublin, Dundee, Harbin, Leipzig, Milan, Nanking, Naples, Nuremberg, Para, Pernambuco, Plauen, Reichenberg, Santos, Stuttgart, Toronto, Tsingtau, Victoria, Warsaw.

Class six, three thousand five hundred dollars: Alexandria, Apia, Barmen, Barranquilla, Basel, Berne, Bluefields, Bradford, Chemnitz, Chunking, Cologne, Dalny, Durban, Edinburgh, Fiume, Geneva, Georgetown, Guadelajara, Mannheim, Montevideo, Nagasaki, Odessa, Palermo, Port Elizabeth, Prague, Quebec, Rangoon, Rheims, Rimouski, Rome, Saint Petersburg, Saloniki, Sherbrooke, Vladivostok.

Class seven, three thousand dollars: Aix la Chapelle, Aleppo, Barbados, Batavia, Belgrade, Burslem, Calais, Calgary, Carlsbad, Catania, Colombo, Corinto, Dunfermline, Florence, Frontera, Ghent, Hamilton (Ontario), Hanover, Harput, Huddersfield, Iquitos, Iquique, Jerusalem, Karachi, Kehl, La Guaira, Leghorn, Liege, Madras, Malaga, Managua, Melbourne, Nantes, Nassau, Newcastle (New South Wales), Newcastle (England), Port Antonio, Punta Arenas, Port au Prince, Riga, Sandakan, Progreso, Seville, Saint John (New Brunswick), Saint Michaels, Saint Thomas (West Indies), San Jose, Sheffield, Swansea, Sydney (Nova Scotia), Tabriz, Tampico, Tamsui, Trieste, Trinidad.

Class eight, two thousand five hundred dollars: Acapulco, Aden, Algiers, Antung, Batum, Belize, Bergen, Breslau, Brunswick, Cardiff, Chihuahua, Ciudad Juarez, Ciudad Porfirio Diaz, Cognac, Cork, Curaçao, Erfurt, Gibraltar, Gothenburg, Hamilton (Bermuda), Hull, Jerez de la Frontera, Kingston (Ontario), Leeds, Limoges, Madrid, Magdeburg, Malta, Maracaibo, Martinique, Matamoros, Mazatlan, Mersine, Nice, Nogales, Nuevo Leredo, Orillia, Owen Sound, Plymouth, Port Limon, Prescott, Puerto Cortez, Rosario, Roubaix, Saint Johns (Newfoundland), Saint Etienne, San Luis Potosi, Sarnia, Sault Sainte Marie, Stettin, Swatow, Tamatave, Tegucigalpa, Teneriffe, Trebizond, Tripoli, Valencia, Windsor (Ontario), Yarmouth, Zanzibar.

Class nine, two thousand dollars: Aguascalientes, Asuncion, Bagdad, Bristol, Campbellton, Cape Gracias, Cape Haitien, Cartagena, Ceiba, Charlottetown, Cornwall, Durango, Ensenada, Fernie, Fort Erie, Gorée-Dakar, Grenobel, Guadeloupe, Hermosillo, Hobart, La Paz, Manzanillo, Maskat, Moncton, Niagara Falls, Patras, Port Louis, Puerto Cabello, Puerto Plata, Rouen, Saigon, Saint Johns (Quebec), Saint Pierre, Saint Stephen, Salina Cruz, Saltillo, Sierra Leone, Sivas, Stavanger, Suva, Tahita, Tapachula, Turin, Turks Island, Venice."

Act April 5, 1906, c. 1366, § 2, 34 Stat. 99. Act May 11, 1908, c. 161, 35 Stat. 101. Act Feb. 3, 1909, c. 60, 35 Stat. 593.

The amendments of this section by Act May 11, 1908, c. 161, and Act

Feb. 3, 1909, c. 60, cited above, consist in changes in the classification of consuls-general and consuls by the section as originally enacted.

The appointment of vice-consular officers is provided for by section 3 of this act, set forth below.

The appointment of inspectors of consulates, to be designated consuls-general at large, is provided for by section 4 of this act, set forth below.

Vice-consular officers; consular agents; grade of commercial agent abolished.

Sec. 3. That the offices of vice-consuls-general, deputy consuls-general, vice-consuls, and deputy consuls shall be filled by appointment, as heretofore, except that whenever, in his judgment, the good of the service requires it, consuls may be designated by the President without thereby changing their classification to act for a period not to exceed one year as vice-consuls-general, deputy consuls-general, vice-consuls, and deputy consuls; and when so acting they shall not be deemed to have vacated their offices as consuls. Consular agents may be appointed, when necessary, as heretofore. The grade of commercial agent is abolished.

Act April 5, 1906. c. 1366, § 3, 34 Stat. 100.

Previous provisions for appointment of vice-consular officers and consular agents were contained in Rev. St. § 1695, Comp. St. 1901, p. 1174.

Additional compensation to vice-consular officers, out of the salaries of the consuls-general or consuls for whom they act, is authorized by section 8 of this act, set forth below.

Inspectors of consulates; designation as consuls-general at large; appointment; duties; powers; bonds; misconduct and neglect of duty.

Sec. 4. That there shall be five inspectors of consulates, to be designated and commissioned as consuls-general at large, who shall receive an annual salary of five thousand dollars each, and shall be paid their actual and necessary traveling and subsistence expenses while traveling and inspecting under instructions from the Secretary of State. They shall be appointed by the President, with the advice and consent of the Senate, from the members of the consular force possessing the requisite qualifications of experience and ability. They shall make such inspections of consular offices as the Secretary of State shall direct, and shall report to him. Each consular office shall be inspected at least once in every two years. Whenever the President has reason to believe that the business of a consulate or a consulate-general is not being properly conducted and that it is necessary for the public interest, he may authorize any consul-general at large to suspend the consul or consul-general, and administer the office in his stead for a period not exceeding ninety days. In such case the consul-general at large so authorized shall have power to suspend any vice or deputy consular officer or clerk in said office during the period aforesaid. The provisions of law relating to the official bonds of consuls-general, and the provisions of sections seventeen hundred and thirty-four, seventeen hundred and thirty-five, and seventeen hundred and thirty-six, Revised Statutes of the United States, shall apply to consuls-general at large.

Act April 5, 1906, c. 1366, § 4, 34 Stat. 100.

Provisions relating to official bonds of consuls-general, mentioned in this section, are contained in Rev. St. § 1697, Comp. St. 1901, p. 1174. And the provisions of Rev. St. §§ 1734, 1735, 1736, also mentioned in this section, relating to embezzlement, neglect of duty, etc., by consular officers, are set forth in Comp. St. 1901, pp. 1188, 1189.

Consular clerks at salary of $1,000 a year or more to be American citizens.

Sec. 5. No person who is not an American citizen shall be appointed hereafter in any consulate-general or consulate to any clerical position the salary of which is one thousand dollars a year or more.

Act April 5, 1906, c. 1366, § 5, 34 Stat. 101.

The appointment of consular clerks is authorized by Rev. St. § 1704, Comp. St. 1901, p. 1178. Their salaries are fixed by a provision of Act Feb. 22, 1907, c. 1184, set forth post, under Rev. St. § 1704.

Sec. 6. [Amends Rev. St. §§ 1699, 1700.]

This section, amending Rev. St. §§ 1699, 1700, is set forth post, under those sections.

Consular officers required to perform notarial acts; fees therefor.

Sec. 7. That every consular officer of the United States is hereby required, whenever application is made to him therefor, within the limits of his consulate, to administer to or take from any person any oath, affirmation, affidavit, or deposition, and to perform any other notarial act which any notary public is required or authorized by law to do within the United States; and for every such notarial act performed he shall charge in each instance the appropriate fee prescribed by the President under section seventeen hundred and forty-five, Revised Statutes.

Act April 5, 1906, c. 1366, § 7, 34 Stat. 101.

Previous provisions authorizing every secretary of legation or consular officer, whenever he is required or deems it necessary or proper to do so, to perform notarial acts such as described in this section, are contained in Rev. St. § 1750, Comp. St. 1901, p. 1196.

Rev. St. § 1745, mentioned in this section, is set forth in Comp. St. 1901, p. 1194.

Consular officers to account for fees; compensation to be by salary only; consular agents to be paid by one half of fees received; additional compensation to vice-consular officers.

Sec. 8. That all fees, official or unofficial, received by any officer in the consular service for services rendered in connection with the duties of his office or as a consular officer, including fees for notarial services, and fees for taking depositions, executing commissions or letters rogatory, settling estates, receiving or paying out moneys, caring for or disposing of property, shall be accounted for and paid into the Treasury of the United States, and the sole and only compensation of such officers shall be by salaries fixed by law; but this shall not apply to consular agents, who shall be paid by one half of the fees received in their offices, up to a maximum sum of one thousand dollars in any one year, the other half being accounted for and paid into the Treasury of the United States. And vice-consuls-general, deputy consuls-general, vice-consuls, and deputy consuls, in addition to such compensation as they may be entitled to receive as consuls or clerks, may receive such portion of the salaries of the consul-general or consuls for whom they act as shall be provided by regulation.

Act April 5, 1906, c. 1366, § 8, 34 Stat. 101.

Previous provisions requiring consular officers to account for fees are contained in Rev. St. § 1747, Comp. St. 1901, p. 1195. And previous provisions relating to compensation of various consular officers, contained in Rev. St. §§ 1702, 1703, may be regarded as superseded by the provisions of this section relating thereto.

Fees for consular certification of invoices to be prescribed by President; repeal of Rev. St. §§ 1721, 2851.

Sec. 9. That fees for the consular certification of invoices shall be, and they hereby are, included with the fees for official services for which the President is authorized by section seventeen hundred and forty-five of the Revised Statutes to prescribe rates or tariffs; and sections twenty-eight hundred and fifty-one and seventeen hundred and twenty-one of the Revised Statutes are hereby repealed.

Act April 5, 1906, c. 1366, § 9, 34 Stat. 101.

Rev. St. § 1745, mentioned in this section, is set forth in Comp. St. 1901, p. 1194. Rev. St. §§ 1721, 2851, repealed by this section, are set forth in Comp. St. 1901, pp. 1184, 1901.

Stamps for amount of fee for consular or notarial act to be affixed to document and canceled; effect of failure to affix and cancel stamp.

Sec. 10. That every consular officer shall be provided and kept supplied with adhesive official stamps, on which shall be printed the equivalent money value of denominations and to amounts to be determined by the Department of State, and shall account quarterly to the Department of State for the use of such stamps and for such of them as shall remain in his hands.

Whenever a consular officer is required or finds it necessary to perform any consular or notarial act he shall prepare and deliver to the party or parties at whose instance such act is performed a suitable and appropriate document as prescribed in the consular regulations and affix thereto and duly cancel an adhesive stamp or stamps of the denomination or denominations equivalent to the fee prescribed for such consular or notarial act, and no such act shall be legally valid within the jurisdiction of the Government of the United States unless such stamp or stamps is or are affixed and canceled.

Act April 5, 1906, c. 1366, § 10, 34 Stat. 102.

Time of taking effect of act.

Sec. 11. That this Act shall take effect on the thirtieth day of June, nineteen hundred and six.

Act April 5, 1906, c. 1366, § 11, 34 Stat. 102.

Repeal.

Sec. 12. That all Acts or parts of Acts inconsistent with this Act are hereby repealed.

Act April 5, 1906, c. 1366, § 12, 34 Stat. 102.

Sec. 1692.

ACT JUNE 11, 1874, c. 275, § 3.

Interpreters to consulates in China and Japan.

Annual appropriations for interpreters to be employed at consulates in China, Korea, and Japan, and at other places, are made in the recent diplomatic and consular appropriation acts. The provisions for the fiscal year ending June 30, 1912, are by Act March 3, 1911, c. 208, 36 Stat. 1035.

Sec. 1694.

[Superseded. Act April 5, 1906, c. 1366.]

This section, set forth in Comp. St. 1901, p. 1174, is superseded by the provisions for the reorganization of the consular service contained in Act April 5, 1906, c. 1366, set forth ante, under Rev. St. § 1690.

Sec. 1697. [*As amended* 1898.]

Bonds of consular officers to be furnished and deposited with Secretary of the Treasury; [suits on bonds.]

Consular officers are forbidden to accept appointments from foreign states as administrator, guardian, etc., without giving bond, by Act June 30, 1902, c. 1331, set forth post, under Rev. St. § 1709.

The provisions of law relating to official bonds of consuls-general apply to the inspectors of consulates, designated as consuls-general at large, by a provision of Act April 5, 1906, c. 1366, § 4, set forth ante, under Rev. St. § 1690.

Secs. 1699, 1700.

[Amended. Act April 5, 1906, c. 1366.]

These sections, set forth in Comp. St. 1901, p. 1176, are amended by Act April 5, 1906, c. 1366, § 6, set forth below.

ACT APRIL 5, 1906, c. 1366, § 6. [S. 1345.]

Amendment of Rev. St. §§ 1699, 1700.

Sec. 6. Sections sixteen hundred and ninety-nine and seventeen hundred of the Revised Statutes of the United States are hereby amended to read as follows:

Consular officers not to transact business.

"Sec. 1699. No consul-general, consul, or consular agent receiving a salary of more than one thousand dollars a year shall, while he holds his office, be interested in or transact any business as a merchant, factor, broker, or other trader, or as a clerk or other agent for any such person to, from, or within the port, place, or limits of his jurisdiction, directly or indirectly, either in his own name or in the name or through the agency of any other person; nor shall he practice as a lawyer for compensation or be interested in the fees or compensation of any lawyer; and he shall in his official bond stipulate as a condition thereof not to violate this prohibition.

Extension of prohibition upon transacting business.

"Sec. 1700. All consular officers whose respective salaries exceed one thousand dollars a year shall be subject to the prohibition against transacting business, practicing as a lawyer, or being interested in the fees or compensation of any lawyer contained in the preceding section. And the President may extend the prohibition to any consul-general, consul, or consular agent whose salary does not exceed one thousand dollars a year or who may be compensated by fees, and to any vice or deputy consular officer or consular agent, and may require such officer to give a bond not to violate the prohibition."

Act April 5, 1906, c. 1366, § 6, 34 Stat. 101.

This section is a part of Act April 5, 1906, c. 1366, providing for reorganizing the consular service, other sections of which are set forth ante, under Rev. St. § 1690. Rev. St. §§ 1699, 1700, amended by this section, are set forth in Comp. St. 1901, p. 1176. The amendments consist in changes in the description of the consular officers forbidden to engage in business, etc., so as to conform to the changes made by other provisions of the amending act, and in including in the prohibition practicing as a lawyer for compensation or being interested in the fees or compensation of any lawyer.

Secs. 1702, 1703.

[Superseded. Act April 5, 1906, c. 1366, § 8.]

These sections, set forth in Comp. St. 1901, p. 1177, relating to the compensation of various consular officers, are superseded by the provisions relating to the same subject contained in Act April 5, 1906, c. 1366, § 8, set forth ante, under Rev. St. § 1690.

Sec. 1704.

Appointment of consular clerks.

The provisions of this section and of Act June 11, 1874, c. 275, § 5, set forth in Comp. St. 1901, p. 1178, relating to the compensation of the consular clerks whose appointment is authorized by this section, are amended by a provision of Act Feb. 22, 1907, c. 1184, set forth below.

ACT JUNE 11, 1874, c. 275, § 5.

Salary of consular clerks after five years' service.

This section, set forth in Comp. St. 1901, p. 1178, is amended by a provision of Act Feb. 22, 1907, c. 1184, set forth below.

ACT FEB. 22, 1907, c. 1184. [H. R. 24538.]

Salaries of consular clerks; amendment of Rev. St. § 1704, and Act June 11, 1874, c. 275, § 5.

From and after the first day of July, nineteen hundred and seven, the salaries of consular clerks shall be at the rate of one thousand dollars a year for the first three years of continuous service as such, and shall be increased two hundred dollars a year for each succeeding year of continuous service until a maximum compensation of one thousand eight hundred dollars a year shall be reached, and section seventeen hundred and four, Revised Statutes, and its amendatory Act of June eleventh, eighteen hundred and seventy-four, are hereby so amended: Provided, That the salary of no consular clerk herein provided for, and now in the service, shall be reduced by this Act.

Act Feb. 22, 1907, c. 1184, 34 Stat. 923.

This is a provision of the diplomatic and consular appropriation act for the fiscal year ending June 30, 1908, cited above. Rev. St. § 1704, and Act June 11, 1874, c. 275, § 5, amended thereby, are set forth in Comp. St. 1901, p. 1178.

Sec. 1706.

Actual expenses may be allowed to consuls-general, etc., who are not allowed to trade.

A subsequent provision that "the sole and only compensation" of consular officers shall be by salaries fixed by law, is contained in Act April 5, 1906, c. 1366, § 8, set forth ante, under Rev. St. § 1690.

Sec. 1709.

[Amended. Act March 3, 1911, c. 223.]

This section, set forth in Comp. St. 1901, p. 1179, relating to the powers and duties of consuls, etc., in regard to estates of decedents, is amended, by the addition of a paragraph thereto, by Act March 3, 1911, c. 223, set forth below.

Consular officers are forbidden to accept an appointment from any foreign state as administrator, guardian, etc., without executing a bond, with security; and accepting any such appointment without giving bond, or failing to account, etc., for any money, property, etc., is made punishable, by Act June 30, 1902, c. 1331, set forth below.

Provisions for the administration of estates of decedents in China, un-

der the supervisory control of the United States court for China, are contained in the act establishing that court, Act June 30, 1906, c. 3934, § 2, set forth post, under Title XLVII, "Foreign Relations."

ACT JUNE 30, 1902, c. 1331.

An Act to Prevent any Consular Officer of the United States from Accepting any Appointment from any Foreign State as Administrator, Guardian, or to any Other Office of Trust, without First Executing a Bond, with Security, to be Approved by the Secretary of State. (32 Stat. 546.)

Bonds of consular officers accepting appointments from foreign states as administrators, guardians, etc.

Be it enacted, &c., That no consular officer of the United States shall accept an appointment from any foreign state as administrator, guardian, or to any other office of trust for the settlement or conservation of estates of deceased persons or of their heirs or of persons under legal disabilities, without executing a bond, with security, to be approved by the Secretary of State, and in a penal sum to be fixed by him and in such form as he may prescribe, conditioned for the true and faithful performance of all his duties according to law and for the true and faithful accounting for, delivering, and paying over to the persons thereto entitled of all moneys, goods, effects, and other property which shall come to his hands or to the hands of any other person to his use as such administrator, guardian, or in other fiduciary capacity. Said bond shall be deposited with the Secretary of the Treasury. In case of a breach of any such bond, any person injured by the failure of such officer faithfully to discharge the duties of his said trust according to law, may institute, in his own name and for his sole use, a suit upon said bond and thereupon recover such damages as shall be legally assessed, with costs of suit, for which execution may issue in due form; but if such party fails to recover in the suit, judgment shall be rendered and execution may issue against him for costs in favor of the defendant; and the United States shall in no case be liable for the same. The said bond shall remain, after any judgment rendered thereon, as a security for the benefit of any person injured by a breach of the condition of the same until the whole penalty has been recovered.

Act June 30, 1902, c. 1331, § 1, 32 Stat. 546.

General provisions relating to bonds of consular officers are contained in Rev. St. §§ 1697, 1698, Comp. St. 1901, pp. 1174–1176.

Acceptance of appointment without giving bond, or failure to account, etc., punishable as embezzlement.

Sec. 2. That every consular officer who accepts any appointment to any office of trust mentioned in the preceding section without first having complied with the provisions thereof by due execution of a bond as therein required, or who shall willfully fail or neglect to account for, pay over, and deliver any money, property, or effects so received to any person lawfully entitled thereto, after having been requested by the latter, his representative or agent so to do, shall be deemed guilty of embezzlement and shall be punishable by imprisonment for not more than five years and by a fine of not more than five thousand dollars.

Act June 30, 1902, c. 1331, § 2, 32 Stat. 547.

Previous provisions making punishable embezzlement by consular officers are contained in Rev. St. § 1734, Comp. St. 1901, p. 1188.

ACT MARCH 3, 1911; c. 223. [H. R. 17433.]

An Act Amending Section Seventeen hundred and nine of the Revised Statutes of the United States. (36 Stat. 1083.)

Amendment of Rev. St. § 1709.

Be it enacted, &c., That section seventeen hundred and nine of the Revised Statutes of the United States is hereby amended by the addition of the following paragraph:

Estates of decedents; duties of Auditor for State and other Departments, as conservator, etc.

"Sixth. The Auditor for the State and other Departments shall act as conservator of such part of these estates as may be received at the Treasury, and for their protection the Secretary of the Treasury may order such effects to be sold as may consist of jewelry or other articles which have heretofore or may hereafter be received at the Treasury, and pay the expenses of such sale out of the proceeds, provided application for these effects shall not have been made by the legal claimant within two years after their receipt. The Auditor is authorized to indorse all bills of exchange, promissory notes, and other evidences of indebtedness due to such estates, and to take such steps as may be necessary for their collection. The proceeds of such sales, together with such other moneys as may be collected by him, shall be deposited into the Treasury in trust for the legal claimant, and be reported to the Secretary of State."

Act March 3, 1911, c. 223, 36 Stat. 1083.

Rev. St. § 1709, amended by this act, is set forth in Comp. St. 1901, p. 1179.

Sec. 1712. [*As amended* 1888.]

Commercial [and agricultural] reports.

Further provisions for obtaining information and statistics for the Department of Commerce and Labor are contained in the act establishing that department. Section 5 of that act requires all consular officers of the United States, including consuls-general, consuls, and commercial agents, to gather and compile information and statistics in respect to the subjects, jurisdiction and control of which is vested in the Department of Commerce and Labor, and to send, under direction of the Secretary of State, as often as required by the Secretary of Commerce and Labor, reports of the information and statistics thus gathered and compiled. Act Feb. 14, 1903, c. 552, § 5, ante, under Title XII A, "The Department of Commerce and Labor." And section 11 of that act provides for the designation by the Secretary of State of a person to formulate, under his direction, for the instruction of consular officers, the requests of the Secretary of Commerce and Labor, and to prepare from the dispatches of consular officers, for transmission to the Secretary of Commerce and Labor, such information as pertains to the work of the Department of Commerce and Labor. Act Feb. 14, 1903, c. 552, § 11, ante, under Title V, "The Department of State."

Sec. 1716.

Exacting excessive fees for verifying invoices.

Fees for certification of invoices are included with the fees for which the President is authorized, by Rev. St. § 1745, Comp. St. 1901, p. 1194, to prescribe rates or tariffs, by Act April 5, 1906, c. 1366, § 9, set forth ante, under Rev. St. § 1690.

Sec. 1721.

[Repealed. Act April 5, 1906, c. 1366, § 9.]

This section, set forth in Comp. St. 1901, p. 1184, relating to fees for certifying invoices in British North America, is expressly repealed by Act April 5, 1906, c. 1366, § 9, set forth ante, under Rev. St. § 1690.

Sec. 1730.

Compensation of officers not embraced in Schedules B and C.

A subsequent provision that "the sole and only compensation" of consular officers shall be by salaries fixed by law, but not to apply to consular agents, is contained in Act April 5, 1906, c. 1366, § 8, set forth ante, under Rev. St. § 1690.

Secs. 1732, 1733.

[Superseded. Act April 5, 1906, c. 1366, § 8.]

Rev. St. §§ 1732, 1733, set forth in Comp. St. 1901, p. 1188, relating to the disposition of fees collected or received by consular officers in excess of certain specified amounts, are superseded by the provisions relating to such fees contained in Act April 5, 1906, c. 1366, § 8, set forth ante, under Rev. St. § 1690.

Sec. 1734. [*As amended* 1898.]

Embezzlement.

The provisions of this section and of Rev. St. §§ 1735, 1736, apply to the inspectors of consulates, designated as consuls-general at large, by a provision of Act April 5, 1906, c. 1366, § 4, set forth ante, under Rev. St. § 1690.

Further provisions, declaring guilty of embezzlement and making punishable every consular officer who accepts any appointment from a foreign state as administrator, guardian, etc., without giving bond, or who fails to account for, etc., any money, property, etc., received in such capacity, are contained in Act June 30, 1902, c. 1331, set forth ante, under Rev. St. § 1709.

Sec. 1735.

Neglect of duty, etc.

See note under preceding section.

Sec. 1736.

Neglect of duty to seamen; corrupt conduct.

See note under Rev. St. § 1734.

CHAPTER THREE.

Provisions Common to Diplomatic and Consular Officers.

Sec. 1740.

Term during which salary is payable.

The usual appropriation for payment of salaries under the provisions of this section is made by the diplomatic and consular appropriation act for the fiscal year ending June 30, 1912, Act March 3, 1911, c. 208, 36 Stat. 1027.

Sec. 1743.

Extra compensation prohibited.

Provisions relating to the compensation of officers in the consular service are contained in Act April 5, 1906, c. 1366, § 8, set forth ante, under chapter 2 of this Title.

Sec. 1744.

ACT MARCH 2, 1901, c. 802.

Payment of salaries of consular officers not citizens.

The provision of this act set forth in Comp. St. 1901, p. 1194, is repeated in the same language in the diplomatic and consular appropriation acts for the fiscal years 1903, 1904, and 1905, Act March 22, 1902, c. 272, 32 Stat. 86, Act Feb. 9, 1903, c. 530, 32 Stat. 818, and Act March 12, 1904, c. 543, 33 Stat. 78, but is omitted from the similar acts for subsequent years.

Sec. 1745.

President to regulate fees.

Fees for consular certification of invoices are included with the fees for which the President is authorized to prescribe rates or tariffs by Rev. St. § 1745, Comp. St. 1901, p. 1194, by a provision of Act April 5, 1906, c. 1366, § 9, set forth ante, under chapter 2 of this Title.

Sec. 1747.

[Superseded. Act April 5, 1906, c. 1366, § 8.]

This section, set forth in Comp. St. 1901, p. 1195, requiring all fees collected by certain consular officers to be accounted for, is superseded by the provisions relating to the same subject contained in Act April 5, 1906, c. 1366, § 8, set forth ante, under chapter 2 of this Title.

Sec. 1748.

Expenses of legations, consulates, etc.

Appropriations for contingent expenses of the several embassies and legations, and of the several consulates and consular agencies, are made by the diplomatic and consular appropriation acts for each year. The provisions for the fiscal year ending June 30, 1912, are by Act March 3, 1911, c. 208, 36 Stat. 1030, 1036.

Besides the provisions made, in said appropriations for contingent expenses, for "traveling and miscellaneous expenses of embassies and legations," and for "traveling expenses of consular officers and consular clerks," further appropriations are made "To pay the cost of the transportation of diplomatic and consular officers in going to and returning from their posts, or when traveling under the orders of the Secretary of State, at the rate of five cents per mile, but not including any expense incurred in connection with leaves of absence." This provision for the fiscal year 1912 is contained in Act March 3, 1911, c. 208, 36 Stat. 1030.

Sec. 1749.

Allowance to widow of consular officer deceased in a foreign country.

Appropriations for payments, under the provisions of this section, to widows or heirs at law of diplomatic or consular officers dying in foreign countries, are made by the diplomatic and consular appropriation acts for each year. The provision for the fiscal year ending June 30, 1912, is by Act March 3, 1911, c. 208, 36 Stat. 1031.

Appropriations are also made by those acts for "defraying the expenses of transporting the remains of diplomatic and consular officers of the

United States, including consular assistants, who have died or may die abroad or in transit, while in the discharge of their official duties, to their former homes in this country for interment, and for the ordinary and necessary expenses of such interment, at their post or at home." Act March 3, 1911, c. 208, 36 Stat. 1031.

ACT FEB. 17, 1911, c. 105. [H. R. 30888.]

An Act Providing for the Purchase or Erection, within Certain Limits of Cost, of Embassy, Legation, and Consular Buildings abroad. (36 Stat. 917.)

Buildings for use of diplomatic and consular establishments; limitations of expenditure and of cost.

Be it enacted, &c., That the Secretary of State be, and he is hereby, authorized to acquire in foreign countries such sites and buildings as may be appropriated for by Congress for the use of the diplomatic and consular establishments of the United States, and to alter, repair, and furnish the said buildings; suitable buildings for this purpose to be either purchased or erected, as to the Secretary of State may seem best, and all buildings so acquired for the diplomatic service shall be used both as the residences of diplomatic officials and for the offices of the diplomatic establishment: Provided, however, That not more than the sum of five hundred thousand dollars shall be expended in any fiscal year under the authorization herein made: And provided further, That in submitting estimates of appropriation to the Secretary of the Treasury for transmission to the House of Representatives, the Secretary of State shall set forth a limit of cost for the acquisition of sites and buildings and for the construction, alteration, repair, and furnishing of buildings at each place in which the expenditure is proposed (which limit of cost shall not exceed the sum of one hundred and fifty thousand dollars at any one place) and which limit shall not thereafter be exceeded in any case, except by new and express authorization of Congress.

Act Feb. 17, 1911, c. 105, 36 Stat. 917.

TITLE XIX.

PROVISIONS APPLICABLE TO SEVERAL CLASSES OF OFFICERS.

Sec. 1759.

ACT MARCH 2, 1895, c. 177, § 5.

Examination and renewal of bonds.

A provision relating to premiums on bonds of surety, etc., companies for officers or employés of the United States, contained in Act Aug. 5, 1909, c. 7, is set forth below.

ACT AUG. 5, 1909, c. 7. [H. R. 11570.]

Limitation of rate of premium on bond of surety or bonding company; such premiums not to be paid by the United States.

Until otherwise provided by law no bond shall be accepted from any surety or bonding company for any officer or employee of the United States which shall cost more than thirty-five per centum in excess of the rate of premium charged for a like bond during the calendar year nineteen hundred and eight: Provided, That hereafter the United States shall not pay any part of the premium or other cost of furnishing a bond required by law or otherwise of any officer or employee of the United States.

Act Aug. 5, 1909, c. 7, 36 Stat. 125.

This is a provision, under the head "Department of Commerce and Labor," in the urgent deficiency appropriation act for the fiscal year 1909, cited above.

Sec. 1760.

ACT JUNE 30, 1906, c. 3914, § 6. [H. R. 19844.]

Annual or monthly compensation; rules for division of time and computation of pay.

Hereafter, where the compensation of any person in the service of the United States is annual or monthly the following rules for division of time and computation of pay for services rendered are hereby established: Annual compensation shall be divided into twelve equal installments, one of which shall be the pay for each calendar month; and in making payments for a fractional part of a month one-thirtieth of one of such installments, or of a monthly compensation, shall be the daily rate of pay. For the purpose of computing such compensation and for computing time for services rendered during a fractional part of a month in connection with annual or monthly compensation, each and every month shall be held to consist of thirty days, without regard to the actual number of days in any calendar month, thus excluding the thirty-first of any calendar month from the computation and treating February as if it actually had thirty days. Any person entering the service of the United States during a thirty-one day month and serving until the end thereof shall be entitled to pay for that month from the date of entry to the thirtieth day of said

month, both days inclusive; and any person entering said service during the month of February and serving until the end thereof shall be entitled to one month's pay, less as many thirtieths thereof as there were days elapsed prior to date of entry: Provided, That for one day's unauthorized absence on the thirty-first day of any calendar month one day's pay shall be forfeited.

Act June 30, 1906, c. 3914, § 6, 34 Stat. 763.

This section is part of the sundry civil appropriation act for the fiscal year ending June 30, 1907, cited above.

A previous similar but less specific provision relating to the same subject contained in Act April 28, 1904, c. 1762, § 4, 33 Stat. 513, may be regarded as superseded by this section.

Similar rules for computation of the compensation of any person in the military service of the United States are prescribed by a provision of Act June 12, 1906, c. 3078, set forth ante, under Title XIV, "The Army," c. 3.

Rules similar to some extent for computation of the salary or compensation of persons in the postal service are prescribed by Act March 4, 1911, c. 241, § 4, set forth post, under Title XLVI, "The Postal Service," c. 1, under Rev. St. § 3860.

ACT MARCH 4, 1911, c. 237. [H. R. 29360.]

Pay of telephone switch-board operators, assistant messengers, etc., laborers, and charwomen.

The pay of telephone switch-board operators, assistant messengers, firemen, watchmen, laborers, and charwomen provided for in this Act, except those employed in mints and assay offices, unless otherwise specially stated, shall be as follows: For telephone switch-board operators, assistant messengers, firemen, and watchmen, at the rate of seven hundred and twenty dollars per annum each; for laborers, at the rate of six hundred and sixty dollars per annum each, assistant telephone-switchboard operators at the rate of six hundred dollars each, and for charwomen, at the rate of two hundred and forty dollars per annum each.

Act March 4, 1911, c. 237, § 2, 36 Stat. 1235.

This section is part of the legislative, executive, and judicial appropriation act for the fiscal year ending June 30, 1912, cited above. Similar provisions were contained in the similar appropriation acts for the preceding years.

Sec. 1763.

Double salaries.

Each annual sundry civil appropriation act contains a provision "that all sums appropriated by this act for salaries of officers and employees of the Government shall be in full for such salaries for the fiscal year." The provision for the fiscal year ending June 30, 1912, is by Act March 4, 1911, c. 285, 36 Stat. 1452.

Sec. 1765.

Extra allowances.

Restrictions on the use of money, appropriated by any act, for paying expenses of horses and carriages or drivers therefor, for the personal use of officers, or for purchasing, maintaining, driving, or operating carriages or vehicles, for the personal or official use of any officer or employé of any of the Executive Departments or other Government establishments at Washington, D. C., contained in Act March 18, 1904, c. 716, § 3, and Act Feb. 3, 1905, c. 297, § 4, are set forth below.

Reports for each fiscal year of expenses of officers or employés of each

Executive Department or other government establishment at Washington traveling on official business to points outside the District of Columbia, are required by Act May 22, 1908, c. 166, § 4, set forth below.

ACT MARCH 18, 1904, c. 716, § 3. [H. R. 9480.]

Restrictions on payment from appropriations of expenses of horses, carriages, etc., for personal use of officers.

No part of any money appropriated by this or any other Act shall be available for paying expenses of horses and carriages or drivers therefor for the personal use of any officer provided for by this or any other Act other than the President of the United States, the heads of Executive Departments, and the Secretary to the President: Provided, That this provision shall not apply to officials outside of the District of Columbia in the performance of their public duties. This paragraph shall not take effect until July first, nineteen hundred and four.

Act March 18, 1904, c. 716, § 3, 33 Stat. 142.

This is the concluding portion of section 3 of the legislative, executive, and judicial appropriation act for the fiscal year ending June 30, 1905, cited above.

A further similar provision, applicable only to officers or employés of the Executive Departments or other Government establishments at Washington, D. C., contained in the similar act for the fiscal year next following, Act Feb. 3, 1905, c. 297, § 4, is set forth below.

Nothing in this act is to be construed so as to deprive officers of the Army of forage, bedding, shoeing, or shelter for their authorized number of horses, or of any means of transportation or maintenance therefor for which provision is made by the Army appropriation act for the same fiscal year, Act April 23, 1904, c. 1485, 33 Stat. 268, by a provision of that act, repeated in each subsequent Army appropriation act. The provision for the fiscal year ending June 30, 1910, by Act March 3, 1909, c. 252, is set forth ante, under Title XIV, "The Army," c. 3.

ACT FEB. 3, 1905, c. 297, § 4. [H. R. 15895.]

Restrictions on payment from appropriations of expenses of carriages or vehicles for personal or official use; carriages and vehicles for official purposes to have thereon name of Department, etc.

No part of any money appropriated by this or any other Act shall be used for purchasing, maintaining, driving, or operating any carriage or vehicle (other than those for the use of the President of the United States, the heads of the Executive Departments, and the Secretary to the President, and other than those used for transportation of property belonging to or in the custody of the United States), for the personal or official use of any officer or employee of any of the Executive Departments or other Government establishments at Washington, District of Columbia, unless the same shall be specifically authorized by law or provided for in terms by appropriation of money, and all such carriages and vehicles so procured and used for official purposes shall have conspicuously painted thereon at all times the full name of the Executive Department or other branch of the public service to which the same belong and in the service of which the same are used.

Act Feb. 3, 1905, c. 297, § 4, 33 Stat. 687.

This section is part of the legislative, executive, and judicial appropriation act for the fiscal year ending June 30, 1906, cited above.

A previous similar provision contained in the similar act for the preceding year, Act March 18, 1904, c. 716, § 3, is set forth above.

Nothing in this act or any other act is to be construed so as to deprive officers of the Army of forage, bedding, shoeing, or shelter for their

authorized number of horses, or of any means of transportation or maintenance therefor for which provision is made by the Army appropriation act for the same fiscal year, Act March 2, 1905, c. 1307, by a provision of that act, repeated in each subsequent Army appropriation act. The provision for the fiscal year ending June 30, 1910, by Act March 3, 1909, c. 252, is set forth ante, under Title XIV, "The Army," c. 3.

ACT MAY 22, 1908, c. 186, § 4. [H. R. 16882.]

Reports of traveling expenses of officers and employés at Washington.

It shall be the duty of the head of each Executive Department and other Government establishment at Washington to submit to Congress at the beginning of each regular session a statement showing in detail what officers or employees (other than special agents, inspectors, or employees, who in the discharge of their regular duties are required to constantly travel) of such Executive Department or other Government establishment have traveled on official business from Washington to points outside of the District of Columbia during the preceding fiscal year, giving in each case the full title of the official or employee, the destination or destinations of such travel, the business or work on account of which the same was made, and the total expense to the United States charged in each case.

Act May 22, 1908, c. 186, § 4. 35 Stat. 244.

This is the last section of the legislative, executive, and judicial appropriation act for the fiscal year ending June 30, 1909, cited above.

Sec. 1773.

Commissions.

The commissions of officers who are under the Secretaries or other heads of the several Executive Departments are to be made out and recorded in the respective Departments under which they are to serve, and the Department seal affixed thereto, by provisions of Act March 28, 1896, c. 73, set forth in Comp. St. 1901, p. 91, and other acts referred to in the note under that act, in Comp. St. 1901, p. 92, and by Act March 3, 1905, c. 1422, set forth ante, under Title IV, "Provisions Applicable to All the Executive Departments."

Provisions requiring commissions of all officers employed in levying or collecting the public revenue to be made out and recorded in the Treasury Department, and the seal of the Department to be affixed thereto, are contained in Rev. St. § 238, Comp. St. 1901, p. 130.

Sec. 1778.

Taking oaths, acknowledgments, etc.

Provisions for acknowledgment of deeds, etc., in the Philippine Islands and Porto Rico, and in Guam, Samoa, and the Canal Zone, affecting land in the District of Columbia or any Territory, are contained in Act March 22, 1902, c. 273, and Act June 28, 1906, c. 3585, set forth below.

ACT MARCH 22, 1902, c. 273.

An Act for the Acknowledgment of Deeds and Other Instruments in the Philippine Islands and Porto Rico Affecting Land Situate in the District of Columbia or Any Territory of the United States. (32 Stat. 88.)

Acknowledgments in Philippine Islands and Porto Rico of deeds, etc., affecting land in District of Columbia or any Territory.

Be it enacted, &c., That deeds and other instruments affecting land situate in the District of Columbia or any Territory of the United States may be acknowledged in the Philippine Islands and Porto Rico before any notary public appointed therein by proper authority

or any officer therein who has ex officio the powers of a notary public: Provided, That the certificate by such notary in the Philippine Islands or in Porto Rico, as the case may be, shall be accompanied by the certificate of the attorney-general of Porto Rico or the governor or attorney-general of the Philippine Islands to the effect that the notary taking said acknowledgment was in fact the officer he purported to be.

Act March 22, 1902, c. 273, 32 Stat. 88.

Similar provisions for acknowledgment of deeds, etc., in Guam, Samoa, and the Canal Zone, are contained in Act June 28, 1906, c. 3585, set forth below.

ACT JUNE 28, 1906, c. 3585. [H. R. 19607.]

An Act for the Acknowledgment of Deeds and Other Instruments in Guam, Samoa, and the Canal Zone to Affect Lands in the District of Columbia and Other Territories. (34 Stat. 552.)

Acknowledgments in islands of Guam and Samoa or in Canal Zone, of deeds, etc., affecting land in District of Columbia or any Territory.

Be it enacted, &c., That deeds and other instruments affecting land situate in the District of Columbia or any Territory of the United States may be acknowledged in the islands of Guam and Samoa or in the Canal Zone before any notary public or judge, appointed therein by proper authority, or by any officer therein who has ex officio the powers of a notary public: Provided, That the certificate by such notary in Guam, Samoa, or the Canal Zone, as the case may be, shall be accompanied by the certificate of the governor or acting governor of such place to the effect that the notary taking said acknowledgment was in fact the officer he purported to be; and any deeds or other instruments affecting lands so situate, so acknowledged since the first day of January, nineteen hundred and five, and accompanied by such certificate shall have the same effect as such deeds or other instruments hereafter so acknowledged and certified.

Act June 28, 1906, c. 3585, 34 Stat. 552.

Secs. 1780–1783.

[Repealed. Act March 4, 1909, c. 321, § 341.]

These sections set forth in Comp. St. 1901, pp. 1211–1213, are incorporated in the act to codify, etc., the penal laws, Act March 4, 1909, c. 321, in chapter 5, §§ 101, 110, 112, 113, and in chapter 4, § 41, thereof, and are expressly repealed by chapter 15, § 341, of said act, taking effect January 1, 1910. Said act is set forth post, under Title LXIX A, "The Criminal Code."

ACT FEB. 25, 1897, c. 316.

[Repealed. Act March 4, 1909, c. 321, § 341.]

This act, set forth in Comp. St. 1901, p. 1213, is incorporated in the act to codify, etc., the penal laws, Act March 4, 1909, c. 321, in chapter 5, § 104, thereof, and is expressly repealed by chapter 15, § 341, of said act, taking effect January 1, 1910. Said act is set forth post, under Title LXIX A, "The Criminal Code."

Sec. 1785.

[Repealed. Act March 4, 1909, c. 321, § 341.]

This section, set forth in Comp. St. 1901, p. 1214, is incorporated in the act to codify, etc., the penal laws, Act March 4, 1909, c. 321, in chapter 5, § 102, thereof, and is expressly repealed by chapter 15, § 341,

of said act, taking effect January 1, 1910. Said act is set forth post, under Title LXIX A, "The Criminal Code."

Provisions in substantially the same language, contained in the Tariff Act of 1897, Act July 24, 1897, c. 11, § 17, also incorporated in said act to codify, etc., the penal laws and expressly repealed thereby, Act March 4, 1909, c. 321, §§ 102, 341, are re-enacted in the Tariff Act of 1909. Act Aug. 5, 1909, c. 6, § 10, set forth post, under Title XXXIII, "Duties upon Imports."

Sec. 1787.

[Repealed. Act March 4, 1909, c. 321, § 341.]

This section, stated in Comp. St. 1901, p. 1214, to have become inoperative and been superseded by Act June 6, 1898, c. 389, is expressly repealed by the act to codify, etc., the penal laws, Act March 4, 1909, c. 321, § 341, set forth post, under Title LXIX A, "The Criminal Code."

Secs. 1788, 1789.

[Repealed. Act March 4, 1909, c. 321, § 341.]

These sections, set forth in Comp. St. 1901, pp. 1214, 1215, are incorporated in the act to codify, etc., the penal laws, Act March 4, 1909, c. 321, in chapter 5, § 103, thereof, and are expressly repealed by chapter 15, § 341, of said act, taking effect January 1, 1910. Said act is set forth post, under Title LXIX A, "The Criminal Code."

Sec. 1790.

ACT FEB. 24, 1899, c. 187, § 4.

Officers, clerks, etc., permanently incapacitated; prohibition of civil pension roll, etc.

The first sentence of this section, as set forth in Comp. St. 1901, p. 1217, providing that the appropriations made should not be available for the compensation of persons permanently incapacitated, is repeated in the subsequent legislative, executive, and judicial appropriation acts; but, in the later acts, instead of the words "permanently incapacitated," the words "incapacitated, otherwise than temporarily" are substituted, and at the end of the sentence, the words "and the heads of Departments shall cause this provision to be enforced," are added, making the provision read as in Act March 4, 1911, c. 237, § 3, set forth below.

ACT MARCH 4, 1911, c. 237, § 3. [H. R. 29360.]

Officers, clerks, etc., incapacitated, otherwise than temporarily.

That the appropriations herein made for the officers, clerks, and persons employed in the public service shall not be available for the compensation of any persons incapacitated otherwise than temporarily for performing such service, and the heads of Departments shall cause this provision to be enforced.

Act March 4, 1911, c. 237, § 3, 36 Stat. 1235.

This section is part of the legislative, executive, and judicial appropriation act for the fiscal year ending June 30, 1912, set forth above.

A similar provision was contained in Act Feb. 24, 1889, c. 187, § 4, Comp. St. 1901, p. 1217, and was repeated, with some changes, in the subsequent legislative, executive and judicial appropriation acts.

ACT MAY 30, 1908, c. 236. [H. R. 21844.]

An Act Granting to Certain Employees of the United States the Right to Receive from It Compensation for Injuries Sustained in the Course of their Employment. (35 Stat. 556.)

Compensation to persons employed in certain work, injured in course of such employment.

Be it enacted, &c., That when, on or after August first, nineteen hundred and eight, any person employed by the United States as an arti-

san or laborer in any of its manufacturing establishments, arsenals, or navy-yards, or in the construction of river and harbor or fortification work or in hazardous employment on construction work in the reclamation of arid lands or the management and control of the same, or in hazardous employment under the Isthmian Canal Commission, is injured in the course of such employment, such employee shall be entitled to receive for one year thereafter, unless such employee, in the opinion of the Secretary of Commerce and Labor, be sooner able to resume work, the same pay as if he continued to be employed, such payment to be made under such regulations as the Secretary of Commerce and Labor may prescribe: Provided, That no compensation shall be paid under this Act where the injury is due to the negligence or misconduct of the employee injured, nor unless said injury shall continue for more than fifteen days. All questions of negligence or misconduct shall be determined by the Secretary of Commerce and Labor.

Act May 30, 1908, c. 236, § 1, 35 Stat. 556.

Nothing in this act is to prevent the Isthmian Canal Commission from granting to its injured employés leave of absence with pay for time lost from injuries received in the course of employment, by Act Feb. 24, 1909, c. 179, set forth below.

Compensation to widow, etc., of employé dying from injury in course of employment.

Sec. 2. That if any artisan or laborer so employed shall die during the said year by reason of such injury received in the course of such employment, leaving a widow, or a child or children under sixteen years of age, or a dependent parent, such widow and child or children and dependent parent shall be entitled to receive, in such portions and under such regulations as the Secretary of Commerce and Labor may prescribe, the same amount, for the remainder of the said year, that said artisan or laborer would be entitled to receive as pay if such employee were alive and continued to be employed: Provided, That if the widow shall die at any time during the said year her portion of said amount shall be added to the amount to be paid to the remaining beneficiaries under the provisions of this section, if there be any.

Act May 30, 1908, c. 236, § 2, 35 Stat. 556.

Reports of accidents to employés within act, and of injury therefrom.

Sec. 3. That whenever an accident occurs to any employee embraced within the terms of the first section of this Act, and which results in death or a probable incapacity for work, it shall be the duty of the official superior of such employee to at once report such accident and the injury resulting therefrom to the head of his Bureau or independent office, and his report shall be immediately communicated through regular official channels to the Secretary of Commerce and Labor. Such report shall state, first, the time, cause, and nature of the accident and injury and the probable duration of the injury resulting therefrom; second, whether the accident arose out of or in the course of the injured person's employment; third, whether the accident was due to negligence or misconduct on the part of the employee injured; fourth, any other matters required by such rules and regulations as the Secretary of Commerce and Labor may prescribe. The head of each Department or independent office shall have power, however, to charge a special official with the duty of making such reports.

Act May 30, 1908, c. 236, § 3, 35 Stat. 557.

Affidavit and certificate of physician in case of accident resulting in death or in incapacity to work; determination of compensation to be paid.

Sec. 4. That in the case of any accident which shall result in death, the persons entitled to compensation under this Act or their legal representatives shall, within ninety days after such death, file with the Secretary of Commerce and Labor an affidavit setting forth their relationship to the deceased and the ground of their claim for compensation under the provisions of this Act. This shall be accompanied by the certificate of the attending physician setting forth the fact and cause of death, or the nonproduction of the certificate shall be satisfactorily accounted for. In the case of incapacity for work lasting more than fifteen days, the injured party desiring to take the benefit of this Act shall, within a reasonable period after the expiration of such time, file with his official superior, to be forwarded through regular official channels to the Secretary of Commerce and Labor, an affidavit setting forth the grounds of his claim for compensation, to be accompanied by a certificate of the attending physician as to the cause and nature of the injury and probable duration of the incapacity, or the nonproduction of the certificate shall be satisfactorily accounted for. If the Secretary of Commerce and Labor shall find from the report and affidavit or other evidence produced by the claimant or his or her legal representatives, or from such additional investigation as the Secretary of Commerce and Labor may direct, that a claim for compensation is established under this Act, the compensation to be paid shall be determined as provided under this Act and approved for payment by the Secretary of Commerce and Labor.

Act May 30, 1908, c. 236, § 4, 35 Stat. 557.

Medical examination of employé.

Sec. 5. That the employee shall, whenever and as often as required by the Secretary of Commerce and Labor, at least once in six months, submit to medical examination, to be provided and paid for under the direction of the Secretary, and if such employee refuses to submit to or obstructs such examination his or her right to compensation shall be lost for the period covered by the continuance of such refusal or obstruction.

Act May 30, 1908, c. 236, § 5, 35 Stat. 557.

An appropriation for the medical examination directed by this section is made each year in the legislative, executive, and judicial appropriation acts. The provision for the fiscal year ending June 30, 1912, is by Act March 4, 1911, c. 237, 36 Stat. 1228.

Payments to beneficiaries.

Sec. 6. That payments under this Act are only to be made to the beneficiaries or their legal representatives other than assignees, and shall not be subject to the claims of creditors.

Act May 30, 1908, c. 236, § 6, 35 Stat. 557.

No exemption from liability under act by contract, rule, etc.

Sec. 7. That the United States shall not exempt itself from liability under this Act by any contract, agreement, rule, or regulation, and any such contract, agreement, rule, or regulation shall be pro tanto void.

Act May 30, 1908, c. 236, § 7, 35 Stat. 558.

Repeal.

Sec. 8. That all Acts or parts of Acts in conflict herewith or providing a different scale of compensation or otherwise regulating its payment are hereby repealed.

Act May 30, 1908, c. 236, § 8, 35 Stat. 558.

ACT FEB. 24, 1909, c. 179. [H. R. 22340.]

An Act Relating to Injured Employees on the Isthmian Canal. (35 Stat. 645.)

Leaves of absence with pay to injured employés of Isthmian Canal Commission.

Be it enacted, &c., That nothing contained in the Act approved May thirtieth, nineteen hundred and eight, entitled "An Act granting to certain employees of the United States the right to receive from it compensation for injuries sustained in the course of their employment," shall prevent the Isthmian Canal Commission, under rules to be fixed by the commission, from granting to its injured employees, whether engaged in a hazardous employment or otherwise, leave of absence with pay for time necessarily lost as a result of injuries received in the course of employment, not exceeding in the aggregate thirty days per annum: Provided, however, That compensation paid to such injured employees under such regulations shall be deducted from any compensation which such employees may be entitled to receive under the terms of the said Act.

Act Feb. 24, 1909, c. 179, 35 Stat. 645.

[CIVIL SERVICE.]

ACT JAN. 16, 1883, c. 27, §§ 2, 3, 7.

Duties of Commissioners.

Members of the Civil Service Commission, whose duties are defined by Act Jan. 16, 1883, c. 27, § 2, set forth in Comp. St. 1901, p. 1218, are authorized to administer oaths to witnesses in any matter depending before the Commission, by a provision of Act June 17, 1910, c. 297, § 1, set forth below.

Chief examiner; secretary; stenographer; messenger; boards of examiners; examinations.

Annual appropriations, under the head "Civil Service Commission," for the officers, etc., authorized by Act Jan. 16, 1883, c. 27, § 3, set forth in Comp. St. 1901, p. 1220, and additional examiners, clerks, and other employés, and for expenses of the Commission, are made by the legislative, executive, and judicial appropriation acts. The provision for the fiscal year ending June 30, 1912, is by Act March 4, 1911, c. 237, 36 Stat. 1185.

The recent appropriations for the Commission are accompanied by a proviso against the detail of clerks or other employés from the Executive Departments or other Government establishments in Washington, D. C., to the Commission, for the performance of duty in the District of Columbia, for or during the fiscal year; but the Commission has power, in case of emergency, to transfer or detail its employés to or from its office force, field force, etc. The provisions for the fiscal year ending June 30, 1912, contained in Act March 4, 1911, c. 237, § 1, are set forth below.

Appointments and promotions to be made upon examinations.

Immigrant inspectors and other immigration officers, clerks, and employés are to be appointed, and their compensation fixed and raised or decreased from time to time, in accordance with the provisions of this act, by a provision of Act Feb. 20, 1907, c. 1134, § 24, post, under

Title XXIX, "Immigration," subtitle "Regulation and Restriction of Immigration in General."

Employés of the Census Office who are appointed to the permanent Census Office established by Act March 6, 1902, c. 139, post, under Title XXXI, "The Census," are placed, without further examination, under the provisions of this act and the amendments thereto and the rules established thereunder, and all new appointments to the permanent clerical force in the Census Office are to be made in accordance with the requirements of this act, by provisions of section 5 of said act.

The act to provide for the Thirteenth and subsequent decennial censuses, in connection with provisions for additional clerks and employés during the decennial census period, contains a proviso that "all examinations of applicants for positions in the government service, from any State or Territory, shall be had in the State or Territory in which such applicant resides, and no person shall be eligible for such examination or appointment unless he or she shall have been actually domiciled in such State or Territory for at least one year previous to such examination," which, not being in terms restricted to examinations under that act, may be considered, as expressed, applicable to all examinations of applicants for positions in the government service. See Act July 2, 1909, c. 2, § 7, set forth post, under Title XXXI, "The Census."

The classified laborers in the Department of Agriculture whose positions are transferred from the lump funds to the statutory rolls in the appropriations for the Department by Act March 3, 1905, c. 1405, are placed in the classified service by a provision of that act set forth ante, under Title XII, "The Department of Agriculture," c. A.

ACT JAN. 16, 1883, c. 27, §§ 11-15.

[Repealed. Act March 4, 1909, c. 321, § 341.]

Sections 11–15 of Act Jan. 16, 1883, c. 27, set forth in Comp. St. 1901, pp. 1223, 1224, are incorporated in the act to codify, etc., the penal laws, Act March 4, 1909, c. 321, in chapter 5, §§ 118–122, thereof, and are expressly repealed by chapter 15, § 341, of said act, taking effect January 1, 1910. Said act is set forth post, under Title LXIX A, "The Criminal Code."

ACT JUNE 17, 1910, c. 297, § 1. [H. R. 22643.]

Commissioners authorized to administer oaths to witnesses in matters before Commission.

Members of the Civil Service Commission are hereafter authorized to administer oaths to witnesses in any matter depending before the Civil Service Commission.

Act June 17, 1910, c. 297, § 1, 36 Stat. 483.

This is a provision of the legislative, executive, and judicial appropriation act for the fiscal year ending June 30, 1911, cited above.

ACT MARCH 4, 1911, c. 237, § 1. [H. R. 29360.]

Detail of clerks or other employés from Departments, etc., to Civil Service Commission for duty in District of Columbia; transfer of employés of Commission.

* * That no detail of clerks or other employees from the Executive Departments or other Government establishments in Washington, District of Columbia, to the Civil Service Commission, for the performance of duty in the District of Columbia, shall be made for or during the fiscal year nineteen hundred and twelve. The Civil Service Commission shall, however, have power in case of emergency to transfer or detail any of its employees herein provided for to or from its office force, field force, or rural carrier examining board.

Act March 4, 1911, c. 237, § 1, 36 Stat. 1185.

This is a proviso annexed to the appropriations for the Civil Service Commission in the legislative, executive, and judicial appropriation act for the fiscal year ending June 30, 1912, cited above.

A similar proviso was annexed to the appropriations for several preceding years.

TITLE XX.

FLAG AND SEAL.

Sec. 1793.

Seal of the United States.

An appropriation to enable the Secretary of State to have the Great Seal of the United States recut was made by the deficiency appropriation acts for the fiscal years ending June 30, 1902, and June 30, 1903, Act July 1, 1902, c. 1351, 32 Stat. 552, and Act March 3, 1903, c. 1006, 32 Stat. 1032.

Sec. 1794.

Secretary of State to keep and use the seal.

Commissions of all officers under the direction and control of the Postmaster-General and the Secretary of Commerce and Labor are to be made out and recorded in the Post-Office Department and the Department of Commerce and Labor, respectively, and the Department seal affixed thereto, by Act March 3, 1905, c. 1422, set forth ante, under Title IV, "Provisions Applicable to All the Executive Departments."

Similar provisions relating to commissions of officers under the direction and control of the Secretaries or other heads of other Departments are contained in Act March 28, 1896, c. 73, set forth in Comp. St. 1901, p. 91, and other acts referred to in the note under that act, in Comp. St. 1901, p. 92.

TITLE XXI.

SEAT OF GOVERNMENT, INCLUDING THE PUBLIC BUILDINGS [AND GROUNDS, PARKS, AND RESERVATIONS.]

Sec. 1797.

[Amended. Act April 28, 1902, c. 594.]

This section is amended by Act April 28, 1902, c. 594, to read as set forth below.

ACT APRIL 28, 1902, c. 594.
Amendment of Rev. St. § 1797.

Section seventeen hundred and ninety-seven of the Revised Statutes of the United States is hereby amended to read as follows:

Chief of Engineers to have charge of public buildings and grounds.

"Sec. 1797. That the Chief of Engineers shall have charge of the public buildings and grounds in the District of Columbia, under such regulations as may be prescribed by the President, through the War Department, except those buildings and grounds which are otherwise provided for by law; and when it shall be made to appear to the said Chief of Engineers, or to the officer under his direction having immediate charge of said public buildings and grounds, that any person or persons is in unlawful occupation of any portion of said public lands in the District of Columbia, it shall be the duty of said officer in charge thereof to notify the marshal of the District of Columbia in writing of such unlawful occupation, and the said marshal shall thereupon cause the said trespasser or trespassers to be ejected from said lands, and shall restore possession of the same to the officer charged by law with the custody thereof."

Act April 28, 1902, c. 594, 32 Stat. 152.

This is a provision of the legislative, executive, and judicial appropriation act for the fiscal year ending June 30, 1903, cited above.

The use of public buildings, other than the Capitol and the White House, for public ceremonies is forbidden by a further provision of the same act, set forth below.

The temporary use of certain grounds and reservations for playgrounds may be authorized, by a provision of Act Aug. 30, 1890, c. 837, § 1, re-enacted by Act March 3, 1903, c. 1007, set forth below.

The officer in charge of public buildings and grounds is authorized to assume control of the fish ponds in the Monument grounds, the ground around them and the buildings upon the same, when they are abandoned by the Bureau of Fisheries, by a provision of Act June 30, 1906, c. 3912, § 1, set forth post, under Rev. St. § 1835.

The application of the rules prescribed by the Chief of Engineers, under Act July 1, 1898, c. 543, § 6, Comp. St. 1901, p. 1253, to the public grounds placed by that act under his charge, is extended to the sidewalks around and to carriageways between such grounds, by a provision of Act March 4, 1909, c. 299, § 1, set forth post, under Rev. St. § 1835.

A Commission of Fine Arts, whose duty it shall be to advise upon the

location of statutes, fountains, and monuments in the public squares, streets, and parks in the District of Columbia, and upon the selection of models for such works and of artists for the execution of the same is established by Act May 17, 1910, c. 243, set forth post, under Rev. St. § 1831.

Use of public buildings for ceremonies of inauguration of President or other public function forbidden.

That hereafter no public building, or the approaches thereto, other than the Capitol building and the White House, in the District of Columbia, shall be used or occupied in any manner whatever in connection with ceremonies attending the inauguration of President of the United States, or other public function, except as may hereafter be expressly authorized by law.

Act April 28, 1902, c. 594, 32 Stat. 152.

This is a further provision of the legislative, executive, and judicial appropriation act for the fiscal year ending June 30, 1903, cited above.

Sec. 1798.

Estimates and appropriations.

Restrictions on expenditure of appropriations for construction or equipment of executive or municipal buildings for production of electricity for light or power are contained in Act March 4, 1907, c. 2918, § 9, set forth below.

ACT MARCH 4, 1907, c. 2918, § 9. [H. R. 25745.]

Restriction of expenditures for production of electricity, from appropriations for buildings.

No appropriation heretofore or hereafter made for the construction or equipment of any executive or municipal building in the District of Columbia shall be expended for the production of electricity for light or power, unless, in the judgment of the Secretary of the Treasury, such necessary electric current for light and power can not be obtained at a less cost.

Act March 4, 1907, c. 2918, § 9, 34 Stat. 1371.

This section is part of the sundry civil appropriation act for the fiscal year ending June 30, 1908, cited above.

Sec. 1815.

ACT MARCH 3, 1903, c. 1012, § 34.

Intoxicating liquors not to be sold in Capitol.

Sec. 34. That no intoxicating liquors of any character shall be sold within the limits of the Capitol building of the United States.

Act March 3, 1903, c. 1012, § 34, 32 Stat. 1221.

This section is a part of an act to regulate immigration, cited above, other sections of which are repealed, and new provisions enacted instead thereof, by Act Feb. 20, 1907, c. 1134, set forth post, under Title XXIX, "Immigration."

Sec. 1816.

Repairs, etc., of Capitol.

The office of Architect of the Capitol is designated Superintendent of the Capitol Building and Grounds by the provision of Act Feb. 14, 1902, c. 17, set forth below.

Further provisions relating to furniture for the House of Representatives, contained in Act April 28, 1902, c. 594, are set forth below.

ACT MARCH 3, 1883, c. 143.

Estimates for improvements in Capitol Grounds.

Provisions for the enlargement of the Capitol Grounds by the acquisition of certain squares in the city of Washington, are made by the sundry civil appropriation acts for the fiscal years 1911 and 1912, Act June 25, 1910, c. 384, 36 Stat. 738, and Act March 4, 1911, c. 285, 36 Stat. 1414.

ACT FEB. 14, 1902, c. 17.

Superintendent of Capitol Building and Grounds; powers; appointment.

Hereafter the office of Architect of the Capitol shall be designated as Superintendent of the Capitol Building and Grounds, and the Superintendent of the Capitol Building and Grounds shall hereafter exercise all the power and authority heretofore exercised by the Architect of the Capitol, and he shall be appointed by the President: Provided, That no change in the architectural features of the Capitol building or in the landscape features of the Capitol grounds shall be made except on plans to be approved by Congress.

Act Feb. 14, 1902, c. 17, 32 Stat. 20.

This is a provision of the urgent deficiency appropriation act for the fiscal year ending June 30, 1902, cited above.

The power and authority previously exercised by the Architect of the Capitol, which by this provision are to be exercised by the Superintendent of the Capitol Building and Grounds, were conferred by Rev. St. § 1816, and subsequent provisions set forth under that section and Rev. St. § 1817, in Comp. St. 1901, pp. 1236–1239.

Further powers in regard to furniture for the House of Representatives are conferred by the provision of Act April 28, 1902, c. 594, set forth below.

Power to transfer apparatus, appliances, etc., discontinued or permanently out of service, to other branches of the service of the United States or the District, is given by a provision of Act March 2, 1911, c. 192, § 9, set forth below.

Powers in regard to the construction and maintenance and operation of a heating, lighting, and power plant for the Capitol and other buildings, etc., are conferred by provisions of Act April 28, 1904, c. 1762, § 1, and Act March 4, 1911, c. 285, § 1, set forth post, under Rev. St. § 1817.

Appropriations for various employés under the Superintendent of the Capitol Building and Grounds are made by the legislative, executive, and judicial appropriation acts each year. The provision for the fiscal year ending June 30, 1912, is by Act March 4, 1911, c. 237, § 1, 36 Stat. 1174.

ACT APRIL 28, 1902, c. 594.

Furniture for House of Representatives.

Hereafter the Superintendent of the Capitol Building and Grounds shall supervise and direct the care and repair of all furniture in the Hall, cloakrooms, lobby, committee rooms, and offices of the House, and all furniture hereafter required for the House of Representatives or for any of its committee rooms or offices shall be procured on designs and specifications made or approved by the said Superintendent.

Act April 28, 1902, c. 594, 32 Stat. 125.

This is a provision of the legislative, executive, and judicial appropriation act for the fiscal year ending June 30, 1903, cited above.

ACT MARCH 4, 1907, c. 2918, § 1. [H. R. 25745.]

House of Representatives office building; control, supervision, and care.

House of Representatives office building: * * And the said office building and the employment of all service, other than officers and

privates of the Capitol police, that may be appropriated for by Congress, necessary for its protection, care, and occupancy, shall be under the control and supervision of the Superintendent of the Capitol Building and Grounds, subject, until said building is completed, to the approval and direction of the Commission appointed under the sundry civil appropriation Act approved March third, nineteen hundred and three, to supervise the construction of said building; and such control and supervision by the Superintendent of the Capitol Building and Grounds shall be and continue after the completion of said building, and not later than July first, nineteen hundred and eight, subject to the approval and direction of a Commission consisting of the Speaker of the House of Representatives and two Representatives in Congress, to be appointed by the Speaker. Vacancies occurring by resignation, termination of service as Representatives in Congress, or otherwise in the membership of said Commission shall be filled by the Speaker, and any two members of said Commission shall constitute a quorum to do business. The Superintendent of the Capitol Building and Grounds shall submit annually to Congress estimates in detail for all services, other than officers and privates of the Capitol police, and for all other expenses in connection with said office building and necessary for its protection, care, and occupancy; and said Commissions herein referred to shall from time to time prescribe rules and regulations to govern said Superintendent in making all such employments, together with rules and regulations governing the use and occupancy of all rooms and space in said building. The assignment of rooms, in said building, to and for the official use of Representatives shall be by such method as the House of Representatives may hereafter from time to time determine.

Act March 4, 1907, c. 2918, § 1, 34 Stat. 1365.

These are provisions accompanying an appropriation for maintenance, etc., of the building, in the sundry civil appropriation act for the fiscal year ending June 30, 1908, cited above.

The Speaker is to continue as a member of the commission in control of the building, until his successor as Speaker is elected or his term expires, by a provision of Act March 4, 1911, c. 240, set forth below.

ACT MARCH 4, 1911, c. 240. [H. R. 32957.]

Speaker as member of commission in control of House Office Building.

The Speaker shall continue a member of the commission in control of the House Office Building, appointed under the sundry civil appropriation Act approved March fourth, nineteen hundred and seven, until his successor as Speaker is elected or his term as a Representative in Congress shall have expired.

Act March 4, 1911, c. 240, 36 Stat. 1306.

This is a provision of the deficiency appropriation act for the fiscal year 1911, cited above.

ACT MARCH 2, 1911, c. 192, § 9. [H. R. 31856.]

Apparatus, appliances, etc., discontinued or permanently out of service; transfer to other branches of service.

Sec. 9. The Superintendent of the Capitol Building and Grounds may transfer apparatus, appliances, equipments, and supplies of any kind, discontinued or permanently out of service, to such other branches of the service of the United States, or District of Columbia, whenever, with the approval of the Secretary of the Interior, in his judg-

ment the interests of the Government service may require it. A detailed statement of all such transfers shall be submitted in the annual report to Congress of the Superintendent of the Capitol Building and Grounds.

Act March 2, 1911, c. 192, § 9, 36 Stat. 1011.

This section is part of the District of Columbia appropriation act for the fiscal year ending June 30, 1912, cited above.

Sec. 1817.

ACT APRIL 28, 1904, c. 1762, § 1. [H. R. 14416.]

Capitol heating, lighting, and power plant; building and appurtenant constructions.

Toward the construction of a building for a heating, lighting, and power plant in connection with the office building for the House of Representatives, the installation of necessary machinery, for labor and material, construction of ducts, heating mains, subways, and traction system connecting the Capitol building, and for all other appliances, and for each and every purpose in connection with all of the foregoing, one hundred and thirty thousand dollars: Provided, That said building for heating, lighting, and power plant, when constructed, shall be of sufficient size and capacity to furnish the necessary heat, light, and power for the office building of the House of Representatives, the Capitol building, the Congressional Library building, and for such other public buildings which may hereafter be erected on grounds adjacent to the Capitol grounds at the east of the Capitol building and facing the same: Provided further, That when complete and ready for operation for the purpose of supplying heat, light, and power for the Capitol building, office building for the House of Representatives, and Congressional Library building, the total cost of said heating, lighting, and power plant, including building and all necessary apparatus, shall not exceed the sum of seven hundred and fifty-seven thousand eight hundred dollars, and that of the subway system connecting the Capitol building, the sum of one hundred and sixty-eight thousand five hundred dollars; and contracts for any part or the whole of the work herein provided for are authorized to be entered into by the Superintendent of the Capitol Building and Grounds, who shall have charge of the construction of said building and equipment and subway system, and the employment of skilled and other services, subject to the direction and supervision of the House Commission appointed to direct and supervise the construction of the office building for the House of Representatives: Provided further, That the said building and its appurtenant constructions shall be located in that portion of reservation seventeen bounded by Virginia avenue as extended through said reservation, South Capitol street, E street south, and New Jersey avenue, and in such manner that the main building shall not project beyond the building lines of any of the streets or avenues named; and a siding from the Philadelphia, Baltimore and Washington Railroad for the use of said building, in accordance with plans approved by the Commissioners of the District of Columbia, is hereby authorized to cross, at grade or otherwise, the proposed extension of Virginia avenue through the reservation: And provided further, That such ducts, heating mains, subways, and appliances may be constructed in and across any public street, avenue, alley,

or reservation where necessary to carry out the purpose of this provision; and when same shall be constructed in or under any street, avenue, or alley they shall be located under plans approved by the Engineer Commissioner of the District of Columbia.

Act April 28, 1904, c. 1762, § 1, 36 Stat. 479.

These are provisions of the sundry civil appropriation act for the fiscal year ending June 30, 1905, cited above.

ACT MARCH 4, 1911, c. 285, § 1. [H. R. 32909.]

Capitol power plant; maintenance and operation; superintendent of meters; filling vacancies in operating force.

Capitol power plant: For lighting the Capitol, Senate and House Office Buildings, and Congressional Library Building, and the grounds about the same, Botanic Garden, Senate stables and engine house, House stables, Maltby Building, and folding and storage rooms of the Senate; pay of superintendent of meters, at the rate of one thousand six hundred dollars per annum, who shall inspect all gas and electric meters of the Government in the District of Columbia without additional compensation; for necessary personal and other services; and for materials and labor in connection with the maintenance and operation of the heating, lighting, and power plant, and substations connected therewith, to be expended by the Superintendent of the Capitol Building and Grounds under the supervision and direction of the Commission in control of the House Office Building appointed under the Act approved March fourth, nineteen hundred and seven, ninety thousand dollars: Provided, That hereafter the heating, lighting, and power plant constructed under the terms of the Act approved April twenty-eighth, nineteen hundred and four, shall be known as the Capitol power plant; and hereafter all vacancies occurring in the force operating said plant and the substations in connection therewith shall be filled by said superintendent with the approval of said commission in control of the House Office Building appointed under the Act approved March fourth, nineteen hundred and seven.

Act March 4, 1911, c. 285, § 1, 36 Stat. 1414.

These are provisions of the sundry civil appropriation act for the fiscal year ending June 30, 1912, cited above.

The provision of Act March 4, 1907, c. 2918, § 1, mentioned in this act, for appointment of a Commission in control of the House Office Building, is set forth ante, under Rev. St. § 1816.

The provisions of Act April 28, 1904, c. 1762, § 1, also mentioned in this act, for the construction of the Capitol heating, lighting, and power plant, are set forth above.

Sec. 1822.

Capitol police; number and pay.

Appropriations for the Capitol police, for a number of privates and at rates of pay varying from the provisions of this section, set forth in Comp. St. 1901, p. 1243, are made by the annual legislative, executive, and judicial appropriation acts. The provision for the fiscal year ending June 30, 1912, is by Act March 4, 1911, c. 237, § 1, 36 Stat. 1175.

Sec. 1825.

ACT MARCH 3, 1901, c. 830, § 1.

Capitol police to wear uniform while on duty.

The provision of this act set forth in Comp. St. 1901, p. 1244, is repeated in the legislative, executive, and judicial appropriation act for

each of the fiscal years 1904 and 1905, Act Feb. 25, 1903, c. 755, § 1, 32 Stat. 857, and Act March 18, 1904, c. 716, § 1, 33 Stat. 89, but it is not repeated in connection with the appropriation for the Capitol police in the similar acts for subsequent fiscal years.

Sec. 1826.

ACT AUG. 5, 1882, c. 389.

Powers and duties of watchmen in public squares and reservations.

The watchmen in public squares and reservations are to receive free medical attendance by a provision of Act April 28, 1902, c. 594, set forth below.

Watchmen of the Department of Agriculture in and upon the buildings and premises of the Department have the same powers and duties as the Metropolitan Police of the District of Columbia, by a provision of Act March 4, 1909, c. 301, set forth below.

ACT APRIL 28, 1902, c. 594.

Medical attendance for watchmen in public squares and reservations.

That the park watchmen now provided for under the above heading of public buildings and grounds, and those that may hereafter be provided for by law for service in any of the public squares and reservations in the District of Columbia, shall receive free medical attendance, the same as the Metropolitan Police of said District.

Act April 28, 1902, c. 594, 32 Stat. 152.

This is a provision, under the heading "Public Buildings and Grounds," of the legislative, executive, and judicial appropriation act for the fiscal year ending June 30, 1903, cited above.

ACT MARCH 4, 1909, c. 301. [H. R. 27053.]

Powers and duties of watchmen of Department of Agriculture.

And hereafter all duly and lawfully constituted and appointed watchmen of the Department of Agriculture stationed in and upon the buildings and premises of said department in the city of Washington, District of Columbia, shall have and perform the same powers and duties, while on duty in and about said premises, as the Metropolitan police of the District of Columbia.

Act March 4, 1909, c. 301, 35 Stat. 1057.

This is a provision of the agricultural appropriation act for the fiscal year ending June 30, 1910, cited above.

Sec. 1831.

Works of fine arts.

A Commission of Fine Arts is established and its duties prescribed by Act May 17, 1910, c. 243, set forth below.

ACT MAY 17, 1910, c. 243. [H. R. 19962.]

An Act Establishing a Commission of Fine Arts. (36 Stat. 371.)

Commission of Fine Arts established; members; appointment; duties; secretary, etc.; expenses.

Be it enacted, &c., That a permanent Commission of Fine Arts is hereby created to be composed of seven well-qualified judges of the fine arts, who shall be appointed by the President, and shall serve for a period of four years each, and until their successors are appointed and qualified. The President shall have authority to fill all vacancies. It shall be the duty of such commission to advise upon the location of statues, fountains, and monuments in the public squares, streets, and parks in the District of Columbia, and upon the selection of models

for statues, fountains, and monuments erected under the authority of the United States and upon the selection of artists for the execution of the same. It shall be the duty of the officers charged by law to determine such questions in each case to call for such advice. The foregoing provisions of this Act shall not apply to the Capitol building of the United States and the building of the Library of Congress. The commission shall also advise generally upon questions of art when required to do so by the President, or by any committee of either House of Congress. Said commission shall have a secretary and such other assistance as the commission may authorize, and the members of the commission shall each be paid actual expenses in going to and returning from Washington to attend the meetings of said commission and while attending the same.

Act May 17, 1910, c. 243, § 1, 36 Stat. 371.

The officer in charge of public buildings and grounds is the secretary and acts as executive officer of the commission, by a provision of Act June 25, 1910, c. 384, § 1, set forth below.

Annual expenditure under act.

Sec. 2. That to meet the expenses made necessary by this Act an expenditure of not exceeding ten thousand dollars a year is hereby authorized.

Act May 17, 1910, c. 242, § 2, 36 Stat. 371.

ACT JUNE 25, 1910, c. 384, § 1. [H. R. 25552.]

Commission of Fine Arts; appropriation for expenses; officer in charge of public buildings and grounds to be secretary and act as executive officer of commission.

Commission of fine arts: To meet the expenses made necessary by the Act approved May seventeenth, nineteen hundred and ten, entitled "An Act establishing a Commission of Fine Arts," to be disbursed by the officer in charge of public buildings and grounds, on vouchers approved by the commission, who shall be the secretary and shall act as the executive officer of said commission, ten thousand dollars.

Act June 25, 1910, c. 384, § 1, 36 Stat. 728.

This is a provision of the sundry civil appropriation act for the fiscal year ending June 30, 1910, cited above. It is repeated in the similar act for the following fiscal year, Act March 4, 1911, c. 285, § 1, 36 Stat. 1405.

Act May 17, 1910, c. 243, mentioned in this provision, is set forth above.

Sec. 1833.

Inventory of public property.

Subsequent provisions for making and keeping an annual inventory of public property in and belonging to the Executive Mansion are contained in Act June 25, 1910, c. 384, § 9, set forth ante, under Title III, "The President," c. 2.

Sec. 1835.

ACT AUG. 30, 1890, c. 837, § 1.

Use of public grounds for children's playgrounds.

The provision of this act for authorizing the temporary use of certain public grounds for children's playgrounds, set forth in Comp. St. 1901, p. 1249, is superseded by the re-enactment thereof, with the word "hereafter" inserted, by a provision of Act March 3, 1903, c. 1007, set forth below.

ACT JULY 1, 1898, c. 543, §§ 2, 6.

Park system; control; care and use of parking spaces.

Jurisdiction over that portion of B street west of Virginia avenue is transferred from the Commissioners of the District to the Chief of Engineers, by a provision of Act May 27, 1908, c. 200, § 1, set forth below.

Jurisdiction over reservation 185 is to be transferred by the Chief of Engineers to the Commissioners of the District, to be used by the District as a property yard, by a provision of Act May 18, 1910, c. 248, set forth below.

Regulations for care of public grounds.

The application of the regulations for care of public grounds, to be prescribed under section 6 of Act July 1, 1898, c. 543, set forth in Comp. St. 1901, p. 1253, is extended to adjacent sidewalks and carriageways of streets, by a provision of Act March 4, 1909, c. 299, § 1, set forth below.

ACT MARCH 3, 1903, c. 1007.

Use of public grounds for playgrounds.

The officer in charge of public buildings and grounds may hereafter authorize the temporary use of the Monument Grounds or grounds south of the Executive Mansion or other reservations in the District of Columbia for playgrounds for children and adults, under regulations to be prescribed by him.

Act March 3, 1903, c. 1007, 32 Stat. 1122.

This is a provision of the sundry civil appropriation act for the fiscal year ending June 30, 1904, cited above, which re-enacts a similar provision of Act Aug. 30, 1890, c. 837, § 1, set forth in Comp. St. 1901, p. 1249, making the provision permanent in form by the insertion of the word "hereafter," and extending its language to include playgrounds for children and adults.

The erection of temporary structures upon reservations used as children's playgrounds is authorized by a provision of Act May 27, 1908, c. 200, § 1, set forth below.

ACT JUNE 30, 1906, c. 3912, § 1. [H. R. 20403.]

Fish ponds in Monument grounds; transfer of control.

For the care of the fish ponds in the Monument grounds, the ground around them and the buildings upon the same, during the fiscal year ending June thirtieth, nineteen hundred and seven, three hundred dollars: Provided, That when said ponds, ground, and buildings, are abandoned by the Bureau of Fisheries, the officer in charge of public buildings and grounds is authorized to assume control of them and of any balance of the sum hereby appropriated that may remain unexpended at the date of said transfer.

Act June 30, 1906, c. 3912, § 1, 34 Stat. 659.

This is a provision of the deficiency appropriation act for the fiscal year ending June 30, 1906, cited above.

ACT MAY 27, 1908, c. 200, § 1. [H. R. 21260.]

Licenses for boat-houses on banks of tidal reservoir on Potomac River.

Licenses may be granted for the erection of boat-houses along the banks of the tidal reservoir on the Potomac River fronting Potomac Park, under regulations to be prescribed by the Chief of Engineers, and that all such licenses granted under this authority shall be revocable, without compensation, by the Secretary of War.

Act May 27, 1908, c. 200, § 1, 35 Stat. 355.

This is a provision of the sundry civil appropriation act for the fiscal year ending June 30, 1909, cited above.

Licenses for temporary structures upon reservations used as children's playgrounds.

The officer in charge of public buildings and grounds is authorized to grant licenses, revocable by him, without compensation, to erect temporary structures upon reservations used as children's playgrounds, under such regulations as he may impose.

Act May 27, 1908, c. 200, § 1, 35 Stat. 355.

This is a further provision of the sundry civil appropriation act for the fiscal year ending June 30, 1909, cited above.

Jurisdiction over B street west of Virginia avenue transferred to Chief of Engineers.

The jurisdiction over that portion of B street west of Virginia avenue, now under the control of the Commissioners of the District of Columbia, is hereby transferred to the Chief of Engineers, United States Army.

Act May 27, 1908, c. 200, § 1, 35 Stat. 356.

This is a further provision of the sundry civil appropriation act for the fiscal year ending June 30, 1909, cited above.

ACT MARCH 4, 1909, c. 299, § 1. [H. R. 28245.]

Application of regulations for care of public grounds extended to sidewalks, etc.

That the application of the rules and regulations heretofore prescribed or that may be hereafter prescribed by the Chief of Engineers, United States Army, under the authority granted by section six of an Act of Congress approved July first, eighteen hundred and ninety-eight, for the government and proper care of all public grounds placed by that Act under the charge and control of the said Chief of Engineers, is hereby extended to cover the sidewalks around the public grounds and the carriageways of such streets as lie between and separate the said public grounds.

Act March 4, 1909, c. 299, § 1, 35 Stat. 994.

This is a provision of the sundry civil appropriation act for the fiscal year ending June 30, 1910, cited above.

Act July 1, 1898, c. 543, § 6, mentioned in this provision, is set forth in Comp. St. 1901, p. 1253.

Advertisements and sales in or around the Washington Monument prohibited.

Washington Monument: For the care and maintenance of the Washington Monument * *: Provided, That hereafter no advertisement of any kind shall be displayed and no articles of any kind shall be sold in or around the Monument, except upon the written authority of the Secretary of War.

Act March 4, 1909, c. 299, § 1, 35 Stat. 997.

This is a proviso annexed to the appropriation for care and maintenance of the Washington Monument in the sundry civil appropriation act for the fiscal year ending June 30, 1910, cited above.

Previous provisions relating to the same subject, contained in Act May 27, 1908, c. 200, § 1, 35 Stat. 357, and Act Feb. 9, 1909, c. 101, 35 Stat. 615, are superseded by this provision.

ACT MAY 18, 1910, c. 248. [H. R. 14464.]

Jurisdiction over Reservation 185 to be transferred to Commissioners of District for use as property yard.

The Chief of Engineers of the United States Army is hereby authorized and directed to transfer to the Commissioners of the District of Columbia the control and jurisdiction over reservation one hundred

and eighty-five, to be used by said District as a property yard: Provided, That when in the judgment of the Chief of Engineers of the United States Army the use of said reservation for park purposes is desirable, the Commissioners of the District of Columbia, upon his request, are authorized and directed to retransfer said reservation to his jurisdiction.

Act May 18, 1910, c. 248, 36 Stat. 383.

This is a provision of the District of Columbia appropriation act for the fiscal year ending June 30, 1911, cited above.

ACT MARCH 4, 1911, c. 285, § 1. [H. R. 32909.]

Lighting, etc., lamps in public grounds; limitation of amount to be paid.

Hereafter no greater sum shall be paid any company for lighting any gas or electric lamp in the public grounds, or for installing or moving the same, than is paid by the District of Columbia for similar services, and no contract shall be required to be entered into for lighting the public grounds. * *

Act March 4, 1911, c. 285, § 1, 36 Stat. 1404.

This is a provision of the sundry civil appropriation act for the fiscal year ending June 30, 1912, cited above.

TITLE XXII.

THE STATES.

Sec. 1838.

ACT FEB. 10, 1905, c. 571. [H. R. 18280.]

An Act to Extend the Western Boundary Line of the State of Arkansas. (33 Stat. 714.)

Extension of western boundary line of State of Arkansas.

Be it enacted, &c., That the consent of the United States is hereby given for the State of Arkansas to extend her western boundary line so as to include all that strip of land in the Indian Territory lying and being situate between the Arkansas State line adjacent to the city of Fort Smith, Arkansas, and the Arkansas and Poteau rivers, described as follows, namely: Beginning at a point on the south bank of the Arkansas River one hundred paces east of old Fort Smith, where the western boundary line of the State of Arkansas crosses the said river, and running southwesterly along the south bank of the Arkansas River to the mouth of the Poteau; thence at right angles with the Poteau River to the center of the current of said river; thence southerly up the middle of the current of the Poteau River (except where the Arkansas State line intersects the Poteau River) to a point in the middle of the current of the Poteau River opposite the mouth of Mill Creek, and where it is intersected by the middle of the current of Mill Creek; thence up the middle of Mill Creek to the Arkansas State line; thence northerly along the Arkansas State line to the point of beginning: Provided, That nothing in this Act shall be construed to impair any right now pertaining to any Indian tribe or tribes in said part of said Indian Territory under the laws, agreements, or treaties of the United States, or to affect the authority of the Government of the United States to make any regulations or to make any law respecting said Indians or their lands which it would have been competent to make or enact if this Act had not been passed.

Act Feb. 10, 1905, c. 571, 33 Stat. 714.

ACT MARCH 1, 1905, c. 1295. [S. 7117.]

An Act Establishing that Portion of the Boundary Line between the State of South Dakota and the State of Nebraska South of Union County, South Dakota. (33 Stat. 820.)

Establishment of part of boundary line between State of South Dakota and State of Nebraska.

Be it enacted, &c., That the portion of the boundary line between the State of South Dakota and the State of Nebraska lying and being south of Union County, South Dakota, shall be in the middle of the main channel of the Missouri River as now existing, and the compact between said States establishing said boundary line is hereby approved.

Act March 1, 1905, c. 1295, 33 Stat. 820.

RES. JUNE 7, 1910, No. 31. [H. J. Res. 160.]

Joint Resolution to Enable the States of Missouri and Kansas to Agree upon a Boundary Line and to Determine the Jurisdiction of Crimes Committed on the Missouri River and Adjacent Territories. (36 Stat. 881.)

Consent to agreement by States of Missouri and Kansas fixing boundary line and determining jurisdiction of offenses on Missouri River.

Resolved, &c., That the consent of the Congress of the United States is hereby given to the States of Missouri and Kansas to enter into such agreement or compact as they may deem desirable or necessary, not in conflict with the Constitution of the United States or of any law thereof, to agree upon and fix the boundary line between said States, and to cede, respectively, each to the other, such tracts or parcels of the territory of each State as may now or hereafter be separated from the main body thereof by the waters of the Missouri River, and also to adjudge and settle the jurisdiction to be exercised by said States, respectively, over offenses arising out of the violation of the laws of said States upon the waters of the Missouri River, and in such portions of each of said States as may be separated from the main body thereof by the waters of the Missouri River as aforesaid.

Res. June 7, 1910, No. 31, 36 Stat. 881.

RES. JUNE 10, 1910, No. 32. [S. J. Res. 88.]

Joint Resolution to Enable the States of Oregon and Washington to Agree upon a Boundary Line between Said States where the Columbia River Forms Said Boundary. (36 Stat. 881.)

Consent to agreement by States of Oregon and Washington fixing boundary line.

Resolved, &c., That the consent of the Congress is hereby given to the States of Oregon and Washington to enter into such agreement or contract as they may deem desirable or necessary, not in conflict with the Constitution of the United States, or any law thereof, to fix the boundary line between said States where the Columbia River now forms said boundary, and to cede, respectively, each to the other, such islands, sands, tracts, or parcels of land, title to which has heretofore been in dispute; that is to say, consent is hereby given to the State of Oregon to cede all such islands, sands, tracts, or parcels of land lying on the Washington side of the line so fixed and determined to be the boundary line between said States, and consent is given to the State of Washington to cede to the State of Oregon all such islands, sands, tracts, or parcels of land lying on the Oregon side of the line so fixed as the boundary line between said States. And thereafter said line so fixed shall become and be recognized as the true boundary line between said States.

Res. June 10, 1910, No. 32, 36 Stat. 881.

RES. JUNE 22, 1910, No. 34. [H. J. Res. 149.]

Joint Resolution to Enable the States of Wisconsin, Illinois, Indiana, and Michigan to Determine the Jurisdiction of Crimes Committed on Lake Michigan. (36 Stat. 882.)

Consent to agreement by States of Wisconsin, Illinois, Indiana, and Michigan, or any two or more of them, determining jurisdiction of offenses on Lake Michigan.

Resolved, &c., That the consent of the Congress of the United States is hereby given to the States of Wisconsin, Illinois, Indiana, and Michigan, or any two or more of them, by such agreement or compact as they may deem desirable or necessary or otherwise, not in conflict with the Constitution of the United States or any law thereof, to determine and settle the jurisdiction to be exercised by said States, respectively, over offenses arising out of the violation of the laws of any of said States upon the waters of Lake Michigan.

RES. FEB. 16, 1911, No. 6. [S. J. Res. 124.]

Joint Resolution Reaffirming the Boundary Line between Texas and the Territory of New Mexico. (36 Stat. 1454.)

Preamble.

Whereas the constitutional convention recently held in the Territory of New Mexico submitted for acceptance or rejection the draft of a proposed constitution for the State of New Mexico, to be voted upon by the voters of said proposed new State on the twenty-first day of January, nineteen hundred and eleven, which proposed constitution contains a clause attempting to annul and set aside the boundary lines heretofore legally run, marked, established, and ratified by the United States and the State of Texas, said lines between the Territory of New Mexico and the State of Texas having been run by John H. Clark, the boundary commissioner acting for the United States in eighteen hundred and fifty-nine and eighteen hundred and sixty, the said lines being now known and recognized as the Clark lines; and

Whereas the United States and the State of Texas have patented land based upon the Clark lines as the boundary between Texas and the Territory of New Mexico: Therefore be it

Boundary lines between Texas and New Mexico not affected by provision of proposed constitution for State of New Mexico.

Resolved, &c., That any provision of said proposed constitution that in any way tends to annul or change the boundary lines between the State of Texas and the Territory or State of New Mexcio shall be of no force or effect, but shall be construed so as not in any way to change, affect, or alter the said boundary lines known as the Clark lines and heretofore run and marked by him as a commissioner on the part of the United States and concurred in by the State of Texas, and the former ratification of said Clark lines by the United States by the Act approved March third, eighteen hundred and ninety-one, and the State of Texas by the joint resolution passed March twenty-fifth, eighteen hundred and ninety-one, shall be held and deemed a conclusive location and settlement of said boundary lines.

Res. Feb. 16, 1911, No. 6, § 1, 36 Stat. 1454.

Reestablishment of boundary lines established by Clark.

Sec. 2. That the President of the United States is hereby authorized, in conjunction with the State of Texas, to reestablish and remark the boundary lines heretofore established and marked by John H. Clark between New Mexico and the State of Texas, and for such

purpose he is hereby authorized and empowered to appoint a commissioner, who, in conjunction with such commissioner as may be appointed by and on behalf of the State of Texas for the same purpose, shall re-mark the boundary between the Territory of New Mexico and the State of Texas as follows: Beginning at the point where the one hundred and third degree of longitude west from Greenwich intersects the parallel of thirty-six degrees and thirty minutes north latitude, as determined and fixed by John H. Clark, the commissioner on the part of the United States in the years eighteen hundred and fifty-nine and eighteen hundred and sixty; thence south with the line run by said Clark for the said one hundred and third degree of longitude to the thirty-second parallel of north latitude to the point marked by said Clark as the southeast corner of New Mexico; and thence west with the thirty-second degree of north latitude as determined by said Clark to the Rio Grande.

Res. Feb. 16, 1911, No. 6, § 2, 36 Stat. 1455.

Lines known as Clark lines declared true boundary; monuments, etc., to be re-marked, etc.

Sec. 3. That the part of the line run and marked by monuments along the thirty-second parallel of north latitude and that part of the line marked by monuments along the one hundred and third degree of longitude west from Greenwich, the same being the east and west and north and south lines between Texas and New Mexico, and run by authority of the Act of Congress approved June fifth, eighteen hundred and fifty-eight, and known as the Clark lines, which said lines as run by said Clark have been confirmed, as aforesaid, by the Act of Congress approved March third, eighteen hundred and ninety-one, and the joint resolution of the Legislature of Texas passed March twenty-fifth, eighteen hundred and ninety-one, shall remain the true boundary lines of Texas and New Mexico: Provided, That it shall be the duty of the commissioners appointed under this Act to re-mark said old Clark monuments and line where they can be found and identified by the original monuments now on the ground, or where monuments are now missing or the lines can not be found but their original position can be shown by competent parol evidence or by the topographic maps or field notes made by said Clark, the monuments so found or their position so identified shall determine the true position and course of the boundary lines as marked by said Clark to the full extent of the survey made by him, and where no survey was actually originally made on said lines it shall be the duty of the said commissioners to run a straight line between the nearest points determined by the Clark map, field notes, and survey, and when said straight lines have been so run, marked, and agreed upon by the commissioners they shall thereafter form the true boundary lines.

Res. Feb. 16, 1911, § 3, 36 Stat. 1455.

Payment of expenses of carrying out purposes of act.

Sec. 4. That the sum of twenty thousand dollars, or so much thereof as may be necessary, be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to carry out the purposes of this Act: Provided, That the person or persons ap-

pointed and employed on the part of the State of Texas shall be paid by the said State.

Res. Feb. 16, 1911, No. 6, § 4, 36 Stat. 1455.

Consent of Congress is given to each of the States to enter into an agreement or compact with any other State or States for the purpose of conserving the forests and the water supply, by Act March 1, 1911, c. 186, § 1, set forth post, under Title XXXII, "The Public Lands," c. 11, subc. "National Forest."

Provisions to enable the people of Oklahoma and of the Indian Territory to form a constitution and State government and be admitted into the Union as the State of Oklahoma, are contained in Act June 16, 1906, c. 3335, 34 Stat. 267.

Provisions for the admission of New Mexico and Arizona into the Union are contained in Act June 20, 1910, c. 310, 36 Stat. 557, and Res. Aug. 21, 1911, No. 8, 37 Stat. 39.

TITLE XXV.

CITIZENSHIP.

Sec. 1993.

Citizenship of children of citizens born abroad.

Further provisions relating to the protection of children born outside the limits of the United States who are citizens in accordance with the provisions of this section, set forth in Comp. St. 1901, p. 1268, are contained in Act March 2, 1907, c. 2534, § 6, set forth post, under Rev. St. § 2000.

Sec. 1994.

Citizenship of married women.

Further provisions relating to the retention of the American citizenship of a foreign woman acquired by marriage to a citizen, as provided by this section, set forth in Comp. St. 1901, p. 1268, are contained in Act March 2, 1907, c. 2534, § 4, set forth post, under Rev. St. § 2000.

Sec. 1999.

Right of expatriation declared.

Provisions relating to expatriation of American citizens are contained in Act March 2, 1907, c. 2534, § 2, set forth post, under Rev. St. § 2000.

Sec. 2000.

Protection to naturalized citizens in foreign states.

Besides the provisions of this section and of Rev. St. § 2001, set forth in Comp. St. 1901, p. 1270, for protection of naturalized citizens in foreign countries, provisions for the issue of passports to and protection of persons who have made declaration of intention to become citizens, and as to when naturalized citizens residing abroad shall be presumed to have ceased to be American citizens, are contained in Act March 2, 1907, c. 2534, set forth below.

ACT MARCH 2, 1907, c. 2534. [H. R. 24122.]

An Act in Reference to the Expatriation of Citizens and Their Protection Abroad. (34 Stat. 1228.)

Issue of passports to and protection of persons having made declaration of intention to become citizens.

Be it enacted, &c., That the Secretary of State shall be authorized, in his discretion, to issue passports to persons not citizens of the United States as follows: Where any person has made a declaration of intention to become such a citizen as provided by law and has resided in the United States for three years a passport may be issued to him entitling him to the protection of the Government in any foreign country: Provided, That such passport shall not be valid for more than six months and shall not be renewed, and that such passport shall not entitle the holder to the protection of this Government in the country of which he was a citizen prior to making such declaration of intention.

Act March 2, 1907, c. 2534, § 1, 34 Stat. 1228.

Previous provisions relating to issuance of passports are contained in Rev. St. §§ 4075–4078, Comp. St. 1901, pp. 2764, 2765.

Expatriation of citizens; presumption as to naturalized citizens residing in foreign state.

Sec. 2. That any American citizen shall be deemed to have expatriated himself when he has been naturalized in any foreign state in conformity with its laws, or when he has taken an oath of allegiance to any foreign state.

When any naturalized citizen shall have resided for two years in the foreign state from which he came, or for five years in any other foreign state it shall be presumed that he has ceased to be an American citizen, and the place of his general abode shall be deemed his place of residence during said years: Provided, however, That such presumption may be overcome on the presentation of satisfactory evidence to a diplomatic or consular officer of the United States, under such rules and regulations as the Department of State may prescribe: And provided also, That no American citizen shall be allowed to expatriate himself when this country is at war.

Act March 2, 1907, c. 2534, § 2, 34 Stat. 1228.

The right of expatriation is declared by Rev. St. § 1999, Comp. St 1901, p. 1269.

The cancellation of the certificate of citizenship of a naturalized citizen taking permanent residence in a foreign country is authorized by Act June 29, 1906, c. 3592, § 15, set forth post, under Title XXX, "Naturalization."

Citizenship of American women marrying foreigners.

Sec. 3. That any American woman who marries a foreigner shall take the nationality of her husband. At the termination of the marital relation she may resume her American citizenship, if abroad, by registering as an American citizen within one year with a consul of the United States, or by returning to reside in the United States, or, if residing in the United States at the termination of the marital relation, by continuing to reside therein.

Act March 2, 1907, c. 2534, § 3, 34 Stat. 1228.

Citizenship of foreign women marrying citizens.

Sec. 4. That any foreign woman who acquires American citizenship by marriage to an American shall be assumed to retain the same after the termination of the marital relation if she continue to reside in the United States, unless she makes formal renunciation thereof before a court having jurisdiction to naturalize aliens, or if she resides abroad she may retain her citizenship by registering as such before a United States consul within one year after the termination of such marital relation.

Act March 2, 1907, c. 2534, § 4, 34 Stat. 1229.

A woman married to a citizen, who might herself be lawfully naturalized, is to be deemed a citizen, by Rev. St. § 1994, Comp. St. 1901, p. 1268.

Citizenship of children, born abroad, of alien parents, by naturalization, etc., of parent during minority of child.

Sec. 5. That a child born without the United States of alien parents shall be deemed a citizen of the United States by virtue of the naturalization of or resumption of American citizenship by the parent: Provided, That such naturalization or resumption takes place during the minority of such child: And provided further, That the citizenship

of such minor child shall begin at the time such minor child begins to reside permanently in the United States.

Act March 2, 1907, c. 2534, § 5, 34 Stat. 1229.

Citizenship of children of citizens, born abroad, and continuing to reside abroad.

Sec. 6. That all children born outside the limits of the United States who are citizens thereof in accordance with the provisions of section nineteen hundred and ninety-three of the Revised Statutes of the United States and who continue to reside outside the United States shall, in order to receive the protection of this Government, be required upon reaching the age of eighteen years to record at an American consulate their intention to become residents and remain citizens of the United States and shall be further required to take the oath of allegiance to the United States upon attaining their majority.

Act March 2, 1907, c. 2534, § 6, 34 Stat. 1229.

Rev. St. § 1993, mentioned in this section, is set forth in Comp. St. 1901, p. 1268.

Duplicates of evidence, registration, etc., required by act, to be filed with Department of State.

Sec. 7. That duplicates of any evidence, registration, or other acts required by this Act shall be filed with the Department of State for record.

Act March 2, 1907, c. 2534, § 7, 34 Stat. 1229.

TITLE XXVII.

THE FREEDMEN.

Sec. 2035.

[Repealed. Act July 1, 1902, c. 1351.]

This section, set forth in Comp. St. 1901, p. 1276, is repealed by a provision of Act July 1, 1902, c. 1351, set forth below.

ACT JULY 1, 1902, c. 1351.

Repeal of Rev. St. § 2035; disposition of retained bounty fund.

Retained bounty fund: That section two thousand and thirty-five of the Revised Statutes is hereby repealed, and the unexpended balance of the fund formerly in the custody of the Freedmen's Bureau and referred to in said section is hereby covered into the Treasury as "Miscellaneous receipts": Provided, That upon application by parties entitled to any portion of the moneys so covered in, the Secretary of the Treasury is authorized and directed to pay the amount found due in the same manner and from the same appropriation as claims for bounty to volunteer soldiers are now paid.

Act July 1, 1902, c. 1351, 32 Stat. 556.

This is a provision of the deficiency appropriation act for the fiscal year ending June 30, 1902, cited above. Rev. St. § 2035, Comp. St. 1901, p. 1276, repealed by this provision, constituted the Secretary of War trustee of a retained bounty fund of certain colored soldiers. Further provisions relating to the fund are contained in Rev. St. §§ 2036, 2037, Comp. St. 1901, pp. 1276, 1277.

Sec. 2038.

Freedmen's Hospital in District of Columbia, continued, etc.

Provisions for the construction of a new Freedmen's Hospital building, and for care and treatment of persons therein, and for the expenses and maintenance thereof, contained in Act March 3, 1903, c. 1007, § 1, Act April 28, 1904, c. 1762, § 1, and Act March 3, 1905, c. 1483, § 1, are set forth below.

ACT MARCH 3, 1903, c. 1007, § 1.

Construction of new Freedmen's Hospital; lease of ground; medical and surgical service.

Freedmen's Hospital: For the construction of a new Freedmen's Hospital building and accessories on the ground now occupied by the Freedmen's Hospital, fifty thousand dollars, said buildings to be constructed upon plans to be approved by the Supervising Architect of the Treasury and the Superintendent of the Capitol Building and Grounds, and sufficient when completed to provide for not less than two hundred patients; and the Secretary of the Interior is authorized to enter into a contract or contracts for the construction of said buildings at a cost not exceeding three hundred thousand dollars which sum, including the amount herein appropriated, shall be paid one-half out of the Treasury of the United States and one-half out of the revenues of the District of Columbia: Provided, That before any portion

of the sum herein appropriated shall be expended, the proper authorities owning the ground upon which said buildings are to be erected shall lease the same to the Government of the United States at an annual rental of one dollar per annum during the period of their occupation of the same: Provided further, That the trustees of Howard University shall be required to supply all medical and surgical service without cost to the United States or the District of Columbia.

Act March 3, 1903, c. 1007, § 1, 32 Stat. 1113.

This is a provision of the sundry civil appropriation act for the fiscal year ending June 30, 1904, cited above.

Subsequent provisions relating to the same subjects, contained in Act April 28, 1904, c. 1762, § 1, and Act March 3, 1905, c. 1483, § 1, are set forth below.

ACT APRIL 28, 1904, c. 1762, § 1. [H. R. 14416.]

Construction of new Freedmen's Hospital; retrocession of ground to Howard University and lease thereof to United States.

Freedmen's Hospital: The appropriation of fifty thousand dollars made by the sundry civil appropriation Act for the fiscal year nineteen hundred and four is hereby continued for the fiscal year nineteen hundred and five: Provided, That the tract of land lying and being between Sixth and Fourth streets and between Pomeroy and College streets, in the city of Washington, District of Columbia, containing aproximately eleven acres of ground, be, and the same is hereby, retroceded to Howard University, upon the condition that the said Howard University shall make and execute to the United States a perpetual lease for the nominal rental of one dollar per annum, and that upon the execution of such lease to the satisfaction of the Secretary of the Interior, said Secretary shall cause to be erected on the ground so retroceded and leased the new hospital for freedmen provided for by the Act above referred to.

Act April 28, 1904, c. 1762, § 1, 33 Stat. 488.

This is a provision of the sundry civil appropriation act for the fiscal year ending June 30, 1905, cited above. The provision of Act March 3, 1903, c. 1007, § 1, referred to therein, is set forth above.

Subsequent provisions relating to the construction of the new Freedman's Hospital, and the management, expenses, and maintenance thereof, contained in Act March 3, 1905, c. 1483, § 1, are set forth below.

ACT MARCH 3, 1905, c. 1483, § 1. [H. R. 18969.]

Construction of new Freedmen's Hospital; contracts for care and treatment of persons from District of Columbia; estimates for expenses and maintenance.

For the construction of the new Freedmen's Hospital building, as provided in the sundry civil appropriation acts approved March third, nineteen hundred and three, and April twenty-eighth, nineteen hundred and four, respectively, two hundred and fifty thousand dollars.

The Secretary of the Interior is authorized to enter into contract with the Board of Charities of the District of Columbia for the care and treatment of persons from the District of Columbia admitted to the Freedmen's Hospital; and any money that may be received, from this source, on and after July first, nineteen hundred and five, shall be paid to the Secretary of the Interior, to be applied to the uses and purposes of the hospital.

Hereafter estimates for expenses and maintenance of the Freedmen's Hospital and Asylum shall be submitted by the Secretary of the Interior.

That the sum of fifty thousand dollars, appropriated by the sundry civil appropriation Act approved March third, nineteen hundred and three, and sums hereafter appropriated under authority conveyed in said Act, for the construction of a new Freedmen's Hospital building and accessories shall be paid wholly from the Treasury of the United States, and any part of said sum or sums already expended from the revenues of the District of Columbia shall be reimbursed and credited to said revenues, and said appropriation shall be available during the fiscal year nineteen hundred and six.

Act March 3, 1905, c. 1483, § 1, 33 Stat. 1190.

These are provisions of the sundry civil appropriation act for the fiscal year ending June 30, 1906, cited above. The provisions of Act March 3, 1903, c. 1007, § 1, and of Act April 28, 1904, c. 1762, § 1, referred to in this act, are set forth above.

Further appropriations for completion of the building, furniture, etc., are made by the sundry civil appropriation act for the fiscal year ending June 30, 1908, Act March 4, 1907, c. 2918, § 1, 34 Stat. 1331.

TITLE XXIX.

IMMIGRATION.

[REGULATION AND RESTRICTION OF IMMIGRATION IN GENERAL.]

The provisions of various acts relating to immigration, set forth under this subtitle in Comp. St. 1901, pp. 1286–1305, were superseded almost entirely by the more comprehensive provisions of the same nature contained in Act March 3, 1903, c. 1012, 32 Stat. 1213. But that act, except section 34 thereof which relates to a different subject, is expressly repealed and the provisions of the repealed sections relating to immigration, with some changes and additions, are re-enacted in sections designated by the same numbers, respectively, by Act Feb. 20, 1907, c. 1134, set forth below.

Before said Act March 3, 1903, c. 1012, the provisions for the execution of said previous acts by the Secretary of the Treasury, and for regulations, etc., to be prescribed by him, had been superseded by the transfer of the immigration service, and of jurisdiction and powers over immigration, from the Treasury Department to the Department of Commerce and Labor, by the act establishing that department, Act Feb. 14, 1903, c. 552, §§ 4, 7, 10, set forth ante, under Title XII A, "The Department of Commerce and Labor." And the words "Secretary of the Treasury" wherever used in said Act March 3, 1903, or in amendments thereto, or in prior acts in relation to alien immigration, were stricken out, and the words "Secretary of Commerce and Labor" inserted in lieu thereof, by Res. April 28, 1904, No. 34, 33 Stat. 591.

The Commissioner-General of Immigration, the commissioners of immigration, the Bureau of Immigration, and the immigration service at large, are transferred from the Department of the Treasury to the Department of Commerce and Labor, and the jurisdiction, supervision, and control possessed and exercised by the Department of the Treasury over the immigration of aliens are also transferred and vested in the Department of Commerce and Labor, and all duties performed and all power and authority possessed or exercised by the head of any executive department in and over any bureau, office, etc., so transferred, or any business arising therefrom, etc., is to be vested in and exercised by the head of said Department of Commerce and Labor, by the act establishing that department, Act Feb. 14, 1903, c. 552, §§ 4, 7, 10, ante, under Title XII A, "The Department of Commerce and Labor."

ACT MARCH 3, 1875, c. 141, §§ 3, 5.

[Superseded. Act March 3, 1903, c. 1012. Act Feb. 20, 1907, c. 1134.]

See notes at beginning of this subtitle.

ACT AUG. 3, 1882, c. 376.

[Superseded. Act Feb. 14, 1903, c. 552, §§ 4, 7, 10. Act March 3, 1903, c. 1012, § 1. Act Feb. 20, 1907, c. 1134, § 1.

See notes at beginning of this subtitle.

ACT JUNE 26, 1884, c. 121, § 22.

[Superseded. Act March 3, 1903, c. 1012, § 1. Act Feb. 20, 1907, c. 1134, § 1.]

See notes at beginning of this subtitle.

ACT FEB. 26, 1885, c. 164.

[Superseded. Act Feb. 14, 1903, c. 552, §§ 4, 7, 10. Act March 3, 1903, c. 1012, §§ 4–8, 19–21. Act Feb. 20, 1907, c. 1134, §§ 4–8, 19–21.]

See notes at beginning of this subtitle.

ACT OCT. 19, 1888, c. 1210, § 1.

[Superseded in part. Act March 3, 1903, c. 1012, §§ 19–21. Act Feb. 20, 1907, c. 1134, §§ 19–21.]

See notes at beginning of this subtitle.

ACT MARCH 3, 1891, c. 551.

[Superseded. Act March 3, 1903, c. 1012. Act Feb. 20, 1907, c. 1134.]

See notes at beginning of this subtitle.

ACT MARCH 3, 1893, c. 206.

[Superseded in part. Act March 3, 1903, c. 1012. Act Feb. 20, 1907, c. 1134.]

See notes at beginning of this subtitle.

The requirement of section 8 of this act, set forth in Comp. St. 1901, p. 1303, that all steamship or transportation companies, and other owners of vessels, regularly engaged in transporting alien immigrants to the United States shall file certificates showing notification as prescribed of the immigration laws, by their agents in foreign countries to persons contemplating emigration is not directly superseded by the subsequent provisions of Act March 3, 1903, c. 1012, 32 Stat. 1213, or Act Feb. 20, 1907, c. 1134, set forth below.

ACT AUG. 18, 1894, c. 301, § 1.

[Superseded in part. Act March 3, 1903, c. 1012. Act Feb. 20, 1907, c. 1134.]

See notes at beginning of this subtitle.

The mode of appointing commissioners of immigration provided by this act is not altered by Act March 3, 1903, c. 1012, by a provision of section 24 of that act. 32 Stat. 1219, or by Act Feb. 20, 1907, c. 1134, by a provision of section 24 thereof, set forth below.

ACT MARCH 2, 1895, c. 177, § 1.

[Superseded in part. Act March 3, 1903, c. 1012, § 22. Act Feb. 20, 1907, c. 1134, § 22.]

See notes at beginning of this subtitle.

An appropriation similar to that in the paragraph of this act set forth in Comp. St. 1901, p. 1304, is made in the legislative, executive, and judicial appropriation act for each subsequent fiscal year. The provision for the fiscal year ending June 30, 1912, is by Act March 4, 1911, c. 237, § 1, 36 Stat. 1230.

ACT APRIL 29, 1902, c. 641, § 3. [*As amended* 1904.]

Foreign exhibitors, etc., at fair or exposition authorized by Congress, not prevented from bringing into United States, under contract, employés for preparation for installing or conducting exhibits or business under concession or privilege.

That nothing in the provisions of this Act or any other Act shall be construed to prevent, hinder, or restrict any foreign exhibitor, representative, or citizen of any foreign nation, or the holder, who is a citizen of any foreign nation, of any concession or privilege from any fair or exposition authorized by Act of Congress from bringing into the United States, under contract, such mechanics, artisans, agents, or other employees, natives of their respective foreign coun-

tries, as they or any of them may deem necessary for the purpose of making preparation for installing or conducting their exhibits or of preparing for installing or conducting any business authorized or permitted under or by virtue of or pertaining to any concession or privilege which may have been or may be granted by any said fair or exposition in connection with such exposition, under such rules and regulations as the Secretary of Commerce and Labor may prescribe, both as to the admission and return of such person or persons.

Act April 29, 1902, c. 641, § 3, 32 Stat. 177, Res. April 28, 1904, No. 34, 33 Stat. 591.

This section is part of an act re-enacting, extending, and continuing all laws in force prohibiting and regulating the coming of Chinese persons and persons of Chinese descent into the United States, and the residence of such persons therein, cited above. Other sections of the act are set forth below, under the subtitle "Exclusion of Chinese."

This section as originally enacted is amended by Res. April 28, 1904, No. 34, cited above, by striking out the words "Secretary of the Treasury," used therein, and inserting in lieu thereof the words "Secretary of Commerce and Labor," as set forth here.

See notes at beginning of this subtitle.

Skilled labor may be imported if labor of like kind unemployed cannot be found in this country, by a proviso annexed to Act Feb. 20, 1907, c. 1134, § 2, set forth below.

RES. APRIL 28, 1904, No. 34. [S. J. R. 73.]

Joint Resolution Amending an Act Entitled "An Act to Regulate the Immigration of Aliens into the United States," Approved March Third, Nineteen hundred and three. (33 Stat. 591.)

Amendment of Act March 3, 1903, c. 1012, and prior acts relating to alien immigration.

Resolved, &c., That the words "Secretary of the Treasury," wherever used in the Act entitled "An Act to regulate the immigration of aliens into the United States," approved March third, nineteen hundred and three, or in amendments thereto, or in prior Acts in relation to alien immigration, be stricken out, and the words "Secretary of Commerce and Labor" inserted in lieu thereof.

Res. April 28, 1904, No. 34, 33 Stat. 591.

Act March 3, 1903, c. 1012, 32 Stat. 1213, mentioned in this resolution, and all acts and parts of acts inconsistent with Act Feb. 20, 1907, c. 1134, are repealed by section 43 of said act last mentioned, set forth below.

ACT FEB. 3, 1905, c. 297, § 1. [H. R. 15985.]

Refunding head tax erroneously collected.

* * That the Commissioner-General of Immigration, with the approval of the Secretary of Commerce and Labor, shall have power to refund head tax heretofore and hereafter collected under section one of the immigration Act approved March third, nineteen hundred and three, upon presentation of evidence showing conclusively that such collection was erroneously made.

Act Feb. 3, 1905, c. 297, § 1, 33 Stat. 684.

This is a proviso annexed to an appropriation for the Bureau of Immigration in the legislative, executive, and judicial appropriation act for the fiscal year ending June 30, 1906, cited above.

Act March 3, 1903, c. 1012, § 1, mentioned in this section, authorizing the collection of head tax on alien passengers from foreign ports, is repealed, and similar provisions re-enacted by Act Feb. 20, 1907, c. 1134, §§ 1, 43, set forth below.

ACT FEB. 20, 1907, c. 1134. [S. 4403.]

An Act to Regulate the Immigration of Aliens into the United States. (34 Stat. 898.)

Tax on aliens entering United States; immigrant fund; lien on vessels; prevention of use of foreign passports to detriment of labor conditions in continental territory of United States.

Be it enacted, &c., That there shall be levied, collected, and paid a tax of four dollars for every alien entering the United States. The said tax shall be paid to the collector of customs of the port or customs district to which said alien shall come, or, if there be no collector at such port or district, then to the collector nearest thereto, by the master, agent, owner, or consignee of the vessel, transportation line, or other conveyance or vehicle bringing such alien to the United States. The money thus collected, together with all fines and rentals collected under the laws regulating the immigration of aliens into the United States, shall be paid into the Treasury of the United States, and shall constitute a permanent appropriation to be called the "immigrant fund," to be used under the direction of the Secretary of Commerce and Labor to defray the expense of regulating the immigration of aliens into the United States under said laws, including the contract labor laws, the cost of reports of decisions of the Federal courts, and digest thereof, for the use of the Commissioner-General of Immigration, and the salaries and expenses of all officers, clerks, and employees appointed to enforce said laws. The tax imposed by this section shall be a lien upon the vessel, or other vehicle of carriage or transportation bringing such aliens to the United States, and shall be a debt in favor of the United States against the owner or owners of such vessel, or other vehicle, and the payment of such tax may be enforced by any legal or equitable remedy. That the said tax shall not be levied upon aliens who shall enter the United States after an uninterrupted residence of at least one year, immediately preceding such entrance, in the Dominion of Canada, Newfoundland, the Republic of Cuba, or the Republic of Mexico, nor upon otherwise admissible residents of any possession of the United States, nor upon aliens in transit through the United States, nor upon aliens who have been lawfully admitted to the United States and who later shall go in transit from one part of the United States to another through foreign contiguous territory: Provided, That the Commissioner-General of Immigration, under the direction or with the approval of the Secretary of Commerce and Labor, by agreement with transportation lines, as provided in section thirty-two of this Act, may arrange in some other manner for the payment of the tax imposed by this section upon any or all aliens seeking admission from foreign contiguous territory: Provided further, That if in any fiscal year the amount of money collected under the provisions of this section shall exceed two million five hundred thousand dollars, the excess above that amount shall not be added to the "immigrant fund:" Provided further, That the provisions of this section shall not apply to aliens arriving in Guam, Porto Rico, or Hawaii; but if any such alien, not having become a citizen of the United States, shall later arrive at any port or place of the United States on the North American Continent the provisions of this section shall apply: Provided further, That whenever the President shall be satisfied that passports issued by any

foreign government to its citizens to go to any country other than the United States or to any insular possession of the United States or to the Canal Zone are being used for the purpose of enabling the holders to come to the continental territory of the United States to the detriment of labor conditions therein, the President may refuse to permit such citizens of the country issuing such passports to enter the continental territory of the United States from such other country or from such insular possessions or from the Canal Zone.

Act Feb. 20, 1907, c. 1134, § 1, 34 Stat. 898.

The last proviso of this section takes effect on the passage of the act, by section 44 of this act, set forth below.

Nothing in this act is to be construed as permitting an alien leaving the Isthmian Canal Zone to enter any other place under the jurisdiction of the United States under any other conditions than those applicable to all aliens, by a provision of section 33 of this act, set forth below.

All laws affecting entry of persons into the United States from foreign countries are to apply to persons coming from the Canal Zone, Isthmus of Panama, by Act March 2, 1905, c. 1311, set forth post, under Title XXXIII, "Duties upon Imports."

Previous provisions requiring payment of head-money for each alien passenger, similar to some extent to those of this section, were contained in Act Aug. 3, 1882, c. 376, § 1, Comp. St. 1901, p. 1288, Act June 26, 1884, c. 121, § 22, Comp. St. 1901, p. 1290, and Act Aug. 18, 1894, c. 301, § 1, Comp. St. 1901, p. 1303, but were superseded by the provisions of Act March 3, 1903, c. 1012, § 1, 32 Stat. 1213, which are re-enacted substantially in this section, and are repealed by section 43 of this act, set forth below.

The refunding of head tax erroneously collected under said Act March 3, 1903, c. 1012, § 1, was authorized by a provision of Act Feb. 3, 1905, c. 297, § 1, set forth above.

The head tax collected under this section, together with all moneys received under the laws regulating the immigration of aliens, are to be covered into the Treasury to the credit of "miscellaneous receipts," instead of constituting the "immigrant fund," established by this section, by a provision of Act March 4, 1909, c. 299, § 1, set forth below.

Classes of aliens excluded.

Sec. 2. That the following classes of aliens shall be excluded from admission into the United States: All idiots, imbeciles, feeble-minded persons, epileptics, insane persons, and persons who have been insane within five years previous; persons who have had two or more attacks of insanity at any time previously; paupers; persons likely to become a public charge; professional beggars; persons afflicted with tuberculosis or with a loathsome or dangerous contagious disease; persons not comprehended within any of the foregoing excluded classes who are found to be and are certified by the examining surgeon as being mentally or physically defective, such mental or physical defect being of a nature which may affect the ability of such alien to earn a living; persons who have been convicted of or admit having committed a felony or other crime or misdemeanor involving moral turpitude; polygamists, or persons who admit their belief in the practice of polygamy; anarchists, or persons who believe in or advocate the overthrow by force or violence of the Government of the United States, or of all government, or of all forms of law, or the assassination of public officials; prostitutes, or women or girls coming into the United States for the purpose of prostitution or for any other immoral purpose; persons who are supported by or receive in whole or in part the proceeds of prostitution; persons who procure or attempt

to bring in prostitutes or women or girls for the purpose of prostitution or for any other immoral purpose; persons hereinafter called contract laborers, who have been induced or solicited to migrate to this country by offers or promises of employment or in consequence of agreements, oral, written or printed, express or implied, to perform labor in this country of any kind, skilled or unskilled; those who have been, within one year from the date of application for admission to the United States, deported as having been induced or solicited to migrate as above described; any person whose ticket or passage is paid for with the money of another, or who is assisted by others to come, unless it is affirmatively and satisfactorily shown that such person does not belong to one of the foregoing excluded classes, and that said ticket or passage was not paid for by any corporation, association, society, municipality, or foreign government, either directly or indirectly; all children under sixteen years of age, unaccompanied by one or both of their parents, at the discretion of the Secretary of Commerce and Labor or under such regulations as he may from time to time prescribe: Provided, That nothing in this Act shall exclude, if otherwise admissible, persons convicted of an offense purely political, not involving moral turpitude: Provided further, That the provisions of this section relating to the payments for tickets or passage by any corporation, association, society, municipality, or foreign government shall not apply to the tickets or passage of aliens in immediate and continuous transit through the United States to foreign contiguous territory: And provided further, That skilled labor may be imported if labor of like kind unemployed can not be found in this country: And provided further, That the provisions of this law applicable to contract labor shall not be held to exclude professional actors, artists, lecturers, singers, ministers of any religious denomination, professors for colleges or seminaries, persons belonging to any recognized learned profession, or persons employed strictly as personal or domestic servants.

Act Feb. 20, 1907, c. 1134, § 2, 34 Stat. 898. Act March 26, 1910, c. 128, § 1, 36 Stat. 263.

The amendment of this section by Act March 26, 1910, c. 128, § 1, cited above, consists in the insertion of the words "persons who are supported by or receive in whole or in part the proceeds of prostitution."

Previous provisions defining the classes of aliens, other than Chinese, excluded from admission to the United States, were contained in Act March 3, 1875, c. 141, §§ 3, 5, Comp. St. 1901, pp. 1286, 1287, Act Aug. 3, 1882, c. 376, § 2, Comp. St. 1901, p. 1289, Act Feb. 26, 1885, c. 164, §§ 1, 5, 6, Comp. St. 1901, pp. 1290, 1292, and Act March 3, 1891, c. 551, § 1, Comp. St. 1901, p. 1294, but were superseded by the provisions of Act March 3, 1903, c. 1012, § 2, 32 Stat. 1214, which are re-enacted substantially in this section, and are repealed by section 43 of this act, set forth below.

To prepay the transportation or to assist or encourage the importation or migration into the United States of any contract laborer not exempted under the last two provisos of this section, is a misdemeanor, by section 4 of this act, set forth below, and a penalty therefor is prescribed by section 5 of this act, also set forth below.

Any alien coming to this country in consequence of an advertisement of a promise of employment printed and published in a foreign country is to be treated as coming under a promise or agreement as contemplated in this section, by section 6 of this act, set forth below.

No person who disbelieves in or who is opposed to all organized government, or who is a member of or affiliated with any organization en-

tertaining and teaching such disbelief or opposition, or who advocates, etc., the unlawful assaulting or killing of officers of government, is to be permitted to enter the United States or any Territory or place subject to the jurisdiction thereof, by section 38 of this act, set forth below.

Importation of aliens for prostitution or other immoral purpose forbidden; punishment; jurisdiction; deportation; punishment for attempt to return; deportation after expiration of sentence; testimony of husband or wife admissible.

Sec. 3. That the importation into the United States of any alien for the purpose of prostitution or for any other immoral purpose is hereby forbidden; and whoever shall, directly or indirectly, import, or attempt to import, into the United States, any alien for the purpose of prostitution or for any other immoral purpose, or whoever shall hold or attempt to hold any alien for any such purpose in pursuance of such illegal importation, or whoever shall keep, maintain, control, support, employ, or harbor in any house or other place, for the purpose of prostitution or for any other immoral purpose, in pursuance of such illegal importation, any alien, shall, in every such case be deemed guilty of a felony, and on conviction thereof be imprisoned not more than ten years and pay a fine of not more than five thousand dollars. Jurisdiction for the trial and punishment of the felonies hereinbefore set forth shall be in any district to or into which said alien is brought in pursuance of said importation by the person or persons accused, or in any district in which a violation of any of the foregoing provisions of this section occur. Any alien who shall be found an inmate of or connected with the management of a house of prostitution or practicing prostitution after such alien shall have entered the United States, or who shall receive, share in, or derive benefit from any part of the earnings of any prostitute; or who is employed by, in, or in connection with any house of prostitution or music or dance hall or other place of amusement or resort habitually frequented by prostitutes, or where prostitutes gather, or who in any way assists, protects, or promises to protect from arrest any prostitute, shall be deemed to be unlawfully within the United States and shall be deported in the manner provided by sections twenty and twenty-one of this Act. That any alien who shall, after he has been debarred or deported in pursuance of the provisions of this section, attempt thereafter to return to or to enter the United States shall be deemed guilty of a misdemeanor, and shall be imprisoned for not more than two years. Any alien who shall be convicted under any of the provisions of this section shall, at the expiration of his sentence, be taken into custody and returned to the country whence he came, or of which he is a subject or a citizen in the manner provided in sections twenty and twenty-one of this Act. In all prosecutions under this section the testimony of a husband or wife shall be admissible and competent evidence against a wife or husband.

Act Feb. 20, 1907, c. 1134, § 3, 34 Stat. 899. Act March 26, 1910, c. 128, § 2, 36 Stat. 264.

Previous provisions similar, to some extent, to those of this section, were contained in Act March 3, 1875, c. 141, § 3, Comp. St. 1901, p. 1286, but were superseded by the provisions of Act March 3, 1903, c. 1012, § 3, 32 Stat. 1214, which are re-enacted, with some additions, in this section, and are repealed by section 43 of this act, set forth below.

Prepaying transportation or assisting, etc., importation or migration of contract laborers a misdemeanor.

Sec. 4. That it shall be a misdemeanor for any person, company, partnership, or corporation, in any manner whatsoever, to prepay the transportation or in any way to assist or encourage the importation or migration of any contract laborer or contract laborers into the United States, unless such contract laborer or contract laborers are exempted under the terms of the last two provisos contained in section two of this Act.

Act Feb. 20, 1907, c. 1134, § 4, 34 Stat. 900.

A previous provision similar to that of this section was contained in Act Feb. 26, 1885, c. 164, § 1, Comp. St. 1901, p. 1290, but was superseded by the provision of Act March 3, 1903, c. 1012, § 4, 32 Stat. 1214, which is re-enacted, with some change, in this section, and is repealed by section 43 of this act, set forth below.

A penalty for the violation of the provisions of this section is imposed by section 5 of this act, set forth below.

Assisting or encouraging the importation or migration of any alien by a promise of employment through advertisement printed and published in any foreign country is to be deemed a violation of this section, and the penalties imposed by section 5 are applicable to such a case, by section 6 of this act, set forth below. And the soliciting of immigration by transportation companies, owners of vessels, etc., except as permitted, is also subjected to the same penalties, by section 7 of this act, also set forth below.

Penalty for violations of provisions.

Sec. 5. That for every violation of any of the provisions of section four of this Act the persons, partnership, company, or corporation violating the same, by knowingly assisting, encouraging, or soliciting the migration or importation of any contract laborer into the United States shall forfeit and pay for every such offense the sum of one thousand dollars, which may be sued for and recovered by the United States, or by any person who shall first bring his action therefor in his own name and for his own benefit, including any such alien thus promised labor or service of any kind as aforesaid, as debts of like amount are now recovered in the courts of the United States; and separate suits may be brought for each alien thus promised labor or service of any kind as aforesaid. And it shall be the duty of the district attorney of the proper district to prosecute every such suit when brought by the United States.

Act Feb. 20, 1907, c. 1134, § 5, 34 Stat. 900.

Previous provisions similar to those of this section were contained in Act Feb. 26, 1885, c. 164, § 3, Comp. St. 1901, p. 1291, but were superseded by those of Act March 3, 1903, c. 1012, § 5, 32 Stat. 1214, which are re-enacted, substantially, in this section, and are repealed by section 43 of this act, set forth below.

The penalties imposed by this section are made applicable to assisting or encouraging the importation or migration of any alien by promise of employment through advertisements in any foreign country, by section 6 of this act, set forth below.

Advertisements, etc., promising employment to aliens; penalties.

Sec. 6. That it shall be unlawful and be deemed a violation of section four of this Act to assist or encourage the importation or migration of any alien by promise of employment through advertisements printed and published in any foreign country; and any alien coming to this country in consequence of such an advertisement shall be treated as coming under promise or agreement as contemplated in

section two of this Act, and the penalties imposed by section five of this Act shall be applicable to such a case: Provided, That this section shall not apply to States or Territories, the District of Columbia, or places subject to the jurisdiction of the United States advertising the inducements they offer for immigration thereto, respectively.

Act Feb. 20, 1907, c. 1134, § 6, 34 Stat. 900.

Previous provisions similar to those of this section were contained in Act March 3, 1891, c. 551, § 3, Comp. St. 1901, p. 1295, but were superseded by those of Act March 3, 1903, c. 1012, § 6, 32 Stat. 1215, which are re-enacted in this section, and are repealed in section 43 of this act, set forth below.

The soliciting of immigration by transportation companies, owners of vessels, etc., except as permitted, is subjected to the penalties imposed by this section, by section 7 of this act, set forth below.

Solicitation of immigration by transportation companies, owners of vessels, etc.; penalties.

Sec. 7. That no transportation company or owner or owners of vessels, or others engaged in transporting aliens into the United States, shall, directly or indirectly, either by writing, printing, or oral representation, solicit, invite, or encourage the immigration of any aliens into the United States, but this shall not be held to prevent transportation companies from issuing letters, circulars, or advertisements, stating the sailings of their vessels and terms and facilities of transportation therein; and for a violation of this provision, any such transportation company, and any such owner or owners of vessels, and all others engaged in transporting aliens into the United States, and the agents by them employed, shall be severally subjected to the penalties imposed by section five of this Act.

Act Feb. 20, 1907, c. 1134, § 7, 34 Stat. 900.

Previous provisions similar to those of this section were contained in Act March 3, 1891, c. 551, § 4, Comp. St. 1901, p. 1296, but were superseded by those of Act March 3, 1903, c. 1012, § 7, 32 Stat. 1215, which are re-enacted substantially in this section, and are repealed in section 43 of this act, set forth below.

Bringing into or landing in United States aliens not duly admitted or not entitled to enter, punishable.

Sec. 8. That any person, including the master, agent, owner, or consignee of any vessel, who shall bring into or land in the United States, by vessel or otherwise, or who shall attempt, by himself or through another, to bring into or land in the United States, by vessel or otherwise, any alien not duly admitted by an immigrant inspector or not lawfully entitled to enter the United States shall be deemed guilty of a misdemeanor, and shall, on conviction, be punished by a fine not exceeding one thousand dollars, or by imprisonment for a term not exceeding two years, or by both such fine and imprisonment for each and every alien so landed or brought in or attempted to be landed or brought in.

Act Feb. 20, 1907, c. 1134, § 8, 34 Stat. 900.

Previous provisions similar to those of this section were contained in Act March 3, 1891, c. 551, § 6, Comp. St. 1901, p. 1296, but were superseded by those of Act March 3, 1903, c. 1012, § 8, which are re-enacted substantially in this section, and are repealed by section 43 of this act, set forth below.

Bringing into United States aliens subject to disability or afflicted with tuberculosis or loathsome or dangerous contagious disease.

Sec. 9. That it shall be unlawful for any person, including any transportation company other than railway lines entering the United

States from foreign contiguous territory, or the owner, master, agent, or consignee of any vessel to bring to the United States any alien subject to any of the following disabilities: Idiots, imbeciles, epileptics, or persons afflicted with tuberculosis or with a loathsome or dangerous contagious disease, and if it shall appear to the satisfaction of the Secretary of Commerce and Labor that any alien so brought to the United States was afflicted with any of the said diseases or disabilities at the time of foreign embarkation and that the existence of such disease or disability might have been detected by means of a competent medical examination at such time, such person or transportation company, or the master, agent, owner, or consignee of any such vessel shall pay to the collector of customs of the customs district in which the port of arrival is located the sum of one hundred dollars for each and every violation of the provisions of this section; and no vessel shall be granted clearance papers pending the determination of the question of the liability to the payment of such fine, and in the event such fine is imposed, while it remains unpaid, nor shall such fine be remitted or refunded: Provided, That clearance may be granted prior to the determination of such questions upon the deposit of a sum sufficient to cover such fine and costs, such sum to be named by the Secretary of Commerce and Labor.

Act Feb. 20, 1907, c. 1134, § 9, 34 Stat. 901.

Previous provisions similar to those of this section were contained in Act March 3, 1903, c. 1012, § 9, 32 Stat. 1215, repealed by section 43 of this act, set forth below.

The decision of the board of special inquiry provided for by section 25 of this act, set forth below, is made final as to the rejection of aliens under this section, by section 10 of this act, also set forth below.

Decision of board of special inquiry final as to aliens affected with tuberculosis, or with loathsome or dangerous contagious disease, or with mental or physical disability.

Sec. 10. That the decision of the board of special inquiry, hereinafter provided for, based upon the certificate of the examining medical officer, shall be final as to the rejection of aliens affected with tuberculosis or with a loathsome or dangerous contagious disease, or with any mental or physical disability which would bring such aliens within any of the classes excluded from admission to the United States under section two of this Act.

Act Feb. 20, 1907, c. 1134, § 10, 34 Stat. 901.

Previous provisions similar to those of this section were contained in Act March 3, 1903, c. 1012, § 10, 32 Stat. 1216, repealed by section 43 of this act, set forth below.

The appointment or designation of the board of special inquiry mentioned in this section, their authority and proceedings, and the review of their decisions, are provided for and prescribed by section 25 of this act, but nothing contained therein is to be construed to admit of any appeal in the case of an alien rejected as provided for in this section, by a proviso to said section, set forth below.

Exclusion of alien accompanying rejected helpless alien requiring protection.

Sec. 11. That upon the certificate of a medical officer of the United States Public Health and Marine Hospital Service to the effect that a rejected alien is helpless from sickness, mental or physical disability, or infancy, if such alien is accompanied by another alien, whose protection or guardianship is required by such rejected alien, such accompanying alien may also be excluded, and the master, agent, owner, or

consignee of the vessel in which such alien and accompanying alien are brought shall be required to return said alien and accompanying alien in the same manner as vessels are required to return other rejected aliens.

Act Feb. 20, 1907, c. 1134, § 11, 34 Stat. 901.

Provisions similar to those of this section were contained in Act March 3, 1903, c. 1012, § 11, 32 Stat. 1216, repealed by section 43 of this act, set forth below.

Lists of alien passengers arriving or departing to be delivered by masters of vessels; description and statements in lists; disposition of lists.

Sec. 12. That upon the arrival of any alien by water at any port within the United States it shall be the duty of the master or commanding officer of the steamer, sailing or other vessel having said alien on board to deliver to the immigration officers at the port of arrival lists or manifests made at the time and place of embarkation of such alien on board such steamer or vessel, which shall, in answer to questions at the top of said list, state as to each alien the full name, age, and sex; whether married or single; the calling or occupation; whether able to read or write; the nationality; the race; the last residence; the name and address of the nearest relative in the country from which the alien came; the seaport for landing in the United States; the final destination, if any, beyond the port of landing; whether having a ticket through to such final destination; whether the alien has paid his own passage, or whether it has been paid by any other person or by any corporation, society, municipality, or government, and if so, by whom; whether in possession of fifty dollars, and if less, how much; whether going to join a relative or friend, and if so, what relative or friend, and his or her name and complete address; whether ever before in the United States, and if so, when and where; whether ever in prison or almshouse or an institution or hospital for the care and treatment of the insane or supported by charity; whether a polygamist; whether an anarchist; whether coming by reason of any offer, solicitation, promise or agreement, express or implied, to perform labor in the United States, and what is the alien's condition of health, mental and physical, and whether deformed or crippled, and if so, for how long and from what cause; that it shall further be the duty of the master or commanding officer of every vessel taking alien passengers out of the United States, from any port thereof, to file before departure therefrom with the collector of customs of such port a complete list of all such alien passengers taken on board. Such list shall contain the name, age, sex, nationality, residence in the United States, occupation, and the time of last arrival of every such alien in the United States, and no master of any such vessel shall be granted clearance papers for his vessel until he has deposited such list or lists with the collector of customs at the port of departure and made oath that they are full and complete as to the name and other information herein required concerning each alien taken on board his vessel; and any neglect or omission to comply with the requirements of this section shall be punishable as provided in section fifteen of this Act. That the collector of customs with whom any such list has been deposited in accordance with the provisions of this section, shall promptly notify the Commissioner-General of Immigration

that such list has been deposited with him as provided, and shall make such further disposition thereof as may be required by regulations to be issued by the Commissioner-General of Immigration with the approval of the Secretary of Commerce and Labor: Provided, That in the case of vessels making regular trips to ports of the United States the Commissioner-General of Immigration, with the approval of the Secretary of Commerce and Labor, may, when expedient, arrange for the delivery of such lists of outgoing aliens at a later date: Provided further, That it shall be the duty of the master or commanding officer of any vessel sailing from ports in the Philippine Islands, Guam, Porto Rico, or Hawaii to any port of the United States on the North American Continent to deliver to the immigration officers at the port of arrival lists or manifests made at the time and place of embarkation, giving the names of all aliens on board said vessel.

Act Feb. 20, 1907, c. 1134, § 12, 34 Stat. 901.

Previous provisions similar to those of the first part of this section relating to lists of passengers arriving by water were contained in Act March 3, 1893, c. 206, § 1, Comp. St. 1901, p. 1300, but were superseded by those of Act March 3, 1903, c. 1012, § 12, 32 Stat. 1216, which are reenacted, with additions, in this section, and are repealed in section 43 of this act, set forth below.

Further provisions relating to the lists or manifests required by this section are contained in sections 13 and 14 of this act, set forth below; and a penalty for failure to deliver such lists or manifests is prescribed by section 15 of this act, mentioned in this section, also set forth below.

Until the provisions of this section are made applicable to passengers going to Canada by land carriage, they are not to apply to passengers going by vessels employed exclusively in trade between the United States and Canada and Mexico, by Act March 4, 1909, c. 305, set forth below.

Grouping of alien passengers in lists; identification tickets; verification of lists and certificate of medical examination by officer of vessel.

Sec. 13. That all aliens arriving by water at the ports of the United States shall be listed in convenient groups, and no one list or manifest shall contain more than thirty names. To each alien or head of a family shall be given a ticket on which shall be written his name, a number or letter designating the list in which his name, and so forth, is contained, and his number on said list, for convenience of identification on arrival. Each list or manifest shall be verified by the signature and the oath or affirmation of the master or commanding officer, or the first or second below him in command, taken before an immigration officer at the port of arrival, to the effect that he has caused the surgeon of said vessel sailing therewith to make a physical and oral examination of each of said aliens, and that from the report of said surgeon and from his own investigation he believes that no one of said aliens is an idiot, or imbecile, or a feeble-minded person, or insane person, or a pauper, or is likely to become a public charge, or is afflicted with tuberculosis or with a loathsome or dangerous contagious disease, or is a person who has been convicted of, or who admits having committed a felony or other crime or misdemeanor involving moral turpitude, or is a polygamist or one admitting belief in the practice of polygamy, or an anarchist, or under promise or agreement, express or implied, to perform labor in the United States, or a prostitute, or a woman or girl coming to the United States for the purpose of prostitution,

or for any other immoral purpose, and that also, according to the best of his knowledge and belief, the information in said lists or manifests concerning each of said aliens named therein is correct and true in every respect.

Act Feb. 20, 1907, c. 1134, § 13, 34 Stat. 902.

Previous provisions similar to those of this section were contained in Act March 3, 1903, c. 206, § 2, Comp. St. 1901, p. 1301, but were superseded by those of Act March 3, 1903, c. 1012, § 13, which are re-enacted, with additions, in this section, and are repealed by section 43 of this act, set forth below.

Verification of the lists or manifests by the surgeon of the vessel is also required by section 14 of this act, set forth below.

Verification of lists by surgeon of vessel.

Sec. 14. That the surgeon of said vessel sailing therewith shall also sign each of said lists or manifests and make oath or affirmation in like manner before an immigration officer at the port of arrival, stating his professional experience and qualifications as a physician and surgeon, and that he has made a personal examination of each of the said aliens named therein, and that the said list or manifest, according to the best of his knowledge and belief, is full, correct, and true in all particulars relative to the mental and physical condition of said aliens. If no surgeon sails with any vessel bringing aliens the mental and physical examinations and the verifications of the lists or manifests shall be made by some competent surgeon employed by the owners of the said vessel.

Act Feb. 20, 1907, c. 1134, § 14, 34 Stat. 903.

Previous provisions similar to those of this section were contained in Act March 3, 1893, c. 206, § 3, Comp. St. 1901, p. 1301, but were superseded by those of Act March 3, 1903, c. 1012, § 14, 32 Stat. 1217, which are re-enacted in this section, and are repealed by section 43 of this act, set forth below.

Failure to furnish lists of alien passengers; penalty.

Sec. 15. That in the case of the failure of the master or commanding officer of any vessel to deliver to the said immigration officers lists or manifests of all aliens on board thereof as required in sections twelve, thirteen, and fourteen of this Act, he shall pay to the collector of customs at the port of arrival the sum of ten dollars for each alien concerning whom the above information is not contained in any list as aforesaid: Provided, That in the case of failure without good cause to deliver the list of passengers required by section twelve of this Act from the master or commanding officer of every vessel taking alien passengers out of the United States, the penalty shall be paid to the collector of customs at the port of departure and shall be a fine of ten dollars for each alien not included in said list; but in no case shall the aggregate fine exceed one hundred dollars.

Act Feb. 20, 1907, c. 1134, § 15, 34 Stat. 903.

Previous provisions similar in part to those of this section were contained in Act March 3, 1893, c. 206, § 4, Comp. St. 1901, p. 1301, but were superseded by those of Act March 3, 1903, c. 1012, § 15, 32 Stat. 1217, which are re-enacted in this section with the addition of the proviso at the end of the section, and are repealed by section 43 of this act, set forth below.

Inspection of alien passengers upon arrival.

Sec. 16. That upon the receipt by the immigration officers at any port of arrival of the lists or manifests of incoming aliens provided for

in sections twelve, thirteen, and fourteen of this Act it shall be the duty of said officers to go or send competent assistants to the vessel to which said lists or manifests refer, and there inspect all such aliens, or said immigration officers may order a temporary removal of such aliens for examination at a designated time and place, but such temporary removal shall not be considered a landing, nor shall it relieve the transportation lines, masters, agents, owners, or consignees of the vessel upon which such aliens are brought to any port of the United States from any of the obligations which, in case such aliens remain on board, would, under the provisions of this Act, bind the said transportation lines, masters, agents, owners, or consignees: Provided, That where a suitable building is used for the detention and examination of aliens the immigration officials shall there take charge of such aliens, and the transportation companies, masters, agents, owners, and consignees of the vessels bringing such aliens shall be relieved of the responsibility for their detention thereafter until the return of such aliens to their care.

Act Feb. 20, 1907, c. 1134, § 16, 34 Stat. 903.

Previous provisions similar to those of this section and the two sections of this act next following were contained in Act March 3, 1891, c. 551, § 8, Comp. St. 1901, p. 1298, but were superseded by those of Act March 3, 1903, c. 1012, §§ 16–18, 32 Stat. 1217, which are reenacted substantially in sections 16–18 of this act, and are repealed by section 43 of this act, set forth below.

Medical examination of alien passengers.

Sec. 17. That the physical and mental examination of all arriving aliens shall be made by medical officers of the United States Public Health and Marine-Hospital Service, who shall have had at least two years' experience in the practice of their profession since receiving the degree of doctor of medicine and who shall certify for the information of the immigration officers and the boards of special inquiry hereinafter provided for, any and all physical and mental defects or diseases observed by said medical officers in any such alien, or, should medical officers of the United States Public Health and Marine-Hospital Service be not available, civil surgeons of not less than four years' professional experience may be employed in such emergency for such service, upon such terms as may be prescribed by the Commissioner-General of Immigration under the direction or with the approval of the Secretary of Commerce and Labor. The United States Public Health and Marine-Hospital Service shall be reimbursed by the immigration service for all expenditures incurred in carrying out the medical inspection of aliens under regulations of the Secretary of Commerce and Labor.

Act Feb. 20, 1907, c. 1134, § 17, 34 Stat. 903.

See note under preceding section of this act.

The detail of surgeons, in accordance with the provisions of this section, for service in foreign countries, is authorized by section 22 of this act, set forth below.

The provision of this section requiring reimbursement by the immigration fund for expenses of medical inspection of aliens is repealed by a provision of Act March 4, 1909, c. 299, § 1, set forth below.

Owners, officers, etc., of vessel or transportation line bringing alien to prevent landing at time or place other than as designated; negligent failure to comply with requirements punishable; alien unlawfully landed to be deported.

Sec. 18. That it shall be the duty of the owners, officers, or agents of any vessel or transportation line, other than those railway lines

which may enter into a contract as provided in section thirty-two of this Act, bringing an alien to the United States to prevent the landing of such alien in the United States at any time or place other than as designated by the immigration officers, and the negligent failure of any such owner, officer, or agent to comply with the foregoing requirements shall be deemed a misdemeanor and be punished by a fine in each case of not less than one hundrd nor more than one thousand dollars or by imprisonment for a term not exceeding one year, or by both such fine and imprisonment; and every such alien so landed shall be deemed to be uniawfully in the United States and shall be deported as provided in sections twenty and twenty-one of this Act.

Act Feb. 20, 1907, c. 1134, § 18, 34 Stat. 904.

See note under section 16 of this act.

Aliens who enter the United States except at seaports or places which the Secretary of Commerce and Labor may designate are to be adjudged to have entered the country unlawfully, and to be deported, by provisions of section 36 of this act, set forth below.

Immediate deportation of alien unlawfully brought to this country; cost of maintenance and return; refusal to receive back on vessel or to pay cost, punishable; suspension of deportation of alien whose testimony is necessary in prosecution; aliens excluded as diseased not to be landed for medical treatment.

Sec. 19. That all aliens brought to this country in violation of law shall, if practicable, be immediately sent back to the country whence they respectively came on the vessels bringing them. The cost of their maintenance while on land, as well as the expense of the return of such aliens, shall be borne by the owner or owners of the vessels on which they respectively came; and if any master, person in charge, agent, owner, or consignee of any such vessel shall refuse to receive back on board thereof, or on board of any other vessel owned or operated by the same interests, such aliens, or shall fail to detain them thereon, or shall refuse or fail to return them to the foreign port from which they came, or to pay the cost of their maintenance while on land, or shall make any charge for the return of any such alien, or shall take any security from him for the payment of such charge, such master, person in charge, agent, owner, or consignee shall be deemed guilty of a misdemeanor and shall, on conviction, be punished by a fine of not less than three hundred dollars for each and every such offense; and no vessel shall have clearance from any port of the United States while any such fine is unpaid: Provided, That the Commissioner-General of Immigration, with the approval of the Secretary of Commerce and Labor, may suspend, upon conditions to be prescribed by the Commissioner-General of Immigration, the deportation of any alien found to have come in violation of any provision of this Act, if, in his judgment, the testimony of such alien is necessary on behalf of the United States Government in the prosecution of offenders against any provision of this Act: Provided, That the cost of maintenance of any person so detained resulting from such suspension of deportation shall be paid from the "immigrant fund" but no alien certified, as provided in section seventeen of this Act, to be suffering from tuberculosis or from a loathsome or dangerous contagious disease other than one of quarantinable nature shall be permitted to land for medical treatment thereof in any hospital in the United States, unless with the express permission of the Secretary of Commerce and Labor: Provided, That upon the certificate of a

medical officer of the United States Public Health and Marine-Hospital Service to the effect that the health or safety of an insane alien would be unduly imperiled by immediate deportation, such alien may, at the expense of the "immigrant fund," be held for treatment until such time as such alien may, in the opinion of such medical officer, be safely deported.

Act Feb. 20, 1907, c. 1134, § 19, 34 Stat. 904.

Provisions similar to those of this section preceding the three provisos annexed thereto were contained in Act March 3, 1891, c. 551, § 10, Comp. St. 1901, p. 1299, but were superseded by those of Act March 3, 1903, c. 1012, § 19, 32 Stat. 1218, which are re-enacted, with additions, in this section, and are repealed by section 43 of this act, set forth below.

A previous provision for payment of expenses incident to the detention of aliens ordered deported, whose attendance as witnesses for the United States in prosecutions under the immigration laws is required, contained in Act March 3, 1905, c. 1484, § 1, 33 Stat. 1244, may be regarded as superseded by the second proviso of this section.

Deportation of aliens entering United States in violation of law or becoming public charges; payment of expense of deportation; bond for release of alien pending disposal of case.

Sec. 20. That any alien who shall enter the United States in violation of law, and such as become public charges from causes existing prior to landing, shall, upon the warrant of the Secretary of Commerce and Labor, be taken into custody and deported to the country whence he came at any time within three years after the date of his entry into the United States. Such deportation, including one-half of the entire cost of removal to the port of deportation, shall be at the expense of the contractor, procurer, or other person by whom the alien was unlawfully induced to enter the United States, or, if that can not be done, then the cost of removal to the port of deportation shall be at the expense of the "immigrant fund" provided for in section one of this Act, and the deportation from such port shall be at the expense of the owner or owners of such vessel or transportation line by which such aliens respectively came: Provided, That pending the final disposal of the case of any alien so taken into custody he may be released under a bond in the penalty of not less than five hundred dollars with security approved by the Secretary of Commerce and Labor, conditioned that such alien shall be produced when required for a hearing or hearings in regard to the charge upon which he has been taken into custody, and for deportation if he shall be found to be unlawfully within the United States.

Act Feb. 20, 1907, c. 1134, § 20, 34 Stat. 904.

Previous provisions similar to some extent to those of this section were contained in Act March 3, 1891, c. 551, § 11, Comp. St. 1901, p. 1299, but were superseded by those of Act March 3, 1903, c. 1012, § 20, 32 Stat. 1218, which are re-enacted, with alterations and additions, in this section, and are repealed by section 43 of this act, set forth below.

Further provisions for deportation, as provided in this section, of an alien found in the United States in violation of law, within three years after arrival, are contained in the next following section of this act.

Deportation of alien found in United States in violation of law, etc.; failure or refusal of masters, agents, owners, or consignees of vessels to comply with order for deportation punishable; aliens requiring personal care and attendance.

Sec. 21. That in case the Secretary of Commerce and Labor shall be satisfied that an alien has been found in the United States in viola-

tion of this Act, or that an alien is subject to deportation under the provisions of this Act or of any law of the United States, he shall cause such alien within the period of three years after landing or entry therein to be taken into custody and returned to the country whence he came, as provided by section twenty of this Act, and a failure or refusal on the part of the masters, agents, owners, or consignees of vessels to comply with the order of the Secretary of Commerce and Labor to take on board, guard safely, and return to the country whence he came any alien ordered to be deported under the provisions of this Act shall be punished by the imposition of the penalties prescribed in section nineteen of this Act: Provided, That when in the opinion of the Secretary of Commerce and Labor the mental or physical condition of such alien is such as to require personal care and attendance, he may employ a suitable person for that purpose, who shall accompany such alien to his or her final destination, and the expense incident to such service shall be defrayed in like manner.

Act Feb. 20, 1907, c. 1134, § 21, 34 Stat. 905.

Provisions similar to some extent to those of this section which precede the proviso at the end thereof were contained in Act March 3, 1903, c. 1012, § 21, 32 Stat. 1218, repealed by section 43 of this act, set forth below.

Provisions for deportation of any alien found an inmate, etc., of a house of prostitution, or practicing prostitution, after entering the United States, or receiving, etc., any part of the earnings of any prostitute, or employed by or in, etc., any house of prostitution, or music or dance hall, etc., frequented by prostitutes, are contained in section 3 of this act, as amended by Act March 26, 1910, c. 128, § 2, set forth above.

Provisions for deportation of any alien landed at any time or place other than as designated by the immigration officers are contained in section 18 of this act, set forth above.

Further provisions for deportation of aliens entering the United States except at seaports or places which the Secretary of Commerce and Labor may designate are contained in section 36 of this act, set forth below.

The ports to which aliens arrested within the United States after entry, and found to be illegally therein, may be deported, are prescribed by section 35 of this act, set forth below.

Commissioner-General of Immigration; duties and powers.

Sec. 22. That the Commissioner-General of Immigration, in addition to such other duties as may by law be assigned to him, shall, under the direction of the Secretary of Commerce and Labor, have charge of the administration of all laws relating to the immigration of aliens into the United States, and shall have the control, direction, and supervision of all officers, clerks, and employees appointed thereunder. He shall establish such rules and regulations, prescribe such forms of bond, reports, entries, and other papers, and shall issue from time to time such instructions, not inconsistent with law, as he shall deem best calculated for carrying out the provisions of this Act and for protecting the United States and aliens migrating thereto from fraud and loss, and shall have authority to enter into contract for the support and relief of such aliens as may fall into distress or need public aid; all under the direction or with the approval of the Secretary of Commerce and Labor. And it shall be the duty of the Commissioner-General of Immigration to detail officers of the immigration service from time to time as may be necessary, in his judgment, to secure information as to the number of aliens detained in

the penal, reformatory, and charitable institutions (public and private) of the several States and Territories, the District of Columbia, and other territory of the United States and to inform the officers of such institutions of the provisions of law in relation to the deportation of aliens who have become public charges: Provided, That the Commissioner-General of Immigration may, with the approval of the Secretary of Commerce and Labor, whenever in his judgment such action may be necessary to accomplish the purposes of this Act, detail immigration officers, and also surgeons, in accordance with the provisions of section seventeen, for service in foreign countries.

Act Feb. 20, 1907, c. 1134, § 22, 34 Stat. 905.

Provisions similar to those of this section were contained in Act March 3, 1903, c. 1012, § 22, 32 Stat. 1219, repealed by section 43 of this act, set forth below.

The office of Superintendent of Immigration was created and provided for and its duties defined by Act March 3, 1891, c. 551, § 7, Comp. St. 1901, p. 1297, and the designation was changed to Commissioner-General of Immigration, and additional duties prescribed and other provisions relating to the office made by provisions of Act March 2, 1895, c. 177, § 1, and of Act June 6, 1900, c. 791, § 1, Comp. St. 1901, pp. 1304, 1305.

Provisions for the printing of the annual reports of the Bureau of Immigration are contained in Res. March 3, 1905, No. 33, set forth post, under Title XLV, "Public Printing, Advertisements, and Public Documents."

The Commissioner-General of Immigration is designated as the authority of the United States to receive and centralize information concerning the procuration of alien women and girls with a view to their debauchery, and his duties in that regard are prescribed, in pursuance of the international agreement for the suppression of the white slave traffic, by provisions of the "White Slave Traffic Act," Act June 25, 1910, c. 395, § 6, set forth post, under Title LVI A, "Regulation of Interstate and Foreign Commerce," c. 2, "Regulation of Means of Transportation."

Commissioners of immigration; duties.

Sec. 23. That the duties of the commissioners of immigration shall be of an administrative character, to be prescribed in detail by regulations prepared, under the direction or with the approval of the Secretary of Commerce and Labor.

Act Feb. 20, 1907, c. 1134, § 23, 34 Stat. 906.

A provision in the same language as that of this section was contained in Act March 3, 1903, c. 1012, § 23, 32 Stat. 1219, repealed by section 43 of this act, set forth below.

The mode of appointment of commissioners of immigration is prescribed by a provision of Act Aug. 18, 1894, c. 301, § 1, Comp. St. 1901, p. 1304, and is not altered by anything contained in this act, by a provision of the next following section.

Immigrant inspectors and other officers, etc.; appointment, compensation, etc.; duties and powers of immigration officers; decisions.

Sec. 24. That immigrant inspectors and other immigration officers, clerks, and employees shall hereafter be appointed, and their compensation fixed and raised or decreased from time to time by the Secretary of Commerce and Labor, upon the recommendation of the Commissioner-General of Immigration and in accordance with the provisions of the civil-service Act of January sixteenth, eighteen hundred and eighty-three: Provided, That said Secretary, in the enforcement of that portion of this Act which excludes contract laborers, may employ, without reference to the provisions of the said civil service Act, or to

the various Acts relative to the compilation of the official register, such persons as he may deem advisable and from time to time fix, raise, or decrease their compensation. He may draw from the "immigrant fund" annually fifty thousand dollars or as much thereof as may be necessary, to be expended for the salaries and expenses of persons so employed and for expenses incident to such employment; and the accounting officers of the Treasury shall pass to the credit of the proper disbursing officer expenditures from said sum without itemized account whenever the Secretary of Commerce and Labor certifies that an itemized account would not be for the best interests of the Government: Provided further, That nothing herein contained shall be construed to alter the mode of appointing commissioners of immigration at the several ports of the United States as provided by the sundry civil appropriation Act approved August eighteenth, eighteen hundred and ninety-four, or the official status of such commissioners heretofore appointed. Immigration officers shall have power to administer oaths and to take and consider evidence touching the right of any alien to enter the United States, and, where such action may be necessary, to make a written record of such evidence; and any person to whom such an oath has been administered under the provisions of this Act who shall knowingly or willfully give false evidence or swear to any false statement in any way affecting or in relation to the right of an alien to admission to the United States shall be deemed guilty of perjury and be punished as provided by section fifty-three hundred and ninety-two, United States Revised Statutes. The decision of any such officer, if favorable to the admission of any alien, shall be subject to challenge by any other immigration officer, and such challenge shall operate to take the alien whose right to land is so challenged before a board of special inquiry for its investigation. Every alien who may not appear to the examining immigrant inspector at the port of arrival to be clearly and beyond a doubt entitled to land shall be detained for examination in relation thereto by a board of special inquiry.

Act Feb. 20, 1907, c. 1134, § 24, 33 Stat. 906.

The provisions of the civil service act of Jan. 16, 1883, c. 27, mentioned in this section, are set forth in Comp. St. 1901, pp. 1217–1224.

The provision of the sundry civil appropriation act of Aug. 18, 1894, c. 301, § 1, as to the mode of appointing commissioners of immigration, mentioned in this section, is set forth in Comp. St. 1901, p. 1304.

The provisions of Rev. St. § 5392, mentioned in this section, defining and punishing perjury, set forth in Comp. St. 1901, p. 3653, are in great part re-enacted in Act March 4, 1909, c. 321, § 125, and the section is expressly repealed by section 341 of that act, which is set forth post, under Title LXIX A, "The Criminal Code."

Previous provisions for inspection of immigrants by inspecting officers were contained in Act March 3, 1875, c. 141, § 5, Comp. St. 1901, p. 1287, Act March 3, 1891, c. 551, § 8, Comp. St. 1901, p. 1298, Act March 3, 1893, c. 206, §§ 1–5, Comp. St. 1901, pp. 1300–1302, and Act Aug. 18, 1894, c. 301, § 1, Comp. St. 1901, p. 1303.

Previous provisions relating to decisions of inspection officers and other immigration officers, and review thereof, were contained in Act March 3, 1891, c. 551, § 8, Comp. St. 1901, p. 1298, and Act Aug. 18, 1894, c. 301, § 1, Comp. St. 1901, p. 1303.

Previous provisions similar to those of this section, except the first proviso thereto, were contained in Act March 3, 1903, c. 1012, § 24, 32 Stat. 1219, repealed by section 43 of this act, set forth below.

Appropriations for expenses of regulating immigration, including the

enforcement of the provisions of this act, are made in the annual sundry civil appropriation acts. The provision for the fiscal year ending June 30, 1912, is by Act March 4, 1911, c. 285, § 1, 36 Stat. 1442.

Boards of special inquiry; appointment or designation; authority; hearings; records, decisions, and appeals.

Sec. 25. That such boards of special inquiry shall be appointed by the commissioner of immigration at the various ports of arrival as may be necessary for the prompt determination of all cases of immigrants detained at such ports under the provisions of law. Each board shall consist of three members, who shall be selected from such of the immigrant officials in the service as the Commissioner-General of Immigration, with the approval of the Secretary of Commerce and Labor, shall from time to time designate as qualified to serve on such boards: Provided, That at ports where there are fewer than three immigrant inspectors, the Secretary of Commerce and Labor, upon the recommendation of the Commissioner-General of Immigration, may designate other United States officials for service on such boards of special inquiry. Such boards shall have authority to determine whether an alien who has been duly held shall be allowed to land or shall be deported. All hearings before boards shall be separate and apart from the public, but the said board shall keep a complete permanent record of their proceedings and of all such testimony as may be produced before them; and the decision of any two members of a board shall prevail, but either the alien or any dissenting member of the said board may appeal through the commissioner of immigration at the port of arrival and the Commissioner-General of Immigration to the Secretary of Commerce and Labor, and the taking of such appeal shall operate to stay any action in regard to the final disposal of any alien whose case is so appealed until the receipt by the commissioner of immigration at the port of arrival of such decision which shall be rendered solely upon the evidence adduced before the board of special inquiry: Provided, That in every case where an alien is excluded from admission into the United States, under any law or treaty now existing or hereafter made, the decision of the appropriate immigration officers, if adverse to the admission of such alien, shall be final, unless reversed on appeal to the Secretary of Commerce and Labor; but nothing in this section shall be construed to admit of any appeal in the case of an alien rejected as provided for in section ten of this Act.

Act Feb. 20, 1907, c. 1134, § 25, 34 Stat. 906.

Previous provisions for review of decisions of immigration officers were contained in Act March 3, 1891, c. 551, § 8, Comp. St. 1901, p. 1298, and Act Aug. 18, 1894, c. 301, § 1, Comp. St. 1901, p. 1303.

Previous provisions similar to those of this section, except those contained in the proviso thereto, were contained in Act March 3, 1903, c. 1012, § 25, 32 Stat. 1220, repealed by section 43 of this act, set forth below.

Admission of aliens liable to be excluded, on giving bond of indemnity against becoming public charge; suits on bonds.

Sec. 26. That any alien liable to be excluded because likely to become a public charge or because of physical disability other than tuberculosis or a loathsome or dangerous contagious disease may, if otherwise admissible, nevertheless be admitted in the discretion of the Secretary of Commerce and Labor upon the giving of a suitable and proper bond or undertaking, approved by said Secretary in such amount and containing such conditions as he may prescribe, to the people of the

United States, holding the United States or any State, Territory, county, municipality, or district thereof harmless against such alien becoming a public charge. The admission of such alien shall be a consideration for the giving of such bond or undertaking. Suit may be brought thereon in the name and by the proper law officers either of the United States Government or of any State, Territory, district, county, or municipality in which such alien becomes a public charge.

Act Feb. 20, 1907, c. 1134, § 26, 34 Stat. 906.

A previous provision relating to bonds of indemnity against aliens becoming public charges was contained in Act March 3, 1893, c. 206, § 7, Comp. St. 1901, p. 1302, but was superseded by Act March 3, 1903, c. 1012, § 26, which is repealed by section 43 of this act, set forth below.

Compromise of suits for violations of act.

Sec. 27. That no suit or proceeding for a violation of the provisions of this Act shall be settled, compromised, or discontinued without the consent of the court in which it is pending, entered of record, with the reasons therefor.

Act Feb. 20, 1907, c. 1134, § 27, 34 Stat. 907.

A previous similar provision, relating to violations of Act Feb. 26, 1885, c. 164, Comp. St. 1901, pp. 1290–1294, was contained in Act March 3, 1891, c. 551, § 2, Comp. St. 1901, p. 1295, but was superseded by Act March 3, 1903, c. 1012, § 27, 32 Stat. 1220, which is re-enacted in the same language in this section, and is repealed by section 43 of this act, set forth below.

Pending prosecutions or other proceedings, etc., under previous acts, not affected by act.

Sec. 28. That nothing contained in this Act shall be construed to affect any prosecution, suit, action, or proceedings brought, or any act, thing, or matter, civil or criminal, done or existing at the time of the taking effect of this Act; but as to all such prosecutions, suits, actions, proceedings, acts, things, or matters the laws or parts of laws repealed or amended by this Act are hereby continued in force and effect.

Act Feb. 20, 1907, c. 1134, § 28, 34 Stat. 907.

A similar provision relating to Act March 3, 1903, c. 1012, was contained in section 28 of that act, 32 Stat. 1220, repealed by section 43 of this act, set forth below.

Jurisdiction of courts.

Sec. 29. That the circuit and district courts of the United States are hereby invested with full and concurrent jurisdiction of all causes, civil and criminal, arising under any of the provisions of this Act.

Act Feb. 20, 1907, c. 1134, § 29, 34 Stat. 907.

A similar provision relating to causes arising under Act March 3, 1891, c. 551, was contained in section 13 of that act, Comp. St. 1901, p. 1300, but was superseded by Act March 3, 1903, c. 1012, § 29, 32 Stat. 1220, relating to causes arising under that act, which is repealed by section 43 of this act, set forth below.

Jurisdiction of all suits and proceedings arising under any law regulating the immigration of aliens or under the contract labor laws is conferred on the district courts, on the abolition of the circuit courts, by the Judicial Code, § 24, subd. 22, set forth ante, under Title XII B, "The Judicial Code."

Disposal of privileges at immigrant stations; sale of intoxicating liquors forbidden.

Sec. 30. That all exclusive privileges of exchanging money, transporting passengers or baggage, or keeping eating houses, and all other like

privileges in connection with any United States immigrant station, shall be disposed of after public competition, subject to such conditions and limitations as the Commissioner-General of Immigration, under the direction or with the approval of the Secretary of Commerce and Labor, may prescribe: Provided, That no intoxicating liquors shall be sold in any such immigrant station; that all receipts accruing from the disposal of such exclusive privileges as herein provided shall be paid into the Treasury of the United States to the credit of the "immigrant fund" provided for in section one of this Act.

Act Feb. 20, 1907, c. 1134, § 30, 34 Stat. 907.

A similar provision relating to the Ellis Island immigrant station was contained in Act March 3, 1893, c. 206, § 9, Comp. St. 1901, p. 1903, but was superseded by the more general provisions of Act March 3, 1903, c. 1012, § 30, 32 Stat. 1220, which are re-enacted in this section, and are repealed by section 43 of this act, set forth below.

Jurisdiction of state and local officers and courts over immigrant stations.

Sec. 31. That for the preservation of the peace and in order that arrests may be made for crimes under the laws of the States and Territories of the United States where the various immigrant stations are located, the officers in charge of such stations, as occasion may require, shall admit therein the proper State and municipal officers charged with the enforcement of such laws, and for the purpose of this section the jurisdiction of such officers and of the local courts shall extend over such stations.

Act Feb. 20, 1907, c. 1134, § 31, 34 Stat. 908.

A previous similar provision was contained in Act March 3, 1891, c. 551, § 9, Comp. St. 1901, p. 1299, but was superseded by Act March 3, 1903, c. 1012, § 31, 32 Stat. 1220, which is re-enacted in this section, and is repealed by section 43 of this act, set forth below.

Rules for entry and inspection of aliens along the borders of Canada and Mexico; contracts with foreign transportation lines.

Sec. 32. That the Commissioner-General of Immigration, under the direction or with the approval of the Secretary of Commerce and Labor, shall prescribe rules for the entry and inspection of aliens along the borders of Canada and Mexico, so as not to unnecessarily delay, impede, or annoy passengers in ordinary travel between the United States and said countries, and shall have power to enter into contracts with transportation lines for the said purpose.

Act Feb. 20, 1907, c. 1134, § 32, 34 Stat. 908.

A previous provision similar to that of this section was contained in Act March 3, 1891, c. 551, § 8, Comp. St. 1901, p. 1298, but was superseded by Act March 3, 1903, c. 1012, § 32, 32 Stat. 1221, which is re-enacted in this section, and repealed by section 43 of this act, set forth below.

Agreements with transportation lines, as provided in this section, for the payment of the head-money duty on aliens seeking admission overland, are authorized by a proviso annexed to section 1 of this act, set forth above.

Construction of term "United States" for purpose of act; aliens coming from Isthmian Canal Zone.

Sec. 33. That for the purpose of this Act the term "United States" as used in the title as well as in the various sections of this Act shall be construed to mean the United States and any waters, territory, or other place subject to the jurisdiction thereof, except the Isthmian Canal Zone: Provided, That if any alien shall leave the canal zone and

attempt to enter any other place under the jurisdiction of the United States, nothing contained in this Act shall be construed as permitting him to enter under any other conditions than those applicable to all aliens.

Act Feb. 20, 1907, c. 1134, § 33, 34 Stat. 908.

A previous provision, similar to that part of this section preceding the words "or shall arrive in the Panamian Canal Zone," was contained in Act March 3, 1903, c. 1012, § 33, 32 Stat. 1221, repealed by section 43 of this act, set forth below.

The provisions of section 1 of this act, which imposes a tax on every alien entering the United States, do not apply to aliens arriving in Guam, Porto Rico, or Hawaii, by a proviso annexed to that section, set forth above.

Appointment of commissioner of immigration at New Orleans, La.

Sec. 34. That the Commissioner-General of Immigration, with the approval of the Secretary of Commerce and Labor, may appoint a commissioner of immigration to discharge at New Orleans, Louisiana, the duties now required of other commissioners of immigration at their respective posts.

Act Feb. 20, 1907, c. 1134, § 34, 34 Stat. 908.

Ports to which aliens to be deported.

Sec. 35. That the deportation of aliens arrested within the United States after entry and found to be illegally therein, provided for in this Act, shall be to the trans-Atlantic or trans-Pacific ports from which said aliens embarked for the United States; or, if such embarkation was for foreign contiguous territory, to the foreign port at which said aliens embarked for such territory.

Act Feb. 20, 1907, c. 1134, § 35, 34 Stat. 908.

A previous provision, identical in language with this section, was contained in Act March 3, 1903, c. 1012, § 35, repealed by section 43 of this act, set forth below.

Deportation of aliens entering United States except at seaports or places designated by Secretary of Commerce and Labor.

Sec. 36. That all aliens who shall enter the United States except at the seaports thereof, or at such place or places as the Secretary of Commerce and Labor may from time to time designate, shall be adjudged to have entered the country unlawfully and shall be deported as provided by sections twenty and twenty-one of this Act: Provided, That nothing contained in this section shall affect the power conferred by section thirty-two of this Act upon the Commissioner-General of Immigration to prescribe rules for the entry and inspection of aliens along the borders of Canada and Mexico.

Act Feb. 20, 1907, c. 1134, § 36, 34 Stat. 908.

Aliens landed at any time or place other than as designated by the immigration officers are to be deemed to be unlawfully in the United States and to be deported, by provisions of section 18 of this act, set forth above.

Temporary detention and admission or deportation, in case of contagious disorder, of wife or minor child of alien resident who has filed declaration of intention to become citizen.

Sec. 37. That whenever an alien shall have taken up his permanent residence in this country, and shall have filed his declaration of intention to become a citizen, and thereafter shall send for his wife, or minor children to join him, if said wife or any of said children shall be found to be affected with any contagious disorder, such wife or

children shall be held, under such regulations as the Secretary of Commerce and Labor shall prescribe, until it shall be determined whether the disorder will be easily curable, or whether they can be permitted to land without danger to other persons; and they shall not be either admitted or deported until such facts have been ascertained; and if it shall be determined that the disorder is easily curable or that they can be permitted to land without danger to other persons, they shall, if otherwise admissible, thereupon be admitted.

Act Feb. 20, 1907, c. 1134, § 37, 34 Stat. 908.

Previous provisions similar to a great extent to those of this section were contained in Act March 3, 1903, c. 1012, § 37, 32 Stat. 1221, repealed by section 43 of this act, set forth below.

Persons afflicted with a dangerous contagious disease are among the classes of aliens excluded from admission by sections 2 and 9 of this act, set forth above.

Persons disbelieving in or opposed to all organized government, or advocating the unlawful assaulting or killing of officers of government, not to be permitted to enter; aiding, etc., entry of such person, punishable.

Sec. 38. That no person who disbelieves in or who is opposed to all organized government, or who is a member of or affiliated with any organization entertaining and teaching such disbelief in or opposition to all organized government, or who advocates or teaches the duty, necessity, or propriety of the unlawful assaulting or killing of any officer or officers, either of specific individuals or of officers generally, of the Government of the United States or of any other organized government, because of his or their official character, shall be permitted to enter the United States or any Territory or place subject to the jurisdiction thereof. This section shall be enforced by the Secretary of Commerce and Labor under such rules and regulations as he shall prescribe. That any person who knowingly aids or assists any such person to enter the United States or any Territory or place subject to the jurisdiction thereof, or who connives or conspires with any person or persons to allow, procure, or permit any such person to enter therein, except pursuant to such rules and regulations made by the Secretary of Commerce and Labor, shall be fined not more than five thousand dollars, or imprisoned for not more than five years, or both.

Act Feb. 20, 1907, c. 1134, § 38, 34 Stat. 908.

Previous provisions nearly identical in language with those of this section were contained in Act March 3, 1903, c. 1012, § 38, 32 Stat. 1221, repealed by section 43 of this act, set forth below.

Sec. 39. [Temporary.]

This section provided for the creation of a commission to inquire into the subject of immigration and report to Congress its conclusions, etc. The commission was required to complete its work and make its final report and cease on the first Monday of December, 1910. Act March 4, 1909, c. 299, § 1, 35 Stat. 982. Act Feb. 25, 1910, c. 62, 36 Stat. 215.

Division of Information in Bureau of Immigration and Naturalization; distribution of aliens admitted among States and Territories; agents of States or Territories at immigrant stations.

Sec. 40. Authority is hereby given the Commissioner-General of Immigration to establish, under the direction and control of the Secretary of Commerce and Labor, a division of information in the Bureau

of Immigration and Naturalization; and the Secretary of Commerce and Labor shall provide such clerical assistance as may be necessary. It shall be the duty of said division to promote a beneficial distribution of aliens admitted into the United States among the several States and Territories desiring immigration. Correspondence shall be had with the proper officials of the States and Territories, and said division shall gather from all available sources useful information regarding the resources, products, and physical characteristics of each State and Territory, and shall publish such information in different languages and distribute the publications among all admitted aliens who may ask for such information at the immigrant stations of the United States and to such other persons as may desire the same. When any State or Territory appoints and maintains an agent or agents to represent it at any of the immigrant stations of the United States, such agents shall, under regulations prescribed by the Commissioner-General of Immigration, subject to the approval of the Secretary of Commerce and Labor, have access to aliens who have been admitted to the United States for the purpose of presenting, either orally or in writing, the special inducements offered by such State or Territory to aliens to settle therein. While on duty at any immigrant station such agents shall be subject to all the regulations prescribed by the Commissioner-General of Immigration, who, with the approval of the Secretary of Commerce and Labor, may, for violation of any such regulations, deny to the agent guilty of such violation any of the privileges herein granted.

Act Feb. 20, 1907, c. 1134, § 40, 34 Stat. 909.

Act not to apply to foreign government officials, etc.

Sec. 41. That nothing in this Act shall be construed to apply to accredited officials of foreign governments nor to their suites, families, or guests.

Act Feb. 20, 1907, c. 1134, § 41, 34 Stat. 910.

Sec. 42. [Repealed. Act Dec. 19, 1908, c. 6, § 2.]

This section prescribed regulations, to take effect Jan. 1, 1909, for the carriage of immigrant passengers on steamships or other vessels, similar to and superseding those contained in Act Aug. 2, 1882, c. 374, § 1, Comp. St. 1901, p. 2931; but, by section 43 of this act, said section 1 of Act Aug. 2, 1882, c. 374, was not repealed thereby prior to January 1, 1909. But this section, and so much of sections 43 and 44 of this act as provide for the repeal of said section 1 of Act Aug. 2, 1882, c. 374, are themselves expressly repealed by Act Dec. 19, 1908, c. 6, §§ 1, 2, taking effect January 1, 1909, set forth post, under Title XLVIII, "Regulation of Commerce and Navigation," c. 6.

Repeal.

Sec. 43. That the Act of March third, nineteen hundred and three, being an Act to regulate the immigration of aliens into the United States, except section thirty-four thereof, and the Act of March twenty-second, nineteen hundred and four, being an Act to extend the exemption from head tax to citizens of Newfoundland entering the United States, and all Acts and parts of Acts inconsistent with this Act are hereby repealed: Provided, That this Act shall not be construed to repeal, alter, or amend existing laws relating to the immigration or exclusion of Chinese persons or persons of Chinese descent, nor to repeal, alter, or amend section six, chapter four hundred and fifty-

three, third session Fifty-eighth Congress, approved February sixth, nineteen hundred and five, or, prior to January first, nineteen hundred and nine, section one of the Act approved August second, eighteen hundred and eighty-two, entitled "An Act to regulate the carriage of passengers by sea."

Act Feb. 20, 1907, c. 1134, § 43, 34 Stat. 911.

The provisions of Act March 3, 1903, c. 1012, §§ 1–33, 35–38, 32 Stat. 1213–1221, amended by Act March 22, 1904, c. 749, 33 Stat. 144, repealed by this section, are almost entirely re-enacted, with some changes and additions, in the sections of this act designated by the same numbers, respectively, as said repealed sections, and set forth above.

Section 34 of said Act March 3, 1903, c. 1012, which forbids the sale of intoxicating liquors within the limits of the Capitol building, and is excepted from the repeal of that act by this section, is set forth ante, under Title XXI. "Seat of Government, Including the Public Buildings and Grounds, Parks, and Reservations."

The laws relating to the immigration or exclusion of Chinese, excepted from the general repealing provision of this section, by the proviso annexed thereto, are set forth in Comp. St. 1901, pp. 1305–1328, and are re-enacted, extended, and continued by Act April 29, 1902, c. 641, post, under subtitle "Exclusion of Chinese."

So much of this section and of section 44 of this act as provides for the repeal of Act Aug. 2, 1882, c. 374, § 1, Comp. St. 1901, p. 2931, is expressly repealed, with section 42 of this act, by Act Dec. 19, 1908, c. 6, §§ 2, 3, set forth post, under Title XLVIII, "Regulation of Commerce and Navigation," c. 6. See note under section 42 of this act.

Time of taking effect of act.

Sec. 44. That this Act shall take effect and be enforced from and after July first, nineteen hundred and seven: Provided, however, That section thirty-nine of this Act and the last proviso of section one shall take effect upon the passage of this Act and section forty-two on January first, nineteen hundred and nine.

Act Feb. 20, 1907, c. 1134, § 44, 34 Stat. 911.

ACT MARCH 4, 1909, c. 299, § 1. [H. R. 28245.]

Expenses of medical examination of alien passengers; repeal in part of Act Feb. 20, 1907, c. 1134, § 17.

Public Health and Marine-Hospital Service: Expenses of Public Health and Marine-Hospital Service, * *

In all, * * dollars, which shall include the amount necessary for the medical inspection of aliens, as required by section seventeen of the Act of Congress approved February twentieth, nineteen hundred and seven, and the provision of said section of said Act requiring the reimbursement by the immigration fund for said expenses is hereby repealed.

Act March 4, 1909, c. 299, § 1, 35 Stat. 969.

This is a provision accompanying an appropriation for expenses of the Public Health and Marine-Hospital Service, in the sundry civil appropriation act for the fiscal year ending June 30, 1910, cited above. Appropriations for the same purpose are made in the similar acts for subsequent years. The provision for the fiscal year ending June 30, 1912, is by Act March 4, 1911, c. 285, § 1, 36 Stat. 1394.

Act Feb. 20, 1907, c. 1134, § 17, repealed in part by this provision, is set forth above.

Head tax on aliens and other moneys received under immigration laws to be covered into Treasury as miscellaneous receipts.

* * That on and after July first, nineteen hundred and nine, all head tax collected pursuant to the provisions of section one of the

said Act of February twentieth, nineteen hundred and seven, together with all fines, rentals collected, and moneys received from other sources under the laws regulating the immigration of aliens into the United States, shall be covered into the Treasury to the credit of miscellaneous receipts.

Act March 4, 1909, c. 299, § 1, 35 Stat. 982.

This is a proviso annexed to an appropriation for expenses of regulating immigration in the sundry civil appropriation act for the fiscal year ending June 30, 1910, cited above.

Act Feb. 20, 1907, c. 1134, § 1, mentioned in this provision, is set forth above.

ACT MARCH 4, 1909, c. 305. [S. 7785.]

An Act Relative to Outward Alien Manifests on Certain Vessels. (35 Stat. 1060.)

Requirement of outward alien manifests not to apply to passengers by vessels in trade between United States and Canada or Mexico.

Be it enacted, &c., That until the provisions of section twelve of the immigration Act of February twentieth, nineteen hundred and seven, relating to outward alien manifests, shall be made applicable to passengers going out of the United States to Canada by land carriage, said provisions shall not apply to passengers going by vessels employed exclusively in the trade between the ports of the United States and the Dominion of Canada and the Republic of Mexico.

Act March 4, 1909, c. 305, 35 Stat. 1060.

Act Feb. 20, 1907, c. 1134, § 12, mentioned in this act, is set forth above.

[EXCLUSION OF CHINESE.]

ACT MAY 6, 1882, c. 126.

The provisions of this act, set forth in Comp. St. 1901, pp. 1305–1311, which were continued in force for a period of ten years by Act May 5, 1892, c. 60, § 1, Comp. St. 1901, p. 1319, and all laws prohibiting and regulating the coming of Chinese into the United States and their residence therein, in force at the time, are re-enacted, extended, and continued, and are also made applicable to the island territory under the jurisdiction of the United States, by Act April 29, 1902, c. 641, § 1, set forth below.

On the establishment of the Department of Commerce and Labor and the transfer thereto from the Treasury Department of the immigration service, by Act Feb. 14, 1903, c. 552, ante, under Title XII A, "The Department of Commerce and Labor," the authority, power, and jurisdiction possessed and exercised by the Secretary of the Treasury by virtue of any law in relation to the exclusion from and the residence within the United States, its territories, and the District of Columbia, of Chinese and persons of Chinese descent, are transferred to and conferred upon the Secretary of Commerce and Labor, and the authority, power, and jurisdiction in relation thereto vested by law or treaty in the collectors of customs and collectors of internal revenue, are conferred upon and vested in such officers under the control of the Commissioner-General of Immigration, as the Secretary of Commerce and Labor may designate therefor, by provisions of section 7 of that act.

ACT SEPT. 13, 1888, c. 1015.

All laws in force prohibiting and regulating the coming of Chinese into the United States and their residence therein, including sections 5–11, 13, 14, of this act, set forth in Comp. St. 1901, pp. 1314–1317, which were continued in force for a period of ten years by Act May 5, 1892, c. 60, § 1, Comp. St. 1901, p. 1319, are re-enacted, extended, and continued, and are also made applicable to the island territory under the juris-

diction of the United States, by Act April 29, 1902, c. 641, § 1, set forth below.

See, also, note under Act May 6, 1882, c. 126, above, as to transfer of the authority, etc., possessed and exercised by the Secretary of the Treasury by virtue of this act, to the Secretary of Commerce and Labor, and of the authority, etc., of the collectors of customs and the collectors of internal revenue, to officers under control of the Commissioner-General of Immigration.

ACT OCT. 1, 1888, c. 1064.

The provisions of this act, set forth in Comp. St. 1901, pp. 1318, 1319, like those of Act May 6, 1882, c. 126, to which it is a supplement, which were continued in force for a period of ten years by Act May 5, 1892, c. 60, § 1, Comp. St. 1901, p. 1319, and all laws prohibiting and regulating the coming of Chinese into the United States and their residence therein, in force at the time, are re-enacted, extended, and continued, and are also made applicable to the island territory under the jurisdiction of the United States, by Act April 29, 1902, c. 641, § 1, set forth below.

ACT MAY 5, 1892, c. 60.

The provisions of this act, set forth in Comp. St. 1901, pp. 1319–1322, and all laws prohibiting and regulating the coming of Chinese into the United States and their residence therein, in force at the time, are re-enacted, extended, and continued, and are also made applicable to the island territory under the jurisdiction of the United States, by Act April 29, 1902, c. 641, § 1, set forth below.

See, also, note under Act May 6, 1882, c. 126, above, as to transfer of the authority, etc., of the Secretary of the Treasury by virtue of this act, to the Secretary of Commerce and Labor, and of the authority, etc., of the collectors of customs and the collectors of internal revenue, to officers under control of the Commissioner-General of Immigration.

ACT NOV. 3, 1893, c. 14.

The provisions of this Act, set forth in Comp. St. 1901, pp. 1322, 1323, like those of Act May 5, 1892, c. 60, which it amends, and all laws prohibiting and regulating the coming of Chinese into the United States and their residence therein, in force at the time, are re-enacted, extended, and continued, and are also made applicable to the island territory under the jurisdiction of the United States, by Act April 29, 1902, c. 641, § 1, set forth below.

RES. DEC. 7, 1893, No. 1.

This resolution, relating to the registration and issuance of certificates of residence to Chinese laborers by collectors of internal revenue and their deputies, and the fees therefor, is superseded by the transfer of the authority in relation thereto vested in the collectors of internal revenue to officers under the control of the Commissioner-General of Immigration, by provisions of Act Feb. 14, 1903, c. 552, § 7, ante, under Title XII A, "The Department of Commerce and Labor."

CONVENTION DEC. 8, 1894.

The Secretary of the Treasury was authorized to make rules and regulations to execute the provisions of this treaty, by Act April 29, 1902, c. 641, § 2, set forth below. But the authority possessed and exercised by the Secretary of the Treasury by virtue of any law in relation to the exclusion from and residence within the United States, its territories, and the District of Columbia, of Chinese and persons of Chinese descent, is transferred to and conferred upon the Secretary of Commerce and Labor, by a provision of the act establishing the Department of Commerce and Labor, Act Feb. 14, 1903, c. 552, § 7, ante, Title XII A, "The Department of Commerce and Labor."

ACT MARCH 3, 1901, c. 845.

The provisions of this act, set forth in Comp. St. 1901, pp. 1327, 1328, like those of Act May 5, 1892, c. 60, to which it is supplementary, and

all laws prohibiting and regulating the coming of Chinese into the United States and their residence therein, in force at the time, are re-enacted, extended, and continued, and are also made applicable to the island territory under the jurisdiction of the United States, by Act April 29, 1902, c. 641, § 1, set forth below.

ACT APRIL 29, 1902, c. 641. [*As amended* 1904.]

An Act to Prohibit the Coming into and to Regulate the Residence within the United States, its Territories, and all Territory under its Jurisdiction, and the District of Columbia, of Chinese and Persons of Chinese Descent. (32 Stat. 176.)

Laws prohibiting and regulating coming and residence of Chinese, re-enacted, extended, and continued, and made applicable to island territory.

All laws in force on the twenty-ninth day of April, nineteen hundred and two, regulating, suspending, or prohibiting the coming of Chinese persons or persons of Chinese descent into the United States, and the residence of such persons therein, including sections five, six, seven, eight, nine, ten, eleven, thirteen, and fourteen of the Act entitled "An Act to prohibit the coming of Chinese laborers into the United States," approved September thirteenth, eighteen hundred and eighty-eight, be, and the same are hereby, re-enacted, extended, and continued, without modification, limitation, or condition; and said laws shall also apply to the island territory under the jurisdiction of the United States, and prohibit the immigration of Chinese laborers, not citizens of the United States, from such island territory to the mainland territory of the United States, whether in such island territory at the time of cession or not, and from one portion of the island territory of the United States to another portion of said island territory: Provided, however, That said laws shall not apply to the transit of Chinese laborers from one island to another island of the same group; and any islands within the jurisdiction of any State or the District of Alaska shall be considered a part of the mainland under this section.

Act April 29, 1902, c. 641, § 1, 32 Stat. 176. Act April 27, 1904, c. 1630, § 5, 33 Stat. 428.

This section as originally enacted in Act April 29, 1902, c. 641, § 1, cited above, was as follows:

"Be it enacted, &c., That all laws now in force prohibiting and regulating the coming of Chinese persons, and persons of Chinese descent, into the United States, and the residence of such persons therein, including sections five, six, seven, eight, nine, ten, eleven, thirteen, and fourteen of the Act entitled 'An Act to prohibit the coming of Chinese laborers into the United States' approved September thirteenth, eighteen hundred and eighty-eight, be, and the same are hereby, re-enacted, extended, and continued so far as the same are not inconsistent with treaty obligations, until otherwise provided by law, and said laws shall also apply to the island territory under the jurisdiction of the United States, and prohibit the immigration of Chinese laborers, not citizens of the United States, from such island territory to the mainland territory of the United States, whether in such island territory at the time of cession or not, and from one portion of the island territory of the United States to another portion of said island territory: Provided, however, That said laws shall not apply to the transit of Chinese laborers from one island to another island of the same group; and any islands within the jurisdiction of any State or the District of Alaska shall be considered a part of the mainland under this section."

It is amended by Act April 27, 1904, c. 1630, § 5, also cited above, to read as set forth here. The amendment consists, principally, in the insertion, after the words "re-enacted, extended, and continued," in-

stead of the words of the original section, "so far as the same are not inconsistent with treaty obligations, until otherwise provided by law," of the words, "without modification, limitation, or condition."

The laws previously in force, which are re-enacted, extended, and continued by this section, are set forth in Comp. St. 1901, pp. 1305–1328.

The treaty obligations mentioned in this section as it was originally enacted are those imposed by the provisions of the Convention of December 8, 1894, set forth in Comp. St. 1901, pp. 1324–1327.

Further provisions for the enforcement in the insular territory of the laws made applicable thereto by this section, contained in section 4 of this act, and in Act March 18, 1904, c. 716, § 1, and Act Feb. 6, 1905, c. 453, § 6, are set forth below.

The authority, power, and jurisdiction, possessed and exercised by the Secretary of the Treasury by virtue of any law in relation to the exclusion from and residence within the United States, its territories, and the District of Columbia, of Chinese and persons of Chinese descent, are transferred to and conferred upon the Secretary of Commerce and Labor, and the authority, power, and jurisdiction in relation thereto vested by law or treaty in the collectors of customs and the collectors of internal revenue are conferred upon and vested in such officers under the control of the Commissioner-General of Immigration as the Secretary of Commerce and Labor may designate therefor, by provisions of the act establishing the Department of Commerce and Labor, and transferring the immigration service to that department from the Treasury Department, Act Feb. 14, 1903, c. 552, ante, Title XII A, "The Department of Commerce and Labor."

No Mongolian laborer is to be employed in the construction of irrigation works by contract under Act June 17, 1902, c. 1093, by a proviso annexed to section 4 of that act, post, under Title XXXII, "The Public Lands," c. 11, subchapter "Irrigation in Arid Regions; Grants of Desert Lands to States for Reclamation."

Regulations for execution of provisions of acts and of treaty.

Sec. 2. That the Secretary of Commerce and Labor is hereby authorized and empowered to make and prescribe, and from time to time to change, such rules and regulations not inconsistent with the laws of the land as he may deem necessary and proper to execute the provisions of this Act and of the Acts hereby extended and continued and of the treaty of December eighth, eighteen hundred and ninety-four, between the United States and China, and with the approval of the President to appoint such agents as he may deem necessary for the efficient execution of said treaty and said Acts.

Act April 29, 1902, c. 641, § 2, 32 Stat. 176. Res. April 28, 1904, No. 34, 33 Stat. 591.

This section as originally enacted is amended by Res. April 28, 1904, No. 34, cited above, by striking out the words "Secretary of the Treasury" used therein, and inserting in lieu thereof the words "Secretary of Commerce and Labor," as set forth here.

See, also, note under section 1 of this act, as to transfer of the authority of the Secretary of the Treasury to the Secretary of Commerce and Labor.

The acts hereby extended and continued and the treaty of December 8, 1894, mentioned in this section, are set forth in Comp. St. 1901, pp. 1305–1328.

Appropriations for the enforcement of this act are made available for the establishment and maintenance of the Bertillon system of identification at the various ports of entry, by a provision of Act April 28, 1904, c. 1762, § 1, set forth below.

The Philippine Commission is authorized and required to make regulations for the enforcement of section 4 of this act in the Philippine Islands by a provision of that section, set forth below. And the administration of the immigration laws of the United States in force in the Phil-

ippine Islands by the officers of the government thereof is authorized by provisions of Act March 18, 1904, c. 716, § 1, and Act Feb. 6, 1905, c. 453, § 6, set forth below.

Sec. 3. [Relates to admission of natives of foreign countries, under contract, for preparation for exhibits, etc., at fairs and expositions.]

This section provides that nothing in the provisions of this act or any other act shall be construed to prevent any foreign exhibitor, etc., at any fair or exposition authorized by act of Congress, from bringing into the United States, under contract, mechanics, etc., natives of their respective foreign countries, for the purpose of making preparations for installing or conducting their exhibits or any business under any concession or privilege granted by the fair or exposition. The section, not being restricted to Chinese, but being, in terms, applicable to "any foreign exhibitor, representative, or citizen of any foreign nation," for the admission of their employés, "natives of their respective foreign countries," is set forth, ante, under this title, subtitle "Regulation and Restriction of Immigration in General."

Certificates of residence in insular territory; regulations for enforcement of section in Philippine Islands.

Sec. 4. That it shall be the duty of every Chinese laborer, other than a citizen, rightfully in, and entitled to remain in any of the insular territory of the United States (Hawaii excepted) at the time of the passage of this Act, to obtain within one year thereafter a certificate of residence in the insular territory wherein he resides, which certificate shall entitle him to residence therein, and upon failure to obtain such certificate as herein provided he shall be deported from such insular territory; and the Philippine Commission is authorized and required to make all regulations and provisions necessary for the enforcement of this section in the Philippine Islands, including the form and substance of the certificate of residence so that the same shall clearly and sufficiently identify the holder thereof and enable officials to prevent fraud in the transfer of the same: Provided, however, That if said Philippine Commission shall find that it is impossible to complete the registration herein provided for within one year from the passage of this Act, said Commission is hereby authorized and empowered to extend the time for such registration for a further period not exceeding one year.

Act April 29, 1902, c. 641, § 4, 32 Stat. 177.

The laws made applicable to the island territory by section 1 of this act, set forth above, by a proviso to that section are not to apply to the transit of Chinese laborers from one island to another island of the same group.

Provisions for the administration of the immigration laws of the United States in force in the Philippine Islands by the officers of the government thereof, contained in Act March 18, 1904, c. 716, § 1, and Act Feb. 6, 1905, c. 453, § 6, are set forth below.

ACT MARCH 18, 1904, c. 716, § 1. [H. R. 9480.]

Administration of immigration laws in force in Philippine Islands.

The immigration laws of the United States in force in the Philippine Islands shall continue to be administered by the officers of the Philippine government.

Act March 18, 1904, c. 716, § 1, 33 Stat. 139.

This is a provision following an appropriation for the Bureau of Immigration in the legislative, executive, and judicial appropriation act for the fiscal year ending June 30, 1905, cited above.

A subsequent provision relating to the same subject is contained in Act Feb. 6, 1905, c. 453, set forth below.

ACT APRIL 28, 1904, c. 1762, § 1. [H. R. 14416.]

Use of Bertillon system of identification to prevent unlawful entry of Chinese into United States.

Enforcement of the Chinese-exclusion Act: To prevent unlawful entry of Chinese into the United States, by the appointment of suitable officers to enforce the laws in relation thereto, and for expenses of returning to China all Chinese persons found to be unlawfully in the United States, including the cost of imprisonment and actual expense of conveyance of Chinese persons to the frontier or seaboard for deportation, six hundred thousand dollars, of which sum one thousand dollars per annum shall be paid to the Commissioner-General of Immigration as additional compensation: Provided, That so much of the amount hereby appropriated, or hereafter appropriated for similar purposes, as may be necessary shall be available for the establishment and maintenance of the Bertillon system of identification at the various ports of entry; but this proviso shall not apply to persons embraced in Article Three of the treaty with China of eighteen hundred and ninety-four.

Act April 28, 1904, c. 1762, § 1, 33 Stat. 478.

This is a provision of the sundry civil appropriation act for the fiscal year ending June 30, 1905, cited above.

Article 3 of the treaty with China of 1894, mentioned in this provision, Convention Dec. 8, 1894, art. III, is set forth in Comp. St. 1901, p. 1326.

An appropriation for enforcement of the Chinese Exclusion Act, in language similar to the provision of this paragraph preceding the proviso, is made in the sundry civil appropriation act for each subsequent year, included, in recent years, in the appropriation for expenses of regulating immigration. The provision for the fiscal year ending June 30, 1912, is by Act March 4, 1911, c. 285, § 1, 36 Stat. 1442.

ACT FEB. 6, 1905, c. 453, § 6. [H. R. 14623.]

Administration of immigration laws in force in Philippine Islands.

That the immigration laws of the United States in force in the Philippine Islands shall be administered by the officers of the general government thereof designated by appropriate legislation of said government, and all moneys collected under said laws as duty or head tax on alien immigrants coming into said islands shall not be covered into the general fund of the Treasury of the United States, but shall be paid into the treasury of said islands to be used and expended for the government and benefit of said islands.

Act Feb. 6, 1905, c. 453, § 6, 33 Stat. 692.

TITLE XXX.

NATURALIZATION.

Sec. 2165.

[Repealed. Act June 29, 1906, c. 3592, § 26.]

This section is expressly repealed by Act June 29, 1906, c. 3592, § 26, set forth below, and different provisions relating to the same subject are made by other sections of that act, also set forth below.

ACT FEB. 1, 1876, c. 5.

[Superseded. Act June 29, 1906, c. 3592.]

This act, set forth in Comp. St. 1901, p. 1331, has become inoperative by the repeal of Rev. St. § 2165, mentioned therein, by Act June 29, 1906, c. 3592, § 26, set forth below.

Secs. 2167, 2168.

[Repealed. Act June 29, 1906, c. 3592, § 26.]

These sections are expressly repealed by Act June 29, 1906, c. 3592, § 26, set forth below, and different provisions relating to the same subjects are made by other sections of that act, also set forth below.

Sec. 2173.

[Repealed. Act June 29, 1906, c. 3592, § 26.]

This section is expressly repealed by Act June 29, 1906, c. 3592, § 26, set forth below. The courts on which jurisdiction to naturalize aliens is conferred are specified in section 3 of that act, also set forth below.

ACT JUNE 29, 1906, c. 3592. [H. R. 15442.] [*As amended* 1910. H. R. 16871.]

An Act to Establish a Bureau of Immigration and Naturalization, and to Provide for a Uniform Rule for the Naturalization of Aliens throughout the United States. (34 Stat. 596.)

Be it enacted, etc. [Section 1 changes the designation of the Bureau of Immigration in the Department of Commerce and Labor, to "Bureau of Immigration and Naturalization," and gives it charge of all matters concerning naturalization of aliens, and provides for registry of alien immigrants.]

This section and section 2 of this act, relating to the Bureau of Immigration and Naturalization in the Department of Commerce and Labor, and its duties in regard to naturalization and means and facilities for the performance thereof, are set forth ante, under Title XII A, "The Department of Commerce and Labor."

Sec. 2. [Provides for furnishing offices, etc., and for additional assistants, clerks and other employés, for the Bureau of Immigration and Naturalization, for the discharge of the duties imposed upon it by this act.]

See note under preceding section of this act.

Exclusive jurisdiction to naturalize aliens conferred on courts specified; jurisdiction restricted to residents within judicial district; blank forms to be furnished; numbering and printing of certificates of naturalization.

Sec. 3. That exclusive jurisdiction to naturalize aliens as citizens of the United States is hereby conferred upon the following specified courts:

United States circuit and district courts now existing, or which may hereafter be established by Congress in any State, United States district courts for the Territories of Arizona, New Mexico, Oklahoma, Hawaii, and Alaska, the supreme court of the District of Columbia, and the United States courts for the Indian Territory; also all courts of record in any State or Territory now existing, or which may hereafter be created, having a seal, a clerk, and jurisdiction in actions at law or equity, or law and equity, in which the amount in controversy is unlimited.

That the naturalization jurisdiction of all courts herein specified, State, Territorial, and Federal, shall extend only to aliens resident within the respective judicial districts of such courts.

The courts herein specified shall, upon the requisition of the clerks of such courts, be furnished from time to time by the Bureau of Immigration and Naturalization with such blank forms as may be required in the naturalization of aliens, and all certificates of naturalization shall be consecutively numbered and printed on safety paper furnished by said Bureau.

Act June 29, 1906, c. 3592, § 3, 34 Stat. 596.

Proceedings for naturalization.

Sec. 4. That an alien may be admitted to become a citizen of the United States in the following manner and not otherwise:

Declaration of intention; requisites and contents; prior declarations.

First. He shall declare on oath before the clerk of any court authorized by this Act to naturalize aliens, or his authorized deputy, in the district in which such alien resides, two years at least prior to his admission, and after he has reached the age of eighteen years, that it is bona fide his intention to become a citizen of the United States, and to renounce forever all allegiance and fidelity to any foreign prince, potentate, state, or sovereignty, and particularly, by name, to the prince, potentate, state, or sovereignty of which the alien may be at the time a citizen or subject. And such declaration shall set forth the name, age, occupation, personal description, place of birth, last foreign residence and allegiance, the date of arrival, the name of the vessel, if any, in which he came to the United States, and the present place of residence in the United States of said alien: Provided, however, That no alien who, in conformity with the law in force at the date of his declaration, has declared his intention to become a citizen of the United States shall be required to renew such declaration.

Petition for admission to citizenship; requisites and contents; verification by witnesses; filing certificate of arrival in United States and declaration of intention.

Second. Not less than two years nor more than seven years after he has made such declaration of intention he shall make and file, in duplicate, a petition in writing, signed by the applicant in his own hand-

writing and duly verified, in which petition such applicant shall state his full name, his place of residence (by street and number, if possible), his occupation, and, if possible, the date and place of his birth; the place from which he emigrated, and the date and place of his arrival in the United States, and, if he entered through a port, the name of the vessel on which he arrived; the time when and the place and name of the court where he declared his intention to become a citizen of the United States; if he is married he shall state the name of his wife and, if possible, the country of her nativity and her place of residence at the time of filing his petition; and if he has children, the name, date, and place of birth and place of residence of each child living at the time of the filing of his petition: Provided, That if he has filed his declaration before the passage of this Act he shall not be required to sign the petition in his own handwriting.

Provided further, That any person belonging to the class of persons authorized and qualified under existing law to become a citizen of the United States who has resided constantly in the United States during a period of five years next preceding May first, nineteen hundred and ten, who, because of misinformation in regard to his citizenship or the requirements of the law governing the naturalization of citizens has labored and acted under the impression that he was or could become a citizen of the United States and has in good faith exercised the rights or duties of a citizen or intended citizen of the United States because of such wrongful information and belief may, upon making a showing of such facts satisfactory to a court having jurisdiction to issue papers of naturalization to an alien, and the court in its judgment believes that such person has been for a period of more than five years entitled upon proper proceedings to be naturalized as a citizen of the United States, receive from the said court a final certificate of naturalization, and said court may issue such certificate without requiring proof of former declaration by or on the part of such person of their intention to become a citizen of the United States, but such applicant for naturalization shall comply in all other respects with the law relative to the issuance of final papers of naturalization to aliens.

The petition shall set forth that he is not a disbeliever in or opposed to organized government, or a member of or affiliated with any organization or body of persons teaching disbelief in or opposed to organized government, a polygamist or believer in the practice of polygamy, and that it is his intention to become a citizen of the United States and to renounce absolutely and forever all allegiance and fidelity to any foreign prince, potentate, state, or sovereignty, and particularly by name to the prince, potentate, state, or sovereignty of which he at the time of filing of his petition may be a citizen or subject, and that it is his intention to reside permanently within the United States, and whether or not he has been denied admission as a citizen of the United States, and, if denied, the ground or grounds of such denial, the court or courts in which such decision was rendered, and that the cause for such denial has since been cured or removed, and every fact material to his naturalization and required to be proved upon the final hearing of his application.

The petition shall also be verified by the affidavits of at least two credible witnesses, who are citizens of the United States, and who shall state in their affidavits that they have personally known the appli-

cant to be a resident of the United States for a period of at least five years continuously, and of the State, Territory, or district in which the application is made for a period of at least one year immediately preceding the date of the filing of his petition, and that they each have personal knowledge that the petitioner is a person of good moral character, and that he is in every way qualified, in their opinion, to be admitted as a citizen of the United States.

At the time of filing his petition there shall be filed with the clerk of the court a certificate from the Department of Commerce and Labor, if the petitioner arrives in the United States after the passage of this Act, stating the date, place, and manner of his arrival in the United States, and the declaration of intention of such petitioner, which certificate and declaration shall be attached to and made a part of said petition.

Declaration on oath in open court to support constitution and laws of United States, and renunciation of other allegiance.

Third. He shall, before he is admitted to citizenship, declare on oath in open court that he will support the Constitution of the United States, and that he absolutely and entirely renounces and abjures all allegiance and fidelity to any foreign prince, potentate, state, or sovereignty, and particularly by name to the prince, potentate, state, or sovereignty of which he was before a citizen or subject; that he will support and defend the Constitution and laws of the United States against all enemies, foreign and domestic, and bear true faith and allegiance to the same.

Evidence of residence, character, etc.; witnesses.

Fourth. It shall be made to appear to the satisfaction of the court admitting any alien to citizenship that immediately preceding the date of his application he has resided continuously within the United States five years at least, and within the State or Territory where such court is at the time held one year at least, and that during that time he has behaved as a man of good moral character, attached to the principles of the Constitution of the United States, and well disposed to the good order and happiness of the same. In addition to the oath of the applicant, the testimony of at least two witnesses, citizens of the United States, as to the facts of residence, moral character, and attachment to the principles of the Constitution shall be required, and the name, place of residence, and occupation of each witness shall be set forth in the record.

Renunciation of hereditary title, order of nobility, etc.

Fifth. In case the alien applying to be admitted to citizenship has borne any hereditary title, or has been of any of the orders of nobility in the kingdom or state from which he came, he shall, in addition to the above requisites, make an express renunciation of his title or order of nobility in the court to which his application is made, and his renunciation shall be recorded in the court.

Naturalization of widows and minor children of aliens dying after declaration of intention before being actually naturalized.

Sixth. When any alien who has declared his intention to become a citizen of the United States dies before he is actually naturalized the widow and minor children of such alien may, by complying with the

other provisions of this Act, be naturalized without making any declaration of intention.

Act June 29, 1906, c. 3592, § 4, 34 Stat. 596. Act Feb. 24, 1911, c. 151, § 3, 36 Stat. 830.

The amendment of this section by Act Feb. 24, 1911, c. 151, § 3, cited above, consists in the addition to subdivision second thereof, after the proviso "That if he has filed his declaration before the passage of this act he shall not be required to sign the petition in his own handwriting," of the further proviso inserted in said subdivision second as set forth here.

Previous provisions relating to the same subject as those of this section were contained in Rev. St. §§ 2165, 2167, 2168, Comp. St. 1901, pp. 1329, 1332, repealed by section 26 of this act, set forth below.

Forms of declaration of intention, of petition for naturalization, and of affidavit of witnesses, required by this section, and of the certificate of citizenship to be issued thereon and the stub of such certificate, are prescribed by section 27 of this act, set forth below.

The mode of proof of residence required, in the petition and at the hearing thereon, is prescribed by section 10 of this act, set forth below.

When an alien, after declaration of intention, becomes insane before he is actually naturalized, and his wife thereafter makes a homestead entry under the land laws, she and their minor children may be naturalized without making declaration of intention, by Act Feb. 24, 1911, c. 151, set forth below.

The issue of passports to persons who have made declaration of intention to become citizens, and who have resided in the United States three years, is authorized by Act March 2, 1907, c. 2534, § 1, set forth ante, under Title XXV, "Citizenship."

Notice of filing of petition, hearing thereon, etc.; subpœnas for witnesses.

Sec. 5. That the clerk of the court shall, immediately after filing the petition, give notice thereof by posting in a public and conspicuous place in his office, or in the building in which his office is situated, under an appropriate heading, the name, nativity, and residence of the alien, the date and place of his arrival in the United States, and the date, as nearly as may be, for the final hearing of his petition, and the names of the witnesses whom the applicant expects to summon in his behalf; and the clerk shall, if the applicant requests it, issue a subpœna for the witnesses so named by the said applicant to appear upon the day set for the final hearing, but in case such witnesses can not be produced upon the final hearing other witnesses may be summoned.

Act June 29, 1906, c. 3592, § 5, 34 Stat. 598.

Time for filing petition and for final action thereon; change of name of alien on his naturalization.

Sec. 6. That petitions for naturalization may be made and filed during term time or vacation of the court and shall be docketed the same day as filed, but final action thereon shall be had only on stated days, to be fixed by rule of the court, and in no case shall final action be had upon a petition until at least ninety days have elapsed after filing and posting the notice of such petition: Provided, That no person shall be naturalized nor shall any certificate of naturalization be issued by any court within thirty days preceding the holding of any general election within its territorial jurisdiction. It shall be lawful, at the time and as a part of the naturalization of any alien, for the court, in its discretion, upon the petition of such alien, to make a decree changing the name of said alien, and his certificate of naturalization shall be issued to him in accordance therewith.

Act June 29, 1906, c. 3592, § 6, 34 Stat. 598.

Persons disbelieving or opposed to organized government, etc., or advocating, etc., the unlawful assaulting or killing of officers of government, or polygamists, not to be naturalized.

Sec. 7. That no person who disbelieves in or who is opposed to organized government, or who is a member of or affiliated with any organization entertaining and teaching such disbelief in or opposition to organized government, or who advocates or teaches the duty, necessity, or propriety of the unlawful assaulting or killing of any officer or officers, either of specific individuals or of officers generally, of the Government of the United States, or of any other organized government, because of his or their official character, or who is a polygamist, shall be naturalized or be made a citizen of the United States.

Act June 29, 1906, c. 3592, § 7, 34 Stat. 598.

Previous provisions similar to those of this section were contained in Act March 3, 1903, c. 1012, § 39, 32 Stat. 1222, repealed by section 26 of this act, set forth below.

Persons such as those described in and excluded from naturalization by this section, other than polygamists, are not to be permitted to enter the United States, and aiding or assisting any such person unlawfully to do so is punishable by Act Feb. 20, 1907, c. 1134, § 38, set forth ante, under Title XXIX, "Immigration," subtitle "Regulation and Restriction of Immigration in General."

Persons who cannot speak English language not to be naturalized; physical inability; prior declarations of intention; aliens making homestead entries on public lands.

Sec. 8. That no alien shall hereafter be naturalized or admitted as a citizen of the United States who can not speak the English language: Provided, That this requirement shall not apply to aliens who are physically unable to comply therewith, if they are otherwise qualified to become citizens of the United States: And provided further, That the requirements of this section shall not apply to any alien who has prior to the passage of this Act declared his intention to become a citizen of the United States in conformity with the law in force at the date of making such declaration: Provided further, That the requirements of section eight shall not apply to aliens who shall hereafter declare their intention to become citizens and who shall make homestead entries upon the public lands of the United States and comply in all respects with the laws providing for homestead entries on such lands.

Act June 29, 1906, c. 3592, § 8, 34 Stat. 599.

Final hearing on petition in open court; record of final order; examination of applicant and witnesses.

Sec. 9. That every final hearing upon such petition shall be had in open court before a judge or judges thereof, and every final order which may be made upon such petition shall be under the hand of the court and entered in full upon a record kept for that purpose, and upon such final hearing of such petition the applicant and witnesses shall be examined under oath before the court and in the presence of the court.

Act June 29, 1906, c. 3592, § 9, 34 Stat. 599.

Evidence of residence in petition and at hearing.

Sec. 10. That in case the petitioner has not resided in the State, Territory, or district for a period of five years continuously and immediately preceding the filing of his petition he may establish by two

witnesses, both in his petition and at the hearing, the time of his residence within the State, provided that it has been for more than one year, and the remaining portion of his five years' residence within the United States required by law to be established may be proved by the depositions of two or more witnesses who are citizens of the United States, upon notice to the Bureau of Immigration and Naturalization and the United States attorney for the district in which said witnesses may reside.

Act June 29, 1906, c. 3592, § 10, 34 Stat. 599.

Appearance by United States and proceedings in opposition to granting of petition.

Sec. 11. That the United States shall have the right to appear before any court or courts exercising jurisdiction in naturalization proceedings for the purpose of cross-examining the petitioner and the witnesses produced in support of his petition concerning any matter touching or in any way affecting his right to admission to citizenship, and shall have the right to call witnesses, produce evidence, and be heard in opposition to the granting of any petition in naturalization proceedings.

Act June 29, 1906, c. 3592, § 11, 34 Stat. 599.

Duties of clerks of courts; duplicates, etc., of declarations, certificates, petitions, etc.; penalty for failure to comply with provisions; responsibility for blank certificates of citizenship.

Sec. 12. That it is hereby made the duty of the clerk of each and every court exercising jurisdiction in naturalization matters under the provisions of this Act to keep and file a duplicate of each declaration of intention made before him and to send to the Bureau of Immigration and Naturalization at Washington, within thirty days after the issuance of a certificate of citizenship, a duplicate of such certificate, and to make and keep on file in his office a stub for each certificate so issued by him, whereon shall be entered a memorandum of all the essential facts set forth in such certificate. It shall also be the duty of the clerk of each of said courts to report to the said Bureau, within thirty days after the final hearing and decision of the court, the name of each and every alien who shall be denied naturalization, and to furnish to said Bureau duplicates of all petitions within thirty days after the filing of the same, and certified copies of such other proceedings and orders instituted in or issued out of said court affecting or relating to the naturalization of aliens as may be required from time to time by the said Bureau.

In case any such clerk or officer acting under his direction shall refuse or neglect to comply with any of the foregoing provisions he shall forfeit and pay to the United States the sum of twenty-five dollars in each and every case in which such violation or omission occurs, and the amount of such forfeiture may be recovered by the United States in an action of debt against such clerk.

Clerks of courts having and exercising jurisdiction in naturalization matters shall be responsible for all blank certificates of citizenship received by them from time to time from the Bureau of Immigration and Naturalization, and shall account for the same to the said Bureau whenever required so to do by such Bureau. No certificate of citizenship received by any such clerk which may be defaced or injured in such manner as to prevent its use as herein provided shall in any case

be destroyed, but such certificate shall be returned to the said Bureau; and in case any such clerk shall fail to return or properly account for any certificate furnished by the said Bureau, as herein provided, he shall be liable to the United States in the sum of fifty dollars, to be recovered in an action of debt, for each and every certificate not properly accounted for or returned.

Act June 29, 1906, c. 3592, § 12, 34 Stat. 599.

Possession of blank certificates of citizenship with intent unlawfully to use the same is punishable, under section 19 of this act, set forth below.

Fees of clerks of courts; disposition of fees collected; deposit by petitioner for expenses and fees of witnesses; compensation from fees for additional clerical force required.

Sec. 13. That the clerk of each and every court exercising jurisdiction in naturalization cases shall charge, collect, and account for the following fees in each proceeding:

For receiving and filing a declaration of intention and issuing a duplicate thereof, one dollar.

For making, filing, and docketing the petition of an alien for admission as a citizen of the United States and for the final hearing thereon, two dollars; and for entering the final order and the issuance of the certificate of citizenship thereunder, if granted, two dollars.

The clerk of any court collecting such fees is hereby authorized to retain one-half of the fees collected by him in such naturalization proceeding; the remaining one-half of the naturalization fees in each case collected by such clerks, respectively, shall be accounted for in their quarterly accounts, which they are hereby required to render the Bureau of Immigration and Naturalization, and paid over to such Bureau within thirty days from the close of each quarter in each and every fiscal year, and the moneys so received shall be paid over to the disbursing clerk of the Department of Commerce and Labor, who shall thereupon deposit them in the Treasury of the United States, rendering an account therefor quarterly to the Auditor for the State and other Departments, and the said disbursing clerk shall be held responsible under his bond for said fees so received.

In addition to the fees herein required, the petitioner shall, upon the filing of his petition to become a citizen of the United States, deposit with and pay to the clerk of the court a sum of money sufficient to cover the expenses of subpœnaing and paying the legal fees of any witnesses for whom he may request a subpœna, and upon the final discharge of such witnesses they shall receive, if they demand the same from the clerk, the customary and usual witness fees from the moneys which the petitioner shall have paid to such clerk for such purpose, and the residue, if any, shall be returned by the clerk to the petitioner: Provided, That the clerks of courts exercising jurisdiction in naturalization proceedings shall be permitted to retain one-half of the fees in any fiscal year up to the sum of three thousand dollars, and that all fees received by such clerks in naturalization proceedings in excess of such amount shall be accounted for and paid over to said Bureau as in case of other fees to which the United States may be entitled under the provisions of this Act. The clerks of the various courts exercising jurisdiction in naturalization proceedings shall pay all additional clerical force that may be required in performing the duties imposed by this Act upon the clerks of courts from fees received by such clerks in naturalization proceedings. And in case the

clerk of any court exercising naturalization jurisdiction collects fees in excess of the sum of six thousand dollars in any fiscal year the Secretary of Commerce and Labor may allow salaries, for naturalization purposes only, to pay for clerical assistance, to be selected and employed by that clerk, additional to the clerical force, for which clerks of courts are required by this section to pay from fees received by such clerks in naturalization proceedings, if in the opinion of said Secretary the naturalization business of such clerk warrants further additional assistance: Provided, That in no event shall the whole amount allowed the clerk of a court and his assistants exceed the one-half of the gross receipts of the office of said clerk from naturalization fees during such fiscal year: Provided further, That when, at the close of any fiscal year, the business of such clerk of court indicates in the opinion of the Secretary of Commerce and Labor that the naturalization fees for the succeeding fiscal year will exceed six thousand dollars the Secretary of Commerce and Labor may authorize the continuance of the allowance of salaries for the additional clerical assistance herein provided for and employed or the last day of the fiscal year until such time as the [illegible] in the opinion of said Secretary that the fees for the then current fiscal year will not be sufficient to allow the additional clerical assistance authorized by this Act.

That payment for the additional clerical assistance herein authorized shall be in the manner and under such regulations as the Secretary of Commerce and Labor may prescribe.

Act June 29, 1906, c. 3592, § 13, 34 Stat. 600. Act June 25, 1910, c. 401, § 1, 36 Stat. 829.

The amendment of this section by Act June 25, 1910, c. 401, § 1, cited above, consists in striking out the last sentence of the section as originally enacted, which read as follows: "And in case the clerk of any court collects fees in excess of the sum of six thousand dollars in any one year, the Secretary of Commerce and Labor may allow to such clerk from the money which the United States shall receive additional compensation for the employment of additional clerical assistance, but for no other purpose, if in the opinion of the said Secretary the business of such clerk warrants such allowance," and inserting in lieu thereof the provision beginning "And in case the clerk of any court exercising naturalization jurisdiction," etc., to and including the two provisos following, to the end of the section as set forth here.

A provision of Act March 4, 1909, c. 299, § 1, 35 Stat. 983, limiting the compensation for additional clerical assistance and providing for regulation of expenditures therefor, is superseded by said amendment of this section.

Provisions for payment for such additional clerical assistance employed during the period from Sept. 27, 1906, to June 30, 1907, were contained in section 2 of said amendatory act, Act June 25, 1910, c. 401, § 2, 36 Stat. 830.

Any clerk or other officer willfully neglecting to account for moneys received by him for naturalization proceedings, or to pay over any balance thereof due, is to be deemed guilty of embezzlement, and punishable therefor, by section 20 of this act, set forth below.

The demand, etc., or receipt by a clerk, etc., of other or additional fees or moneys in naturalization proceedings save those specified herein is a misdemeanor and punishable under section 21 of this act, set forth below.

Binding declaration of intention and petitions for naturalization as records of court; reference in certificate of naturalization to record of petition and stub of certificate.

Sec. 14. That the declarations of intention and the petitions for naturalization shall be bound in chronological order in separate vol-

umes, indexed, consecutively numbered, and made part of the records of the court. Each certificate of naturalization issued shall bear upon its face, in a place prepared therefor, the volume number and page number of the petition whereon such certificate was issued, and the volume number and page number of the stub of such certificate.

Act June 29, 1906, c. 3592, § 14, 34 Stat. 601.

Cancellation of certificates fraudulently or illegally procured, or of certificates of persons taking permanent residence in foreign country; proceedings, order and judgment, records, etc.; certificates issued under prior laws.

Sec. 15. That it shall be the duty of the United States district attorneys for the respective districts, upon affidavit showing good cause therefor, to institute proceedings in any court having jurisdiction to naturalize aliens in the judicial district in which the naturalized citizen may reside at the time of bringing the suit, for the purpose of setting aside and canceling the certificate of citizenship on the ground of fraud or on the ground that such certificate of citizenship was illegally procured. In any such proceedings the party holding the certificate of citizenship alleged to have been fraudulently or illegally procured shall have sixty days personal notice in which to make answer to the petition of the United States; and if the holder of such certificate be absent from the United States or from the district in which he last had his residence, such notice shall be given by publication in the manner provided for the service of summons by publication or upon absentees by the laws of the State or the place where such suit is brought.

If any alien who shall have secured a certificate of citizenship under the provisions of this Act shall, within five years after the issuance of such certificate, return to the country of his nativity, or go to any other foreign country, and take permanent residence therein, it shall be considered prima facie evidence of a lack of intention on the part of such alien to become a permanent citizen of the United States at the time of filing his application for citizenship, and, in the absence of countervailing evidence, it shall be sufficient in the proper proceeding to authorize the cancellation of his certificate of citizenship as fraudulent, and the diplomatic and consular officers of the United States in foreign countries shall from time to time, through the Department of State, furnish the Department of Justice with the names of those within their respective jurisdictions who have such certificates of citizenship and who have taken permanent residence in the country of their nativity, or in any other foreign country, and such statements, duly certified, shall be admissible in evidence in all courts in proceedings to cancel certificates of citizenship.

Whenever any certificate of citizenship shall be set aside or canceled, as herein provided, the court in which such judgment or decree is rendered shall make an order canceling such certificate of citizenship and shall send a certified copy of such order to the Bureau of Immigration and Naturalization; and in case such certificate was not originally issued by the court making such order it shall direct the clerk of the court to transmit a copy of such order and judgment to the court out of which such certificate of citizenship shall have been originally issued. And it shall thereupon be the duty of the clerk of the court receiving such certified copy of the order and judgment of the court to

enter the same of record and to cancel such original certificate of citizenship upon the records and to notify the Bureau of Immigration and Naturalization of such cancellation.

The provisions of this section shall apply not only to certificates of citizenship issued under the provisions of this Act, but to all certificates of citizenship which may have been issued heretofore by any court exercising jurisdiction in naturalization proceedings under prior laws.

Act June 29, 1906, c. 3592, § 15, 34 Stat. 601.

On conviction of any person of knowingly procuring naturalization in violation of the provisions of this act, the order admitting such person to citizenship is to be adjudged void, by section 23 of this act, set forth below.

A naturalized citizen who resides for two years in the foreign state from which he came, or for five years in any other foreign state, is to be presumed to have ceased to be an American citizen, by Act March 2, 1907, c. 2534, § 2, set forth ante, under Title XXV, "Citizenship."

Secs. 16, 17. [Repealed. Act March 4, 1909, c. 321, § 341.]

These sections, which made punishable forging, etc., certificates of citizenship, and engraving, etc., plates for counterfeiting such certificates, and other offenses in connection therewith, are incorporated in the act to codify, etc., the penal laws, Act March 4, 1909, c. 321, in chapter 4, §§ 74, 75, thereof, and are expressly repealed by chapter 15, § 341, of said act, taking effect January 1, 1910. Said act is set forth post, under Title LXIX A, "The Criminal Code."

Issuance of certificate of citizenship contrary to provisions of act, a felony; punishment.

Sec. 18. That it is hereby made a felony for any clerk or other person to issue or be a party to the issuance of a certificate of citizenship contrary to the provisions of this Act, except upon a final order under the hand of a court having jurisdiction to make such order, and upon conviction thereof such clerk or other person shall be punished by imprisonment for not more than five years and by a fine of not more than five thousand dollars, in the discretion of the court.

Act June 29, 1906, c. 3592, § 18, 34 Stat. 602.

Sec. 19. [Repealed. Act March 4, 1909, c. 321, § 341.]

This section, which made punishable the having possession of any blank certificate of citizenship with intent unlawfully to use the same, is incorporated in the act to codify, etc., the penal laws, Act March 4, 1909, c. 321, in chapter 4, § 77, thereof, and is expressly repealed by chapter 15, § 341, of said act, taking effect January 1, 1910. Said act is set forth post, under Title LXIX A, "The Criminal Code."

Neglect of clerk or other officer to account for or pay over balance of moneys received for naturalization proceedings, embezzlement; punishment.

Sec. 20. That any clerk or other officer of a court having power under this Act to naturalize aliens, who willfully neglects to render true accounts of moneys received by him for naturalization proceedings or who willfully neglects to pay over any balance of such moneys due to the United States within thirty days after said payment shall become due and demand therefor has been made and refused, shall be deemed guilty of embezzlement of the public moneys, and shall be punishable by imprisonment for not more than five years, or by a fine of not more than five thousand dollars, or both.

Act June 29, 1906, c. 3592, § 20, 34 Stat. 602.

Demand, etc., or receipt by clerk, etc., of fees or moneys other than those specified in act, a misdemeanor; punishment.

Sec. 21. That it shall be unlawful for any clerk of any court or his authorized deputy or assistant exercising jurisdiction in naturalization proceedings, or to demand, charge, collect, or receive any other or additional fees or moneys in naturalization proceedings save the fees and moneys herein specified; and a violation of any of the provisions of this section or any part thereof is hereby declared to be a misdemeanor and shall be punished by imprisonment for not more than two years, or by a fine of not more than one thousand dollars, or by both such fine and imprisonment.

Act June 29, 1906, c. 3592, § 21, 34 Stat. 602.

False certification by clerk, etc., of appearance, oath, acknowledgment, etc., punishable.

Sec. 22. That the clerk of any court exercising jurisdiction in naturalization proceedings, or any person acting under authority of this Act, who shall knowingly certify that a petitioner, affiant, or witness named in an affidavit, petition, or certificate of citizenship, or other paper or writing required to be executed under the provisions of this Act, personally appeared before him and was sworn thereto, or acknowledged the execution thereof or signed the same, when in fact such petitioner, affiant, or witness did not personally appear before him, or was not sworn thereto, or did not execute the same, or did not acknowledge the execution thereof, shall be punished by a fine not exceeding five thousand dollars, or by imprisonment not to exceed five years.

Act June 29, 1906, c. 3592, § 22, 34 Stat. 603.

Procuring naturalization illegally punishable, and on conviction thereof, order admitting to citizenship to be adjudged void; aiding, etc., unauthorized proceedings for naturalization, or procuring or giving false testimony, etc., therein, punishable.

Sec. 23. That any person who knowingly procures naturalization in violation of the provisions of this Act shall be fined not more than five thousand dollars, or shall be imprisoned not more than five years, or both, and upon conviction the court in which such conviction is had shall thereupon adjudge and declare the final order admitting such person to citizenship void. Jurisdiction is hereby conferred on the courts having jurisdiction of the trial of such offense to make such adjudication. Any person who knowingly aids, advises, or encourages any person not entitled thereto to apply for or to secure naturalization, or to file the preliminary papers declaring an intent to become a citizen of the United States, or who in any naturalization proceeding knowingly procures or gives false testimony as to any material fact, or who knowingly makes an affidavit false as to any material fact required to be proved in such proceeding, shall be fined not more than five thousand dollars, or imprisoned not more than five years, or both.

Act June 29, 1906, c. 3592, § 23, 34 Stat. 603.

Limitation of prosecutions for crimes arising under provisions of act.

Sec. 24. That no person shall be prosecuted, tried, or punished for any crime arising under the provisions of this Act unless the indict-

ment is found or the information is filed within five years next after the commission of such crime.

Act June 29, 1906, c. 3592, § 24, 34 Stat. 603.

Prosecution of prior offenses under previously existing naturalization laws.

Sec. 25. That for the purpose of the prosecution of all crimes and offenses against the naturalization laws of the United States which may have been committed prior to the date when this Act shall go into effect, the existing naturalization laws shall remain in full force and effect.

Act June 29, 1906, c. 3592, § 25, 34 Stat. 603.

Repeal.

Sec. 26. That sections twenty-one hundred and sixty-five, twenty-one hundred and sixty-seven, twenty-one hundred and sixty-eight, twenty-one hundred and seventy-three, of the Revised Statutes of the United States of America, and section thirty-nine of chapter one thousand and twelve of the Statutes at Large of the United States of America for the year nineteen hundred and three, and all Acts or parts of Acts inconsistent with or repugnant to the provisions of this Act are hereby repealed.

Act June 29, 1906, c. 3592, § 26, 34 Stat. 603.

Rev. St. §§ 2165, 2167, 2168, and 2173, repealed by this section, are set forth in Comp. St. 1901, pp. 1329–1331, 1332, 1334. Act March 3, 1903, c. 1012, § 39, 32 Stat. 1222, also repealed by this section, contained provisions similar to those of sections 7 and 23 of this act, set forth above.

The existing naturalization laws remain in full force and effect for the purpose of the prosecution of offenses committed prior to the going into effect of this act, by section 25 of this act, set forth above.

Forms; declaration of intention; petition for naturalization; affidavit of witnesses; certificate of naturalization; stub of certificate.

Sec. 27. That substantially the following forms shall be used in the proceedings to which they relate:

Declaration of Intention.

(Invalid for all purposes seven years after the date hereof.)

————, ss:

I, ————, aged ——— years, occupation ———, do declare on oath (affirm) that my personal description is: Color ———, complexion ———, height ———, weight ———, color of hair ———, color of eyes ———, other visible distinctive marks ———; I was born in ——— on the ——— day of ———, anno Domini ———; I now reside at ———; I emigrated to the United States of America from ——— on the vessel ———; my last foreign residence was ———. It is my bona fide intention to renounce forever all allegiance and fidelity to any foreign prince, potentate, state, or sovereignty, and particularly to ———, of which I am now a citizen (subject); I arrived at the (port) of ———, in the State (Territory or District) of ——— on or about the ——— day of ——— anno Domini ———; I am not an anarchist; I am not a polygamist nor a believer in the practice of polygamy; and it is my intention in good faith to become a citizen of

the United States of America and to permanently reside therein. So help me God.

(Original signature of declarant) ————.

Subscribed and sworn to (affirmed) before me this ——— day of ———, anno Domini ———.

[L. S.] ————.

(Official character of attestor.)

Petition for Naturalization.

——— Court of ———.

In the matter of the petition of ———— to be admitted as a citizen of the United States of America.

To the ——— Court:

The petition of ———— respectfully shows:

First. My full name is ————.

Second. My place of residence is number ———— street, city of ———, State (Territory or District) of ———.

Third. My occupation is ———.

Fourth. I was born on the ——— day of ——— at ———.

Fifth. I emigrated to the United States from ———, on or about the ——— day of ———, anno Domini ———, and arrived at the port of ———, in the United States, on the vessel ———.

Sixth. I declared my intention to become a citizen of the United States on the ——— day of ——— at ———, in the ——— court of ———.

Seventh. I am — married. My wife's name is ————. She was born in ——— and now resides at ———. I have ——— children, and the name, date, and place of birth and place of residence of each of said children is as follows: ————; ————; ——— ———.

Eighth. I am not a disbeliever in or opposed to organized government or a member of or affiliated with any organization or body of persons teaching disbelief in organized government. I am not a polygamist nor a believer in the practice of polygamy. I am attached to the principles of the Constitution of the United States, and it is my intention to become a citizen of the United States and to renounce absolutely and forever all allegiance and fidelity to any foreign prince, potentate, state, or sovereignty, and particularly to ———, of which at this time I am a citizen (or subject), and it is my intention to reside permanently in the United States.

Ninth. I am able to speak the English language.

Tenth. I have resided continuously in the United States of America for a term of five years at least immediately preceding the date of this petition, to wit, since ———, anno Domini ———, and in the State (Territory or District) of ——— for one year at least next preceding the date of this petition, to wit, since ——— day of ———, anno Domini———.

Eleventh. I have not heretofore made petition for citizenship to any court. (I made petition for citizenship to the ——— court of ——— at ———, and the said petition was denied by the said court for the

following reasons and causes, to wit, ————, and the cause of such denial has since been cured or removed.)

Attached hereto and made a part of this petition are my declaration of intention to become a citizen of the United States and the certificate from the Department of Commerce and Labor required by law. Wherefore your petitioner prays that he may be admitted a citizen of the United States of America.

Dated ———.

(Signature of petitioner) ————.

————, ss:

————, being duly sworn, deposes and says that he is the petitioner in the above-entitled proceeding; that he has read the foregoing petition and knows the contents thereof; that the same is true of his own knowledge, except as to matters therein stated to be alleged upon information and belief, and that as to those matters he believes it to be true.

Subscribed and sworn to before me this ——— day of ———, anno Domini ———.

[L. S.] ————,

Clerk of the ——— Court.

Affidavit of Witnesses.

——— Court of ———.

In the matter of the petition of ———— to be admitted a citizen of the United States of America.

————, ss:

————, occupation ———, residing at ———, and ——— ———, occupation ———, residing at ———, each being severally, duly, and respectively sworn, deposes and says that he is a citizen of the United States of America; that he has personally known ——— ———, the petitioner above mentioned, to be a resident of the United States for a period of at least five years continuously immediately preceding the date of filing his petition, and of the State (Territory or District) in which the above-entitled application is made for a period of ——— years immediately preceding the date of filing his petition; and that he has personal knowledge that the said petitioner is a person of good moral character, attached to the principles of the Constitution of the United States, and that he is in every way qualified, in his opinion, to be admitted as a citizen of the United States.

————.

————.

Subscribed and sworn to before me this ——— day of ———, nineteen hundred and ———.

[L. S.] ————,

(Official character of attestor).

Certificate of Naturalization.

Number ———.

Petition, volume ———, page ———.

Stub, volume ———, page ———.

(Signature of holder) ————.

Description of holder: Age, ———; height, ———; color, ———; complexion, ———; color of eyes, ———; color of hair, ———; visi-

ble distinguishing marks, ———. Name, age, and place of residence of wife, ———, ———, ———. Names, ages, and places of residence of minor children, ———, ———, ———; ———, ———, ———; ———, ———, ———.

————, ss:

Be it remembered, that at a ——— term of the ——— court of ———, held at ——— on the ——— day of ———, in the year of our Lord nineteen hundred and ———, ———, who previous to his (her) naturalization was a citizen or subject of ———, at present residing at number ———— street, ——— city (town), ——— State (Territory or District), having applied to be admitted a citizen of the United States of America pursuant to law, and the court having found that the petitioner had resided continuously within the United States for at least five years and in this State for one year immediately preceding the date of the hearing of his (her) petition, and that said petitioner intends to reside permanently in the United States, had in all respects complied with the law in relation thereto, and that —he was entitled to be so admitted, it was thereupon ordered by the said court that —he be admitted as a citizen of the United States of America.

In testimony whereof the seal of said court is hereunto affixed on the ——— day of ———, in the year of our Lord nineteen hundred and ———, and of our independence the ———.

[L. S.] ————,

(Official character of attestor).

Stub of Certificate of Naturalization.

No. of certificate, ———.

Name ————; age, ———.

Declaration of intention, volume ———, page ———.

Petition, volume ———, page ———.

Name, age, and place of residence of wife, ———, ———, ———.

Names, ages, and places of residence of minor children, ———, ———, ———; ———, ———, ———, ———, ———, ———.

Date of order, volume ———, page ———.

(Signature of holder) ————.

Act June 29, 1906, c. 3592, § 27, 34 Stat. 603.

Regulations for execution of provisions of act; certified copies of papers, etc., and records required under act, as evidence.

Sec. 28. That the Secretary of Commerce and Labor shall have power to make such rules and regulations as may be necessary for properly carrying into execution the various provisions of this Act. Certified copies of all papers, documents, certificates, and records required to be used, filed, recorded, or kept under any and all of the provisions of this Act shall be admitted in evidence equally with the originals in any and all proceedings under this Act and in all cases in which the originals thereof might be admissible as evidence.

Act June 29, 1906, c. 3592, § 28, 34 Stat. 606.

Appropriation to carry into effect provisions of act.

Sec. 29. That for the purpose of carrying into effect the provisions of this Act there is hereby appropriated the sum of one hundred

thousand dollars, out of any moneys in the Treasury of the United States not otherwise appropriated, which appropriation shall be in full for the objects hereby expressed until June thirtieth, nineteen hundred and seven; and the provisions of section thirty-six hundred and seventy-nine of the Revised Statutes of the United States shall not be applicable in any way to this appropriation.

Act June 29, 1906, c. 3592. § 29, 34 Stat. 606.

Rev. St. § 3679, mentioned in this section, which forbids expenditures in excess of appropriations, is set forth in Comp. St. 1901, p. 2454.

Naturalization of persons not citizens who owe permanent allegiance to United States.

Sec. 30. That all the applicable provisions of the naturalization laws of the United States shall apply to and be held to authorize the admission to citizenship of all persons not citizens who owe permanent allegiance to the United States, and who may become residents of any State or organized Territory of the United States, with the following modifications: The applicant shall not be required to renounce allegiance to any foreign sovereignty; he shall make his declaration of intention to become a citizen of the United States at least two years prior to his admission; and residence within the jurisdiction of the United States, owing such permanent allegiance, shall be regarded as residence within the United States within the meaning of the five years' residence clause of the existing law.

Act June 29, 1906, c. 3592, § 30, 34 Stat. 606.

Rev. St. § 2170, Comp. St. 1901, p. 1333, forbids naturalization of an alien "who has not for the continued term of five years next preceding his admission resided within the United States."

Time of taking effect of act.

Sec. 31. That this Act shall take effect and be in force from and after ninety days from the date of its passage: Provided, That sections one, two, twenty-eight, and twenty-nine shall go into effect from and after the passage of this Act.

Act June 29, 1906, c. 3592, § 31, 34 Stat. 607.

ACT JUNE 29, 1906, c. 3624. [H. R. 18713.]

An Act to Validate Certain Certificates of Naturalization. (34 Stat. 630.)

Naturalization certificates failing to show compliance with requirements of Act March 3, 1903, c. 1012, § 39, to be valid upon compliance therewith.

Be it enacted, &c., That naturalization certificates issued after the Act approved March third, nineteen hundred and three, entitled "An Act to regulate the immigration of aliens into the United States," went into effect, which fail to show that the courts issuing said certificates complied with the requirements of section thirty-nine of said Act, but which were otherwise lawfully issued, are hereby declared to be as valid as though said certificates complied with said section: Provided, That in all such cases applications shall be made for new naturalization certificates, and when the same are granted, upon compliance with the provisions of said Act of nineteen hundred and three, they shall relate back to the defective certificates, and citizenship shall be deemed to have been perfected at the date of the defective certificate.

Act June 29, 1906, c. 3624. § 1, 34 Stat. 630.

Act March 3, 1903, c. 1012, § 39, mentioned in this section, was not to be enforced, by a provision contained therein, until 90 days after the

approval of the act. It is repealed by Act June 29, 1906, c. 3592, § 26, set forth above. It was as follows:

"Sec. 39. That no person who disbelieves in or who is opposed to all organized government, or who is a member of or affiliated with any organization entertaining and teaching such disbelief in or opposition to all organized government, or who advocates or teaches the duty, necessity, or propriety of the unlawful assaulting or killing of any officer or officers, either of specific individuals or of officers generally, of the Government of the United States or of any other organized government, because of his or their official character, or who has violated any of the provisions of this Act, shall be naturalized or be made a citizen of the United States. All courts and tribunals and all judges and officers thereof having jurisdiction of naturalization proceedings or duties to perform in regard thereto shall, on the final application for naturalization, make careful inquiry into such matters, and before issuing the final order or certificate of naturalization cause to be entered of record the affidavit of the applicant and of his witnesses so far as applicable, reciting and affirming the truth of every material fact requisite for naturalization. All final orders and certificates of naturalization hereafter made shall show on their face specifically that said affidavits were duly made and recorded, and all orders and certificates that fail to show such facts shall be null and void.

"That any person who purposely procures naturalization in violation of the provisions of this section shall be fined not more than five thousand dollars, or shall be imprisoned not less than one nor more than ten years, or both, and the court in which such conviction is had shall thereupon adjudge and declare the order or decree and all certificates admitting such person to citizenship null and void. Jurisdiction is hereby conferred on the courts having jurisdiction of the trial of such offense to make such adjudication.

"That any person who knowingly aids, advises, or encourages any such person to apply for or to secure naturalization or to file the preliminary papers declaring an intent to become a citizen of the United States, or who in any naturalization proceeding knowingly procures or gives false testimony as to any material fact, or who knowingly makes an affidavit false as to any material fact required to be proved in such proceeding, shall be fined not more than five thousand dollars or imprisoned not less than one nor more than ten years, or both.

"The foregoing provisions concerning naturalization shall not be enforced until ninety days after the approval hereof."

Prior naturalization proceedings, etc., in criminal court of Cook County, Ill., to be deemed those of court with jurisdiction.

Sec. 2. That all the records relating to naturalization, all declarations of intention to become citizens of the United States, and all certificates of naturalization filed, recorded, or issued prior to the time when this Act takes effect in or from the criminal court of Cook County, Illinois, shall for all purposes be deemed to be and to have been made, filed, recorded, or issued by a court with jurisdiction to naturalize aliens, but shall not be by this Act further validated or legalized.

Act June 29, 1906, c. 3624, § 2, 34 Stat. 631.

ACT FEB. 24, 1911, c. 151. [S. 9443.]

An Act Providing for the Naturalization of the Wife and Minor Children of Insane Aliens, Making Homestead Entries under the Land Laws of the United States. (36 Stat. 929.)

Naturalization of wife making homestead entry and minor children of aliens becoming insane after declaration of intention before being actually naturalized.

Be it enacted, &c., That when any alien, who has declared his intention to become a citizen of the United States, becomes insane before

he is actually naturalized, and his wife shall thereafter make a homestead entry under the land laws of the United States, she and their minor children may, by complying with the other provisions of the naturalization laws be naturalized without making any declaration of intention.

Act Feb. 24, 1911, c. 151, 36 Stat. 929.

A similar provision in case of death of an alien after declaration of intention is contained in Act June 29, 1906, c. 3592, § 4, subd. 6, set forth above.

TITLE XXXI.

THE CENSUS.

ACT MARCH 3, 1899, c. 419.

[Repealed. Act July 2, 1909, c. 2, § 33.]

This act, to provide for taking the Twelfth and subsequent censuses, set forth in Comp. St. 1901, pp. 1336–1349, is expressly repealed by Act July 2, 1909, c. 2, § 33, set forth below.

ACT FEB. 1, 1900, c. 7.

[Repealed. Act March 6, 1902, c. 139, § 12.]

This act is expressly repealed by Act March 6, 1902, c. 139, § 12, set forth below.

ACT MAY 10, 1900, c. 389.

[Repealed. Act March 6, 1902, c. 139, § 12.]

This act is expressly repealed by Act March 6, 1902, c. 139, § 12, set forth below.

ACT JUNE 2, 1900, c. 615.

[Repealed. Act March 6, 1902, c. 139, § 12.]

This act is expressly repealed by Act March 6, 1902, c. 139, § 12, set forth below.

ACT JUNE 6, 1900, c. 791, § 1

[Superseded. Act March 6, 1902, c. 139, § 4. Act July 2, 1909, c. 2, §§ 3, 4.]

The provision of this act relating to the annual salary of the appointment clerk is superseded by the provision of Act March 6, 1902, c. 139, § 4, set forth below, for a disbursing clerk who shall also act as appointment clerk, and the provisions of Act July 2, 1909, c. 2, §§ 3, 4, for the employment of an appointment clerk during the decennial census period only, also set forth below.

ACT FEB. 23, 1901, c. 466.

[Repealed. Act March 6, 1902, c. 139, § 12.]

This act is expressly repealed by Act March 6, 1902, c. 139, § 12, set forth below.

ACT MARCH 6, 1902, c. 139. [*As amended* 1902, 1904, 1906.]

An Act to Provide for a Permanent Census Office. (32 Stat. 51.)

Census Office made permanent.

Be it enacted, &c., That the Census Office temporarily established in the Department of the Interior in accordance with an Act entitled "An Act to provide for taking the Twelfth and subsequent censuses," approved March third, eighteen hundred and ninety-nine, is hereby made a permanent office.

Act March 6, 1902, c. 139, § 1, 32 Stat. 51.

Act March 3, 1899, c. 419, mentioned in this section, is set forth in Comp. St. 1901, pp. 1336–1349.

All provisions of said Act March 3, 1899, c. 419, inconsistent with this

act, and various supplemental acts amendatory thereof, are repealed by section 12 of this act, set forth below.

The Census Office is transferred from the Department of the Interior to the Department of Commerce and Labor by the act establishing the latter department, Act Feb. 14, 1903, c. 552, § 4, ante, under Title XII A, "The Department of Commerce and Labor."

This act, establishing the permanent Census Office, and acts amendatory thereof and supplemental thereto, except as amended in the act to provide for the Thirteenth and subsequent decennial censuses, Act July 2, 1909, c. 2, 36 Stat. 10, set forth below, remain in full force, by section 33 of said act.

Continuance of work pertaining to Twelfth Census; time of organization of permanent Census Office.

Sec. 2. That the work pertaining to the Twelfth Census shall be carried on by the Census Office under the existing organization until the first day of July, nineteen hundred and two, when the permanent Census Office herein provided for shall be organized by the Director of the Census.

Act March 6, 1902, c. 139, § 2, 32 Stat. 51.

Director of Census; salary; duties.

Sec. 3. That the permanent Census Office shall be in charge of a Director of the Census, appointed by the President, by and with the advice and consent of the Senate, who shall receive an annual salary of six thousand dollars. It shall be his duty to superintend and direct the taking of the Thirteenth and subsequent censuses of the United States and to perform such other duties as may be imposed upon him by law.

Act March 6, 1902, c. 139, § 3, 32 Stat. 51.

Officers, clerks, and employés of Census Office; bond of disbursing clerk.

Sec. 4. That there shall be in the Census Office, to be appointed by the Director thereof, with the approval of the head of the Department to which the said Census Office is attached, four chief statisticians, who shall be persons of known and tried experience in statistical work, at an annual salary of two thousand five hundred dollars each; a chief clerk, at an annual salary of two thousand five hundred dollars, who, in the absence of the Director, shall serve as acting director; a disbursing clerk, who shall also act as appointment clerk, at an annual salary of two thousand five hundred dollars; one stenographer, at an annual salary of one thousand five hundred dollars; four expert chiefs of division, at an annual salary of one thousand eight hundred dollars each; six clerks of class three; ten clerks of class two; and such number of clerks of class one, and of clerks, copyists, computers, and skilled laborers, with salaries at the rate of not less than six hundred dollars nor more than one thousand dollars per annum, messengers, assistant messengers, watchmen, unskilled laborers, and charwomen as may be necessary for the proper and prompt performance of the duties required by law. The disbursing clerk herein provided for shall, before entering upon his duties, give bond to the Secretary of the Treasury in the sum of twenty-five thousand dollars, which bond shall be conditioned that the said officer shall render a true and faithful account to the proper accounting officers of the Treasury quarter yearly of all moneys and properties which shall be received by him by virtue of his office, with surety,

to be approved by the Solicitor of the Treasury. Such bond shall be filed in the office of the Secretary of the Treasury, to be by him put in suit upon any breach of the conditions thereof.

Act March 6, 1902, c. 139, § 4, 32 Stat. 51. Act June 30, 1902, c. 1325, 32 Stat. 506.

The amendment of this section by Act June 30, 1902, c. 1325, cited above, consists in the insertion after the word "watchmen," and before the words "and charwomen," of the words "unskilled laborers."

The appointment of employés of the Office is provided for by the next following section of this act.

All employés of the Census Office must be citizens of the United States, by a provision of section 17 of Act March 3, 1899, c. 419, as amended by section 10 of this act, set forth below.

Estimates in detail for the expenses of the permanent Census Office are to be submitted annually in the regular Book of Estimates, by a provision of Act June 28, 1902, c. 1301, § 1, post, under Title XLI, "Appropriations."

Annual appropriations for the Census Office are made in the legislative, executive, and judicial appropriation acts. The provision for the fiscal year ending June 30, 1912, including expenses for taking, compiling, and publishing the Thirteenth Census, etc., is by Act March 4, 1911, c. 237, § 1, 36 Stat. 1228.

During the decennial census period, the annual compensation of the officials of the Census Office is increased. by Act July 2, 1909, c. 2, § 5, set forth below.

During the decennial census period, in addition to the force in the Census Office provided for by this act, the appointment of an Assistant Director and other officers, and the employment of additional clerks and other employés are authorized by Act July 2, 1909, c. 2, §§ 3, 4, 6, 7, set forth below.

An additional bond is required of the disbursing clerk of the Census Office during the decennial census period, by a provision of Act July 2, 1909, c. 2, § 4, set forth below.

Appointment of employés of Census Office; preference of honorably discharged soldiers and their widows.

Sec. 5. That all employees of the Census Office, at the date of the passage of this Act, except unskilled laborers, may be appointed by the Director of the Census with the approval of the head of the Department to which said Census Office is attached, and when so appointed shall be and they are hereby placed, without further examination, under the provisions of the civil service Act approved January sixteenth, eighteen hundred and eighty-three, and the amendments thereto and the rules established thereunder; and persons who have served as soldiers in any war in which the United States may have been engaged, who have been honorably discharged from the service of the United States, and the widows of such soldiers, shall have preference in the matter of employment; and all new appointments to the permanent clerical force in the Census Office hereby created shall be made in accordance with the requirements of the civil service Act above referred to.

Act March 6, 1902, c. 139, § 5, 32 Stat. 51.

The provisions of Act Jan. 16, 1883, c. 27, mentioned in this section, are set forth in Comp. St. 1901, pp. 1217–1224.

Payment to employés not reappointed for leave of absence, in addition to the salary due them for services, was authorized by a provision of Act July 1, 1902, c. 1351, set forth below.

Sec. 6. [Superseded. Act July 2, 1909, c. 2, § 33.]

This section provided that the provisions of Act March 3, 1899, c. 419, relating to the Twelfth Census, set forth in Comp. St. 1901, pp. 1338–1349, not inconsistent with the provisions of this act, should re-

main in force for the taking of the Thirteenth and subsequent censuses. It is superseded by the repeal of said Act March 3, 1899, c. 419, by Act July 2, 1909, c. 2, § 33, set forth below.

Collection of special statistics decennially; special agents to secure statistics; preparation and publication of Official Register; repeal.

Sec. 7. That after the completion and return of the enumeration and of the work upon the schedules relating to the products of agriculture and to manufacturing and mechanical establishments provided for in section seven of the Act of March third, eighteen hundred and ninety-nine, entitled "An Act to provide for taking the Twelfth and subsequent censuses," the Director of the Census is hereby authorized decennially to collect statistics relating to the defective, dependent, and delinquent classes; to crime, including judicial statistics pertaining thereto, provided that such statistics shall include information upon the following questions, namely: Age, sex, color, race, nativity, parentage, literacy by race, color, nativity, and parentage, and such other questions relating to these subjects as the Director in his discretion may deem proper; to social statistics of cities; to public indebtedness, valuation, taxation, and expenditures; to religious bodies; to transportation by water, and express business; to mines, mining, quarries, and minerals, and the production and value thereof, including gold in divisions of placer and vein, and silver mines, and the number of men employed, the average daily wage, average working time, and aggregate earnings in the various branches and aforesaid divisions of the mining and quarrying industries; to savings banks and other savings institutions, mortgage, loan, and investment companies, and similar institutions; to the fishing industry in cooperation with the Bureau of Fisheries; and every five years to collect statistics relating to street railways, electric light and power, telephone, and telegraph business. And the Director of the Census shall prepare schedules containing such interrogatories as shall in his judgment be best adapted to elicit the information required under the subjects, with such specifications, divisions, and particulars under each head as he shall deem necessary to that end; and all reports prepared under the provisions of this section shall be designated as "Special Reports of the Census Office." For the purpose of securing the statistics required by this section the Director of the Census may appoint special agents when necessary, and such special agents shall receive compensation as hereinafter provided. And the Director of the Census shall edit, index, and publish the Official Register of the United States, and the provisions of existing law imposing that duty upon the Department of the Interior are hereby repealed, and the data to be included in the Official Register, which is now required to be transmitted to the Secretary of the Interior, shall hereafter be transmitted to the Director of the Census.

Act March 6, 1902, c. 139, § 7, 32 Stat. 52. **Act June 7, 1906, c. 3048, 34 Stat. 218.**

This section of Act March 6, 1902, c. 139, cited above, amended Act March 3, 1899, c. 419, § 8, Comp. St. 1901, but is itself amended by Act June 7, 1906, c. 3048, also cited above, to read as set forth here.

Said act March 6, 1902, c. 139, § 7, as originally enacted, was as follows:

Sec. 7. That section eight of the Act of March third, eighteen hundred and ninety-nine, is hereby amended so as to read as follows: That after the completion and return of the enumeration and of the work upon the schedules relating to the products of agriculture and to manufac-

turing and mechanical establishments provided for in section seven of this Act, the Director of the Census is hereby authorized decennially to collect statistics relating to special classes, including the insane, feeble-minded, deaf, dumb, and blind; to crime, pauperism, and benevolence, including prisoners, paupers, juvenile delinquents, and inmates of benevolent and reformatory institutions; to social statistics of cities; to public indebtedness, valuation, taxation, and expenditures; to religious bodies; to electric light and power, telephone, and telegraph business; to transportation by water, express business, and street railways; to mines, mining, quarries and minerals and the production and value thereof, including gold in divisions of placer and vein, and silver mines, and the number of men employed, the average daily wage, average working time, and aggregate earnings in the various branches and aforesaid divisions of the mining and quarrying industries until July first, nineteen hundred and four. And the Director of the Census shall prepare schedules containing such interrogatories as shall in his judgment be best adapted to elicit the information required under these subjects, with such specifications, divisions, and particulars under each head as he shall deem necessary to that end; and all reports prepared under the provisions of this section shall be designated as "Special reports of the Census Office." For the purpose of securing the statistics required by this section, the Director of the Census may appoint special agents when necessary, and such special agents shall receive compensation as hereinafter provided: Provided, That the statistics of special classes, and of crime, pauperism, and benevolence specified in this section, shall be restricted to institutions containing such classes and the Director of the Census is authorized and directed to collect statistics relating to all of the deaf, dumb, and blind, notwithstanding the restrictions and limitations contained in section eight of said Act entitled "An Act to provide for taking the Twelfth and subsequent censuses": Provided, That in taking the census of said classes the inquiries shall be confined to the following four questions, namely: Name, age, sex, and post-office address.

The clerical force of the Census Office may be employed for such field work as may be required to carry out the provisions of this section, in lieu of employing special agents for the purpose, by a proviso annexed to section 17 of Act March 3, 1899, c. 419, as amended by section 10 of this act, set forth below.

Act March 3, 1899, c. 419, mentioned in this section, section 8 of which was amended by this section as originally enacted, is repealed by Act July 2, 1909, c. 2, § 33, set forth below.

The Thirteenth Census is restricted to inquiries relating to population, agriculture, manufactures, and mines and quarries, prescribed by Act July 2, 1909, c. 2, § 8, set forth below.

Subsequent provisions relating to special agents to carry out the provisions of this act and the act to provide for the Thirteenth and subsequent censuses are contained in section 18 of the latter act, Act July 2, 1909, c. 2, § 18, set forth below.

Collection of vital statistics annually.

Sec. 8. That there shall be a collection of the statistics of the births and deaths in registration areas for the year nineteen hundred and two, and annually thereafter, the date for which shall be obtained only from and restricted to such registration records of such States and municipalities as in the discretion of the Director possess records affording satisfactory data in necessary detail, the compensation for the transcription of which shall not exceed four cents for each birth or death reported; or a minimum compensation of twenty-five dollars may be allowed, in the discretion of the Director, in States or cities registering less than five hundred deaths or five hundred births during the preceding year.

Act March 6, 1902, c. 139, § 8, 32 Stat. 52. Act April 27, 1904, c. 1626, 33 Stat. 362.

In this section as originally enacted the concluding clause relating to

the compensation for transcription of registration records was, "the compensation for the transcription of which shall not exceed two cents for each birth or death reported." It is amended by Act April 27, 1904, cited above, to read as set forth here. In the section as so amended, the word "date" in the third line thereof is substituted, apparently by error, for the word "data" in the section originally enacted.

Provisions for collection of statistics of deaths and births in registration areas were contained in Act March 3, 1899, c. 419, § 7, and in § 8, before the amendment of the latter section by section 7 of this act.

Co-operation of state authorities in securing a uniform system of registration of births and deaths is requested by Res. Feb. 11, 1903, No. 7, set forth below.

The collection of statistics of marriage and divorce is provided for by Res. Feb. 9, 1905, No. 16, set forth below.

Collection of statistics of manufactures under factory system in year 1905 and every ten years thereafter; collection of statistics of cotton production annually; additional special collections of statistics as required by Congress.

Sec. 9. That in the year nineteen hundred and five, and every ten years thereafter, there shall be a collection of the statistics of manufactures, confined to manufacturing establishments conducted under what is known as the factory system, exclusive of the so-called neighborhood and mechanical industries; and the Director is hereby authorized to prepare such schedules as in his judgment may be necessary to carry out the provisions of this section; and that in addition to the statistics now provided for by law the Director of the Census shall annually collect the statistics of the cotton production of the country as returned by the ginners and bulletins giving the results of the same shall be issued weekly beginning September first of each year and continued till February first following; and that the Director of the Census shall make, from time to time, any additional special collections of statistics relating to any branch of agriculture, manufacture, mining, transportation, fisheries, or any other branch of industry that may be required of him by Congress.

Act March 6, 1902, c. 139, § 9, 32 Stat. 52.

Co-operation with state officials in the collection of statistics of manufactures is authorized by Act March 1, 1904, c. 388, set forth below.

The collection of additional statistics of the consumption, etc., of cotton, and the semimonthly publication of the amount of cotton ginned, are authorized and directed by Res. Feb. 9, 1905, No. 16, set forth below.

The collection of additional statistics of stocks of baled cotton is authorized and directed by Res. March 2, 1909, No. 21, set forth below.

Amendment of Act March 3, 1899, c. 419, § 17.

Sec. 10. That section seventeen of the act of March third, eighteen hundred and ninety-nine, is hereby amended so as to read as follows:

Special agents; authority; compensation; employment of clerical force for field work; employés of Census Office to be citizens.

"Sec. 17. That the special agents appointed under the provisions of this Act have like authority with the enumerators in respect to the subjects committed to them under this Act and shall receive compensation at rates to be fixed by the Director of the Census: Provided, That the same shall in no case exceed six dollars per day and actual necessary traveling expenses and an allowance in lieu of subsistence not exceeding three dollars per day during their necessary absence from their usual place of residence: And provided further, That no pay or allowance in lieu of subsistence shall be allowed spe-

cial agents when employed in the Census Office on other than the special work committed to them, and no appointments of special agents shall be made for clerical work: And provided further, That the Director of the Census is hereby authorized in his discretion to employ the clerical force of the Census Office for such field work as may be required to carry out the provisions of sections seven, eight, and nine, in lieu of employing special agents for that purpose; and such employees when so employed shall be allowed, in addition to their regular compensation, actual necessary traveling expenses and an allowance in lieu of subsistence not exceeding three dollars per day during their necessary absence from the Census Office. All employees of the Census Office shall be citizens of the United States."

Act March 6, 1902, c. 139, § 10, 32 Stat. 53.

Act March 3, 1899, c. 419, § 17, amended by this section, is set forth in Comp. St. 1901, p. 1345.

Act March 3, 1899, c. 419, section 17 of which is amended by this section, is repealed by Act July 2, 1909, c. 2, § 33, set forth below. The provisions of said original section are re-enacted, and those of the amended section set forth here are to a great extent superseded, by those of section 18 of said Act July 2, 1909, c. 2, also set forth below.

Census printing office abolished; bulletins and reports to be printed, etc., by Public Printer.

Sec. 11. That the printing office established in the Census Office is hereby abolished to take effect July first, nineteen hundred and two, and the outfit and equipment therein shall be turned over to the Public Printer; and the Director of the Census is hereby authorized and directed to have printed, published, and distributed, from time to time, bulletins and reports of the preliminary and other results of the various investigations authorized by law; and all of said printing and binding shall be done by the Public Printer at the Government Printing Office.

Act March 6, 1902, c. 139, § 11, 32 Stat. 53.

The Director of the Census was authorized to print and bind in the Census Office blanks, circulars, etc., and to print, publish, and distribute bulletins and reports, and the printing office outfit used in the Eleventh Census was transferred to the Census Office, by provisions of Act March 3, 1899, c. 419, §§ 25, 29, Comp. St. 1901, pp. 1347, 1348; and the appointment and employment of a Superintendent of Printing and of skilled mechanics and other persons in the census printing office were authorized by Act May 10, 1900, c. 389, § 1, Comp. St. 1901, p. 1351, which is repealed by the next following section of this act.

Provisions for the printing necessary to carry out the act to provide for the Thirteenth and subsequent decennial censuses are contained in section 28 of that act, Act July 2, 1909, c. 2, § 28, set forth below.

Provisions relating to the Public Printer and the Government Printing Office are contained in Title XLV, "Public Printing, Advertisements, and Public Documents," Comp. St. 1901, pp. 2532–2606.

Repeal.

Sec. 12. That the supplemental acts amendatory of the Act of March third, eighteen hundred and ninety-nine, approved February first, nineteen hundred, May tenth, nineteen hundred, June second, nineteen hundred, February twenty-third, nineteen hundred and one, are hereby repealed; and all provisions of the Act of March third, eighteen hundred and ninety-nine, inconsistent with this Act are hereby repealed.

Act March 6, 1902, c. 139, § 12, 32 Stat. 53.

Act March 3, 1899, c. 419, provisions of which inconsistent with this act are repealed by this section, is set forth in Comp. St. 1901, pp. 1336–

1349; and the supplemental acts amendatory thereof, also mentioned in and repealed by this section, are set forth in Comp. St. 1901, pp. 1349–1353. Said Act March 3, 1899, c. 419, is wholly repealed by Act July 2, 1909, c. 2, § 33, set forth below.

ACT JAN. 12, 1903, c. 90.

An Act Providing for the Transfer of Census Records and Volumes to the Census Office, and for Other Purposes. (32 Stat. 767.)

Transfer to Census Office of schedules, records, and reports of preceding censuses; copies to be furnished to governors of States or Territories, or chief officers of municipal governments.

Be it enacted, &c., That the Secretary of the Interior be, and he hereby is, authorized and directed to transfer to the Census Office all of the schedules, records, and volumes of reports of the eleven decennial enumerations from seventeen hundred and ninety to eighteen hundred and ninety, inclusive, that may be in the possession of the Department of the Interior, which transfer shall not change the allotment of such reports heretofore made to Senators and Representatives; and the Director of the Census is hereby authorized, upon the request of a governor of any State or Territory, or the chief officer of any municipal government, to furnish such governor or municipal officer with copies of so much of said files or records as may be requested, at the discretion of the Director of the Census, upon payment of the actual cost of making such copies; and the amounts so received shall be covered into the Treasury of the United States, to be placed to the credit of and in addition to the appropriation made for the taking of the census.

Act Jan. 12, 1903, c. 90, 32 Stat. 767.

Previous provisions for the transfer to the Census Office of records, books, and files relating to preceding censuses necessary in conducting the work of the Census Office, were contained in Act March 3, 1899, c. 419, § 29, Comp. St. 1901, p. 1348.

RES. FEB. 11, 1903, No. 7.

Joint Resolution Requesting State Authorities to Cooperate with Census Office in Securing a Uniform System of Birth and Death Registration. (32 Stat. 1231.)

Preamble.

Whereas the registration of deaths at the time of their occurrence furnishes official record information of much value to individuals; and

Whereas the registration of births and deaths, with information upon certain points, is essential to the progress of medical and sanitary science in preventing and restricting disease and in devising and applying remedial agencies; and

Whereas all of the principal countries of the civilized world recognize the necessity for such registration and enforce the same by general laws; and

Whereas registration in the United States is now confined to a few States, as a whole, and the larger cities, under local laws and ordinances which differ widely in their requirements; and

Whereas it is most important that registration should be conducted under laws that will insure a practical uniformity in the character and amount of information available from the records; and

Whereas the American Public Health Association and the United

States Census Office are now co-operating in an effort to extend the benefits of registration and to promote its efficiency by indicating the essential requirements of legislative enactments designed to secure the proper registration of all deaths and births and the collection of accurate vital statistics, to be presented to the attention of the legislative authorities in nonregistration States, with the suggestion that such legislation be adopted; Now, therefore,

Co-operation of state authorities in securing uniform system of registration of births and deaths requested.

Resolved, &c., That the Senate and House of Representatives of the United States hereby expresses approval of this movement and requests the favorable consideration and action of the State authorities, to the end that the United States may attain a complete and uniform system of registration.

Res. Feb. 11, 1903, No. 7, 32 Stat. 1231.

Provisions for collection of statistics of births and deaths in registration areas, restricted to records of states and municipalities affording satisfactory data in necessary detail, are contained in Act March 6, 1902, c. 139, § 8, set forth above, as amended by Act April 27, 1904, c. 1626.

Provisions for co-operation with state officials in the collection of statistics of manufactures are contained in Act March 1, 1904, c. 388, set forth below.

ACT MARCH 1, 1904, c. 388. [H. R. 11823.]

An Act to Authorize the Director of the Census to Co-operate with the Secretary of State of the State of Michigan and with Officials of Other States in Taking the Census of Manufactures. (33 Stat. 58.)

Co-operation with state officials in collection of statistics of manufactures.

Be it enacted, &c., That the Director of the Census is hereby authorized and empowered to co-operate with the secretary of state of the State of Michigan in taking the census of manufactures and shall equitably share the expenses thereof, the results of which may be accepted by the United States as its census of manufactures for that State for the year nineteen hundred and five: Provided, That the expenditures incident to this co-operation shall not exceed twenty thousand dollars, such expenditures to be paid from the fund appropriated for the expenses of the field work of the census for the fiscal year ending June thirtieth, nineteen hundred and five. And the Director of the Census may, in his discretion, co-operate with the officials of other States which take a like census in so far as it may aid in the collection of statistics of manufactures required by existing law.

Act March 1, 1904, c. 388, 33 Stat. 58.

Previous provisions for collection of statistics of manufactures are contained in Act March 6, 1902, c. 139, § 9, set forth above.

RES. FEB. 9, 1905, No. 16. [H. J. R. 185.]

Joint Resolution Authorizing and Directing the Director of the Census to Collect and Publish Additional Statistics. (33 Stat. 1282.)

Collection of additional statistics of cotton consumption, surplus, and export; semimonthly reports of cotton ginned; collection and publication of statistics of marriage and divorce.

Resolved, &c., That the Director of the Census be, and he is hereby, authorized and directed to collect and publish in connection with the

ginners' reports of cotton production provided for in section nine of an Act of Congress entitled "An Act to provide for a permanent Census Office, approved March sixth, nineteen hundred and two," statistics of the consumption of cotton, the surplus of cotton held by the manufacturers, and the quantity of cotton exported, the statistics to be summarized as of September first each year so as to show the cotton production and consumption of the preceding year.

And the Director of the Census shall make semimonthly publication of the amount of cotton ginned in lieu of the monthly reports which he now makes.

That the Director of the Census be, and he is hereby, authorized and directed to collect and publish the statistics of and relating to marriage and divorce in the several States and Territories and the District of Columbia since January first, eighteen hundred and eighty-seven: Provided, That such statistics as now required by law to be collected be used so far as it is practicable to do so.

Res. Feb. 9, 1905, No. 16, 33 Stat. 1282.

Previous provisions for collection of statistics of cotton production are contained in Act March 6, 1902, c. 139, § 9, set forth above.

The collection of additional statistics of stocks of baled cotton is authorized and directed by Res. March 2, 1909, No. 21, set forth below.

ACT JUNE 30, 1906, c. 3914, § 1. [H. R. 19844.]

Publication of names of heads of families returned in First Census; sale of publications; report.

Census Office: The Director of the Census is hereby authorized and directed to publish, in a permanent form, by counties and minor civil divisions, the names of the heads of families returned at the First Census of the United States in seventeen hundred and ninety; and the Director of the Census is authorized, in his discretion, to sell said publications, the proceeds thereof to be covered into the Treasury of the United States, to be deposited to the credit of miscellaneous receipts on account of "Proceeds of sales of Government property:" Provided, That no expense shall be incurred hereunder additional to appropriations for the Census Office for printing therefor made for the fiscal year nineteen hundred and seven; and the Director of the Census is hereby directed to report to Congress at its next session the cost incurred hereunder and the price fixed for said publication and the total received therefor.

Act June 30, 1906, c. 3914, § 1, 34 Stat. 722.

This is a provision of the sundry civil appropriation act for the fiscal year ending June 30, 1907, cited above.

A further provision for the expense of continuing and completing the publication of names authorized by this act, contained in Act Feb. 15, 1908, c. 27, § 1, is set forth below.

ACT FEB. 15, 1908, c. 27, § 1. [H. R. 14766.]

Continuance and completion of publication of names of heads of families returned in First Census.

That the Director of the Census is hereby authorized and directed to expend so much of the appropriation for printing for the Department of Commerce and Labor allotted by law to the Census Office for the fiscal year ending June thirtieth, nineteen hundred and eight, as may be necessary to continue and complete the publication of the names of the heads of families returned at the First Census of the United

States, as authorized by the sundry civil appropriation Act approved June thirtieth, nineteen hundred and six.

Act Feb. 15, 1908, c. 27, § 1, 35 Stat. 19.

This is a provision of the urgent deficiency appropriation act for the fiscal year ending June 30, 1908, cited above.

The provision of Act June 30, 1906, c. 3914, § 1, mentioned in this provision, is set forth above.

RES. MARCH 2, 1909, No. 21. [H. J. Res. 231.]

Joint Resolution Authorizing the Director of the Census to Collect and Publish Additional Statistics. (35 Stat. 1168.)

Collection and publication of additional statistics of stocks of baled cotton.

Resolved, &c., That the Director of the Census be, and he is hereby, authorized and directed to collect and publish, in addition to the cotton reports now being made by him, statistics of stocks of baled cotton in the United States, to be summarized as of November first, January first, and March first.

Res. March 2, 1909, No. 21, 35 Stat. 1168.

Previous provisions for collection of statistics of cotton production are contained in Act March 6, 1902, c. 139, § 9, and Res. Feb. 9, 1905, No. 16, set forth above.

ACT JULY 2, 1909, c. 2. [H. R. 1033.] [*As amended* 1910. H. R. 18364. S. J. Res. 66.]

An Act to Provide for the Thirteenth and Subsequent Decennial Censuses. (36 Stat. 1.)

Census to be taken in the year 1910 and every 10 years thereafter.

Be it enacted, &c., That a census of the population, agriculture, manufactures, and mines and quarries of the United States shall be taken by the Director of the Census in the year nineteen hundred and ten and every ten years thereafter. The census herein provided for shall include each State and Territory on the mainland of the United States, the District of Columbia, and Alaska, Hawaii, and Porto Rico.

Act July 2, 1909, c. 2, § 1, 36 Stat. 1.

Decennial census period.

Sec. 2. That the period of three years beginning the first day of July next preceding the census provided for in section one of this Act shall be known as the decennial census period, and the reports upon the inquiries provided for in said section shall be completed and published within such period.

Act July 2, 1909, c. 2, § 2, 36 Stat. 2.

Additional officers in Census Office during decennial census period.

Sec. 3. That after June thirtieth, nineteen hundred and nine, and during the decennial census period only, there may be employed in the Census Office, in addition to the force provided for by the Act of March sixth, nineteen hundred and two, entitled "An Act to provide for a permanent Census Office," an Assistant Director, who shall be an experienced practical statistician; a geographer, a chief statistician, who shall be a person of known and tried experience in statistical work, an appointment clerk, a private secretary to the Director, two stenographers, and eight expert chiefs of division. These officers, with the exception of the Assistant Director, shall be appointed without ex-

amination by the Secretary of Commerce and Labor upon the recommendation of the Director of the Census. The Assistant Director shall be appointed by the President, by and with the advice and consent of the Senate.

Act July 2, 1909, c. 2, § 3, 36 Stat. 2.

Act March 6, 1902, c. 139, mentioned in this section, is set forth above. Officers, etc., in the Census Office are provided for by section 4 of said act.

Duties of Assistant Director; appointment clerk; additional bond of disbursing clerk during decennial census period.

Sec. 4. That the Assistant Director shall perform such duties as may be prescribed by the Director of the Census. In the absence of the Director the Assistant Director shall serve as Director, and in the absence of the Director and Assistant Director the chief clerk shall serve as Director.

The appointment clerk shall perform the appointment duties assigned to the disbursing clerk in section four of the Act entitled "An Act to provide for a permanent Census Office," approved March sixth, nineteen hundred and two. The disbursing clerk of the Census Office shall, at the beginning of the decennial census period, give additional bond to the Secretary of the Treasury in the sum of one hundred thousand dollars, surety to be approved by the Solicitor of the Treasury, which bond shall be conditioned that the said officer shall render, quarter yearly, a true and faithful account to the proper accounting officers of the Treasury of all moneys and properties which shall be received by him by virtue of his office during the said decennial census period. Such bond shall be filed in the office of the Secretary of the Treasury, to be by him put in suit upon any breach of the conditions thereof.

Act July 2, 1909, c. 2, § 4, 36 Stat. 2.

Act March 6, 1902, c. 139, § 4, mentioned in this section, is set forth above.

Compensation of officials of Census Office during decennial census period.

Sec. 5. That during the decennial census period the annual compensation of the officials of the Census Office shall be as follows: The Director of the Census, seven thousand dollars; the private secretary to the Director, two thousand two hundred and fifty dollars; the Assistant Director, five thousand dollars; the chief statisticians, three thousand dollars each; the chief clerk, two thousand five hundred dollars; the disbursing clerk, two thousand eight hundred and seventy-five dollars; the appointment clerk, two thousand five hundred dollars; the geographer, two thousand five hundred dollars; the chiefs of division, two thousand dollars each; and the stenographers provided for in section three of this Act, one thousand eight hundred dollars each.

Act July 2, 1909, c. 2, § 5, 36 Stat. 2.

The compensation of the Director of the Census and officers in the Census Office is prescribed by Act March 6, 1902, c. 139, §§ 3, 4, set forth above.

Additional clerks and employés in Census Office during decennial census period.

Sec. 6. That in addition to the force hereinbefore provided for and to that already authorized by law there may be employed in the Census Office during the decennial census period, and no longer, as many

clerks of classes four, three, two, and one; as many clerks, copyists, computers, and skilled laborers, with salaries at the rate of not less than six hundred dollars nor more than one thousand dollars per annum, and as many messengers, assistant messengers, messenger boys, watchmen, unskilled laborers, and charwomen, as may be found necessary for the proper and prompt performance of the duties herein required, these additional clerks and employees to be appointed by the Director of the Census: Provided, That the total number of such additional clerks of classes two, three, and four shall at no time exceed one hundred: And provided further, That employees engaged in the compilation or tabulation of statistics by the use of mechanical devices may be compensated on a piece-price basis to be fixed by the Director.

Act July 2, 1909, c. 2, § 6, 36 Stat. 2.

Examinations for appointment of additional clerks and employés; selection; qualifications; temporary appointments; transfers of employés; term of service of transferred employés and of temporary officers and employés.

Sec. 7. That the additional clerks and other employees provided for in section six shall be subject to such special test examination as the Director of the Census may prescribe, the said examination to be conducted by the United States Civil Service Commission, the examination to be open to all applicants without regard to political party affiliations, and such examination shall be held at such places in each State as may be designated by the Civil Service Commission. Copies of the eligible registers so established and the examination papers of all eligibles shall be furnished the Director of the Census by the Civil Service Commission, and selections therefrom shall be made by the Director of the Census, in conformity with the law of apportionment as now provided for the classified service, in the order of rating: Provided, That hereafter all examinations of applicants for positions in the government service, from any State or Territory, shall be had in the State or Territory in which such applicant resides, and no person shall be eligible for such examination or appointment unless he or she shall have been actually domiciled in such State or Territory for at least one year previous to such examination: Provided, however, That no person afflicted with tuberculosis shall be appointed and that each applicant for appointment shall accompany his or her application with a certificate of health from some reputable physician: Provided, however, That in no instance shall more than one person be appointed from the same family: Provided, however, That when the exigencies of the service require, the Director may appoint for temporary employment not exceeding sixty days' duration from the aforesaid list of eligibles those who, by reason of residence or other conditions, are immediately available; and may also appoint for not exceeding sixty days' duration, persons having had previous experience in operating mechanical appliances in census work whose efficiency records in operating such appliances are satisfactory to him, and may accept such records in lieu of the civil service examination: And provided further, That employees in other branches of the departmental classified service who have had previous experience in census work may be transferred without examination to the Census Office to serve during the whole or a part of the decennial census period, and at the end of such service the em-

ployees so transferred, shall be eligible to appointment to positions in any Department held by them at date of transfer to the Census Office, without examination: And provided further, That during the decennial census period and no longer the Director of the Census may fill vacancies in the permanent force of the Census Office by the promotion or transfer of clerks or other employees employed on the temporary force authorized by section six of this Act: And provided further, That at the expiration of the decennial census period the term of service of all employees so transferred and of all other temporary officers and employees appointed under the provisions of this Act shall terminate, and such officers and employees shall not be eligible to appointment or transfer into the classified service of the Government by virtue of their examination or appointment under this Act.

Act July 2, 1909, c. 2, § 7, 36 Stat. 3.

The first proviso in this section, relating to the place of examinations, is not restricted to examinations under this act, but in terms applies to all examinations of applicants for positions in the government service.

Scope of Thirteenth Census; schedules, and contents thereof; collection of statistics by special agents or detailed employés; form and subdivision of inquiries.

Sec. 8. That the Thirteenth Census shall be restricted to inquiries relating to population, to agriculture, to manufactures, and to mines and quarries. The schedules relating to population shall include for each inhabitant the name, relationship to head of family, color, sex, age, conjugal condition, place of birth, place of birth of parents, number of years in the United States, citizenship, occupation, whether or not employer or employee, and, if employee, whether or not employed at the date of enumeration and the number of months unemployed during the preceding calendar year, whether or not engaged in agriculture, school attendance, literacy, and tenure of home and whether or not a survivor of the Union or Confederate Army or Navy; and the name and address of each blind or deaf and dumb person; and for the enumeration of institutions, shall include paupers, prisoners, juvenile delinquents, insane, feeble-minded, blind, deaf and dumb, and inmates of benevolent institutions.

The schedules relating to agriculture shall include name, color and country of birth of occupant of each farm, tenure, acreage of farm, acreage of land under irrigation, acreage of woodland and character of timber thereon, value of farm and improvements, value of farm implements, number and value of live stock on farms and ranges, number and value of domestic animals not on farms and ranges, and the acreage of crops planted and to be planted during the year of enumeration, and the acreage of crops and the quantity and value of crops and other farm products for the year ending December thirty-first next preceding the enumeration.

The schedules of inquiries relating to manufactures and to mines and quarries shall include the name and location of each establishment; character of organization, whether individual, cooperative, or other form; character of business or kind of goods manufactured; amount of capital actually invested; number of proprietors, firm members, copartners, stockholders, and officers and the amount of their salaries; number of employees and the amount of their wages; quantity and cost of materials used in manufactures; amount of miscellaneous ex-

penses; quantity and value of products; time in operation during the census year; character and quantity of power used, and character and number of machines employed. Inquiries shall also be made as to the location and character of irrigation enterprises; quantity of land irrigated in the arid region of the United States and in each State and county in that section under state and federal laws; the price at which these lands, including water right, are obtainable; the character and value of crops produced on irrigated lands, the amount of water used per acre for said irrigation and whether it was obtainable from national, state, or private works; the location of the various projects and method of construction with facts as to their physical condition; the amount of capital invested in such irrigation works.

The census of manufactures and of mines and quarries shall relate to the year ending December thirty-first next preceding the enumeration of population and shall be confined to mines and quarries and manufacturing establishments which were in active operation during all or a portion of that year. The census of manufactures shall furthermore be confined to manufacturing establishments conducted under what is known as the factory system, exclusive of the so-called neighborhood household and hand industries: Provided, That the census shall also include an enumeration of the number of cattle, calves, sheep, lambs, hogs, goats, and kids slaughtered for food purposes, and all hides produced, whether taken from animals slaughtered for food purposes or otherwise, during the year next preceding the year of the enumeration of population, irrespective of the character of the establishment in which slaughtered or produced.

The inquiry concerning manufactures shall cover the production of turpentine and rosin, and the report concerning this industry shall show, in addition to the other facts covered by the regular schedule of manufactures, the quantity and quality of turpentine and rosin manufactured and marketed, the sources, methods, and extent of the industry.

Whenever he shall deem it expedient, the Director of the Census may charge the collection of these statistics upon special agents or upon detailed employees, to be employed without respect to locality.

The form and subdivision of inquiries necessary to secure the information under the foregoing topics shall be determined by the Director of the Census.

Act July 2, 1909, c. 2, § 8, 36 Stat. 3. Act. Feb. 25, 1910, c. 63, 36 Stat. 227.

The amendment of this section by Act Feb. 25, 1910, c. 63, cited above, consists chiefly in additions to the matters to be included in the schedules relating to agriculture and to manufactures and mines.

The schedules relating to population are to provide inquiries respecting the nationality or mother tongue of persons born in foreign countries and of parents of foreign birth of persons enumerated, by Res. March 24, 1910. No. 17, set forth below.

Appointment of supervisors of census.

Sec. 9. That the Director of the Census shall, at least six months prior to the date fixed for commencing the enumeration at the Thirteenth and each succeeding decennial census, designate the number, whether one or more, of supervisors of census for each State and Territory, the District of Columbia, Alaska, and Porto Rico, and shall de-

fine the districts within which they are to act; except that the Director of the Census, in his discretion, need not designate supervisors for Alaska and the Territory of Hawaii, but in lieu thereof may employ special agents as hereinafter provided. The supervisors shall be appointed by the President, by and with the advice and consent of the Senate: Provided, That the whole number of supervisors shall not exceed three hundred and thirty: And provided further, That so far as practicable and desirable the boundaries of the supervisors' districts shall conform to the boundaries of the congressional districts: And provided further, That if in any supervisor's district the supervisor has not been appointed and qualified ninety days preceding the date fixed for the commencement of the enumeration, or if any vacancy shall occur thereafter, either through death, removal, or resignation of the supervisor, or from any other cause, the Director of the Census may appoint a temporary supervisor or detail an employee of the Census Office to act as supervisor for that district.

Act July 2, 1909, c. 2, § 9, 36 Stat. 4.

Duties of supervisors.

Sec. 10. That each supervisor of census shall be charged with the performance, within his own district, of the following duties: To consult with the Director of the Census in regard to the division of his district into subdivisions most convenient for the purpose of the enumeration, which subdivisions or enumeration districts shall be defined and the boundaries thereof fixed by the Director of the Census; to designate to the Director suitable persons, and, with his consent, to employ such persons as enumerators, one or more for each subdivision; to communicate to enumerators the necessary instructions and directions relating to their duties; to examine and scrutinize the returns of the enumerators, and in the event of discrepancies or deficiencies appearing in any of the said returns to use all diligence in causing the same to be corrected or supplied; to forward the completed returns of the enumerators to the Director at such time and in such manner as shall be prescribed, and to make up and forward to the Director the accounts of each enumerator in his district for service rendered, which accounts shall be duly certified to by the enumerator, and the same shall be certified as true and correct, if so found, by the supervisor, and said accounts so certified shall be accepted and paid by the Director. The duties imposed upon the supervisor by this Act shall be performed in any and all particulars in accordance with the orders and instructions of the Director of the Census.

Act July 2, 1909, c. 2, § 10, 36 Stat. 5.

Compensation of supervisors.

Sec. 11. That each supervisor of the census shall, upon the completion of his duties to the satisfaction of the Director of the Census, receive the sum of one thousand five hundred dollars and, in addition thereto, one dollar for each thousand or majority fraction of a thousand of population enumerated in his district, such sums to be in full compensation for all services rendered and expenses incurred by him: Provided, That of the above-named compensation a sum not to exceed six hundred dollars, in the discretion of the Director of the Census, may be paid to any supervisor prior to the completion of his duties in

one or more payments, as the Director of the Census may determine: Provided further, That in emergencies arising in connection with the work of preparation for, or during the progress of, the enumeration in his district, or in connection with the reenumeration of any subdivision, a supervisor may, in the discretion of the Director of the Census, be allowed actual and necessary traveling expenses and an allowance in lieu of subsistence not exceeding four dollars per day during his necessary absence from his usual place of residence: And provided further, That an appropriate allowance to supervisors for clerk hire may be made when deemed necessary by the Director of the Census.

Act July 2, 1909, c. 2, § 11, 36 Stat. 5.

Duties of enumerators.

Sec. 12. That each enumerator shall be charged with the collection in his subdivision of the facts and statistics required by the population and agricultural schedules and such other schedules as the Director of the Census may determine shall be used by him in connection with the census, as provided in section eight of this Act. It shall be the duty of each enumerator to visit personally each dwelling house in his subdivision, and each family therein, and each individual living out of a family in any place of abode, and by inquiry made of the head of each family, or of the member thereof deemed most competent and trustworthy, or of such individual living out of a family, to obtain each and every item of information and all particulars required by this Act as of date April fifteenth of the year in which the enumeration shall be made; and in case no person shall be found at the usual place of abode of such family, or individual living out of a family, competent to answer the inquiries made in compliance with the requirements of this Act, then it shall be lawful for the enumerator to obtain the required information as nearly as may be practicable from families or persons living in the neighborhood of such place of abode. It shall be the duty also of each enumerator to forward the original schedules, properly filled out and duly certified, to the supervisor of his district as his returns under the provisions of this Act; and in the event of discrepancies or deficiencies being discovered in these schedules he shall use all diligence in correcting or supplying the same. In case an enumeration district embraces all or any part of any incorporated borough, village, town, or city, and also other territory not included within the limits of such incorporated borough, village, town, or city, it shall be the duty of the enumerator to clearly and plainly distinguish and separate, upon the population schedules, the inhabitants of such borough, village, town, or city from the inhabitants of the territory not included therein. No enumerator shall be deemed qualified to enter upon his duties until he has received from the supervisor of the district to which he belongs a commission, signed by the supervisor, authorizing him to perform the duties of an enumerator, and setting forth the boundaries of the subdivision within which such duties are to be performed.

Act July 2, 1909, c. 2, § 12, 36 Stat. 5.

Enumeration districts; assignments of enumerators to two or more districts, and to institutions.

Sec. 13. That the territory assigned to each supervisor shall be divided into as many enumeration districts as may be necessary to carry out the purposes of this Act, and, in the discretion of the Director of

the Census, two or more enumeration districts may be given to one enumerator, and the boundaries of all the enumeration districts shall be clearly described by civil divisions, rivers, roads, public surveys, or other easily distinguishable lines: Provided, That enumerators may be assigned for the special enumeration of institutions, when desirable, without reference to the number of inmates.

Act July 2, 1909, c. 2, § 13, 36 Stat. 6.

Removal of enumerators; filling vacancies; incomplete or erroneous enumeration.

Sec. 14. That any supervisor of census may, with the approval of the Director of the Census, remove any enumerator in his district and fill the vacancy thus caused or otherwise occurring. Whenever it shall appear that any portion of the census provided for in this Act has been negligently or improperly taken, and is by reason thereof incomplete or erroneous, the Director of the Census may cause such incomplete and unsatisfactory enumeration and census to be amended or made anew.

Act July 2, 1909, c. 2, § 14, 36 Stat. 6.

Interpreters to assist enumerators; employment; compensation.

Sec. 15. That the Director of the Census may authorize and direct supervisors of census to employ interpreters to assist the enumerators of their respective districts in the enumeration of persons not speaking the English language, but no authorization shall be given for such employment in any district until due and proper effort has been made to secure an enumerator who can speak the language or languages for which the services of an interpreter would otherwise be required. The compensation of such interpreters shall be fixed by the Director of the Census in advance, and shall not exceed five dollars per day for each day actually and necessarily employed.

Act July 2, 1909, c. 2, § 15, 36 Stat. 6.

Compensation of enumerators.

Sec. 16. That the compensation of enumerators shall be determined by the Director of the Census as follows: In subdivisions where he shall deem such remuneration sufficient, an allowance of not less than two nor more than four cents for each inhabitant; not less than twenty nor more than thirty cents for each farm reported; ten cents for each barn and inclosure containing live stock not on farms, and not less than twenty nor more than thirty cents for each establishment of productive industry reported. In other subdivisions the Director of the Census may fix a mixed rate of not less than one nor more than two dollars per day and, in addition, an allowance of not less than one nor more than three cents for each inhabitant enumerated, and not less than fifteen nor more than twenty cents for each farm and each establishment of productive industry reported. In other subdivisions per diem rates shall be fixed by the Director according to the difficulty of enumeration, having special reference to the regions to be canvassed and the sparsity of settlement or other considerations pertinent thereto. The compensation allowed to an enumerator in any such district shall be not less than three nor more than six dollars per day of eight hours actual field work, and no payment shall be made for time in excess of eight hours for any one day. The subdivisions or enumeration districts to which the several rates of compensation shall apply shall

be designated by the Director of the Census at least two weeks in advance of the enumeration. No claim for mileage or traveling expenses shall be allowed any enumerator in either class of subdivisions, except in extreme cases, and then only when authority has been previously granted by the Director of the Census; and the decision of the Director as to the amount due any enumerator shall be final.

Act July 2, 1909, c. 2, § 16, 36 Stat. 6.

Death of supervisor or enumerator; compensation for services rendered.

Sec. 17. That in the event of the death of any supervisor or enumerator after his appointment and entrance on his duties, the Director of the Census is authorized to pay to his widow or his legal representative such sum as he may deem just and fair for the services rendered by such supervisor or enumerator.

Act July 2, 1909, c. 2, § 17, 36 Stat. 7.

Special agents; appointment; authority; compensation.

Sec. 18. That special agents may be appointed by the Director of the Census to carry out the provisions of this Act and of the Act to provide for a permanent Census Office approved March sixth, nineteen hundred and two, and Acts amendatory thereof or supplementary thereto. The special agents thus appointed shall have like authority with the enumerators in respect to the duties committed to them under this Act, and shall receive compensation at rates to be fixed by the Director of the Census: Provided, That the same shall in no case exceed six dollars per day and actual necessary traveling expenses, and an allowance in lieu of subsistence not exceeding three dollars per day during necessary absence from their usual place of residence: Provided further, That no pay or allowance in lieu of subsistence shall be allowed special agents when employed in the Census Office on other than the special work committed to them, and no appointments of special agents shall be made for clerical work: And provided further, That the Director of the Census shall have power, and is hereby authorized, to appoint special agents to assist the supervisors whenever he may deem it proper, in connection with the work of preparation for, or during the progress of, the enumeration or in connection with the reenumeration of any district or a part thereof; or he may, in his discretion, employ for this purpose any of the permanent or temporary employees of the Census Office: And provided further, That the Director of the Census may, in his discretion, fix the compensation of special agents on a piece-price basis which may include a minimum and maximum rate of per diem compensation to be fixed by him, the maximum rate in such cases not to exceed an average of six dollars per diem for the period of employment, and actual necessary traveling expenses and an allowance in lieu of subsistence not exceeding three dollars per diem during necessary absence from their usual place of residence.

Act July 2, 1900, c. 2, § 18, 36 Stat. 7. Res. Feb. 15, 1910, No. 9, 36 Stat. 874.

The amendment of this section by Res. Feb. 15, 1910, No. 9, cited above, consists in the addition, in the last proviso thereof, of the words beginning "which may include a minimum and maximum rate," etc., to the end of the section as set forth here.

Act March 6, 1902, c. 139, mentioned in this section, is set forth above. The provisions of section 10 of that act, amending Act March 3, 1899,

c. 419, § 17, are to a great extent superseded by those of this section, and said Act March 3, 1899, c. 419, is wholly repealed by section 33 of this act, set forth below.

The compensation of not to exceed 20 of the special agents provided for in this section may be fixed at not to exceed $8 per day, by a provision of Act Aug. 5, 1909, c. 7, set forth below.

Oath of supervisors, enumerators, special agents, etc., and other employés; appointment or employment where examination required to be solely with reference to fitness.

Sec. 19. That every supervisor, supervisor's clerk, enumerator, interpreter, special agent, or other employee shall take and subscribe to an oath or affirmation, to be prescribed by the Director of the Census. All appointees and employees provided for in this Act shall be appointed or employed, and examined, if examination is required by this Act, solely with reference to their fitness to perform the duties required of them by the provisions of this Act, and without reference to their political party affiliations.

Act July 2, 1909, c. 2, § 19, 36 Stat. 7.

Date as to which enumeration to be taken; time of commencement and completion thereof.

Sec. 20. That the enumeration of the population required by section one of this Act shall be taken as of the fifteenth day of April; and it shall be the duty of each enumerator to commence the enumeration of his district on that day, unless the Director of the Census in his discretion shall defer the enumeration in said district by reason of climatic or other conditions which would materially interfere with the proper conduct of the work; but in any event it shall be the duty of each enumerator to prepare the returns hereinbefore required to be made, except those relating to paupers, prisoners, juvenile delinquents, insane, feeble-minded, blind, deaf and dumb, and inmates of benevolent institutions, and to forward the same to the supervisor of his district, within thirty days from the commencement of the enumeration of his district: Provided, That in any city having five thousand inhabitants or more under the preceding census the enumeration of the population shall be commenced on the fifteenth day of April aforesaid and shall be completed within two weeks thereafter.

Act July 2, 1909, c. 2, § 20, 36 Stat. 7.

Receiving compensation for appointment or employment of supervisor, enumerator, clerk, or other employé, etc., punishable; penalty.

Sec. 21. That if any person shall receive or secure to himself any fee, reward, or compensation as a consideration for the appointment or employment of any person as supervisor, enumerator or clerk or other employee, or shall in any way receive or secure to himself any part of the compensation paid to any supervisor, enumerator or clerk or other employee, he shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not more than three thousand dollars and be imprisoned not more than five years.

Act July 2, 1909, c. 2, § 21, 36 Stat. 8.

Neglect or refusal to perform duties by officers or employés, publishing or communicating information, false swearing, making false certificate or fictitious return, furnishing false statement or false information, punishable; penalties.

Sec. 22. That any supervisor, supervisor's clerk, enumerator, interpreter, special agent, or other employee, who, having taken and sub-

scribed the oath of office required by this Act, shall, without justifiable cause, neglect or refuse to perform the duties enjoined on him by this Act, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not exceeding five hundred dollars; or if he shall, without the authority of the Director of the Census, publish or communicate any information coming into his possession by reason of his employment under the provisions of this Act, or the Act to provide for a permanent Census Office, or Acts amendatory thereof or supplemental thereto, he shall be guilty of a misdemeanor and shall upon conviction thereof be fined not to exceed one thousand dollars, or be imprisoned not to exceed two years, or both so fined and imprisoned, in the discretion of the court; or if he shall willfully and knowingly swear to or affirm falsely, he shall be deemed guilty of perjury, and upon conviction thereof shall be imprisoned not exceeding five years and be fined not exceeding two thousand dollars; or if he shall willfully and knowingly make a false certificate or a fictitious return, he shall be guilty of a misdemeanor, and upon conviction of either of the last-named offenses he shall be fined not exceeding two thousand dollars and be imprisoned not exceeding five years; or if any person who is or has been an enumerator shall knowingly or willfully furnish, or cause to be furnished, directly or indirectly, to the Director of the Census, or to any supervisor of the census, any false statement or false information with reference to any inquiry for which he was authorized and required to collect information, he shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not exceeding two thousand dollars and be imprisoned not exceeding five years.

Act July 2, 1909, c. 2, § 22, 36 Stat. 8.

Persons required to answer questions; refusal punishable; penalty.

Sec. 23. That it shall be the duty of all persons over twenty-one years of age when requested by the Director of the Census, or by any supervisor, enumerator, or special agent, or other employee of the Census Office, acting under the instructions of the said Director, to answer correctly, to the best of their knowledge, all questions on the census schedules applying to themselves and to the family to which they belong or are related, and to the farm or farms of which they or their families are the occupants; and any person over twenty-one years of age who, under the conditions hereinbefore stated, shall refuse or willfully neglect to answer any of these questions, or shall willfully give answers that are false, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not exceeding one hundred dollars.

And it shall be the duty of every owner, proprietor, manager, superintendent, or agent of a hotel, apartment house, boarding or lodging house, tenement, or other building, when requested by the Director of the Census, or by any supervisor, enumerator, special agent, or other employee of the Census Office, acting under the instructions of the said Director, to furnish the names of the occupants of said hotel, apartment house, boarding or lodging house, tenement, or other building, and to give thereto free ingress and egress to any duly accredited representative of the Census Office, so as to permit of the collection of statistics for census purposes including the proper and correct enumeration of all persons having their usual place of abode in said hotel, apartment house, boarding or lodging house, tenement, or other build-

ing; and any owner, proprietor, manager, superintendent, or agent of a hotel, apartment house, boarding or lodging house, tenement, or other building who shall refuse or willfully neglect to give such information or assistance under the conditions hereinbefore stated shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not exceeding five hundred dollars.

Act July 2, 1909, c. 2, § 23, 36 Stat. 8.

Duty of owner or officer, etc., of manufacturing establishment, etc., to answer questions; refusal punishable.

Sec. 24. And it shall be the duty of every owner, president, treasurer, secretary, director, or other officer or agent of any manufacturing establishment, mine, quarry, or other establishment of productive industry, whether conducted as a corporation, firm, limited liability company, or by private individuals, when requested by the Director of the Census or by any supervisor, enumerator, special agent, or other employee of the Census Office acting under the instructions of the said Director, to answer completely and correctly to the best of his knowledge all questions on any census schedule applying to such establishment; and any owner, president, secretary, director, or other officer or agent of any manufacturing establishment, mine, quarry, or other establishment of productive industry, who under the conditions hereinbefore stated shall refuse or willfully neglect to answer any of these questions, or shall willfully give answers that are false, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not exceeding ten thousand dollars, or imprisoned for a period not exceeding one year, or both so fined and imprisoned, at the discretion of the court. The provisions of this section shall also apply to the collection of the information required and authorized by the Act entitled "An Act to provide for a permanent Census Office," and by Acts amendatory thereof or supplemental thereto.

Act July 2, 1909, c. 2, § 24, 36 Stat. 9.

The act to provide for a permanent Census Office, Act March 6, 1902, c. 139, and the acts amendatory thereof or supplemental thereto, mentioned in this section, are set forth above.

Information furnished under preceding section to be used only for statistical purposes.

Sec. 25. That the information furnished under the provisions of the next preceding section shall be used only for the statistical purposes for which it is supplied. No publication shall be made by the Census Office whereby the data furnished by any particular establishment can be identified, nor shall the Director of the Census permit anyone other than the sworn employees of the Census Office to examine the individual reports.

Act July 2, 1909, c. 2, § 25, 36 Stat. 9.

Enforcement of fines and penalties imposed by act.

Sec. 26. That all fines and penalties imposed by this Act may be enforced by indictment or information in any court of competent jurisdiction.

Act July 2, 1909, c. 2, § 26, 36 Stat. 9.

Expenditures to be authorized by Director of Census.

Sec. 27. That the Director of the Census may authorize the expenditure of necessary sums for the actual and necessary traveling expenses

of the officers and employees of the Census Office, including an allowance in lieu of subsistence not exceeding four dollars per day during their necessary absence from the Census Office, or, instead of such an allowance, their actual subsistence expenses, not exceeding five dollars per day; and he may authorize the incidental, miscellaneous, and contingent expenses necessary for the carrying out of this Act, as herein provided, and not otherwise, including advertising in newspapers, the purchase of manuscripts, books of reference and periodicals, the rental of sufficient quarters in the District of Columbia or elsewhere and the furnishing thereof, and expenditures necessary for the compiling, printing, publishing, and distributing the results of the census, and purchase of necessary paper and other supplies, the purchase, rental, construction, and repair of mechanical appliances, the compensation of such permanent and temporary clerks as may be employed under the provisions of this Act and the Act establishing the permanent Census Office and Acts amendatory thereof or supplemental thereto, and all other expenses incurred under authority conveyed in this Act.

Act July 2, 1909, c. 2, § 27, 36 Stat. 9.
See note under section 24 of this act.

Printing of blanks, schedules, etc. and other miscellaneous printing, and printing of bulletins and reports and publishing and distributing thereof, by Public Printer.

Sec. 28. That the Director of the Census is hereby authorized to make requisition upon the Public Printer for such printing as may be necessary to carry out the provisions of this Act, to wit: Blanks, schedules, circulars, pamphlets, envelopes, work sheets, and other items of miscellaneous printing; that he is further authorized to have printed by the Public Printer, in such editions as the Director may deem necessary, preliminary and other Census bulletins, and final reports of the results of the several investigations authorized by this Act, or by the Act to establish a permanent Census Office and Acts amendatory thereof or supplemental thereto, and to publish and distribute said bulletins and reports.

Act July 2, 1909, c. 2, § 28, 36 Stat. 10.
See note under section 24 of this act.

Free transmission of official mail matter; use of official indorsement to avoid payment of postage, etc., punishable; penalty.

Sec. 29. That all mail matter, of whatever class, relating to the census and addressed to the Census Office, or to any official thereof, and indorsed "Official business, Census Office," shall be transmitted free of postage, and by registered mail if necessary, and so marked: Provided, That if any person shall make use of such indorsement to avoid the payment of postage or registry fee on his or her private letter, package, or other matter in the mail, the person so offending shall be guilty of a misdemeanor and subject to a fine of three hundred dollars, to be prosecuted in any court of competent jurisdiction.

Act July 2, 1909, c. 2, § 29, 36 Stat. 10.
A general provision making punishable the use of any official envelope, label, or indorsement to avoid payment of postage or registry fee is contained in the act to codify, etc., the penal laws, Act March 4, 1909, c. 321, in c. 8, § 227 thereof, set forth post, under Title LXIX A, "The Criminal Code."

Information from other Departments or offices.

Sec. 30. That the Secretary of Commerce and Labor, whenever he may deem it advisable, or on request of the Director of the Census, is hereby authorized to call upon any other department or office of the Government for information pertinent to the work herein provided for.

Act July 2, 1909, c. 2, § 30, 36 Stat. 10.

Census of agriculture and live stock in year 1915 and every 10 years thereafter.

Sec. 31. That there shall be in the year nineteen hundred and fifteen, and once every ten years thereafter, a census of agriculture and live stock, which shall show the acreage of farm land, the acreage of the principal crops, and the number and value of domestic animals on the farms and ranges of the country. The schedule employed in this census shall be prepared by the Director of the Census. Such census shall be taken as of October first, and shall relate to the current year. The Director of the Census may appoint enumerators or special agents for the purpose of this census, in accordance with the provisions of the permanent Census Act.

Act July 2, 1909, c. 2, § 31, 36 Stat. 10.

The permanent Census Act, mentioned in this section, Act March 6, 1902, c. 139, is set forth above.

Certified copies from population or agricultural returns to be furnished to Governor of state or territory or to court of record; data for genealogical, etc., purposes to be furnished to individuals.

Sec. 32. That the Director of the Census is hereby authorized, at his discretion, upon the written request of the governor of any State or Territory, or of a court of record, to furnish such governor or court of record with certified copies of so much of the population or agricultural returns as may be requested, upon the payment of the actual cost of making such copies, and one dollar additional for certification; and that the Director of the Census is further authorized, in his discretion, to furnish to individuals such data from the population schedules as may be desired for genealogical or other proper purposes, upon payment of the actual cost of searching the records and one dollar for supplying a certificate; and the amounts so received shall be covered into the Treasury of the United States, to be placed to the credit of, and in addition to, the appropriations made for taking the census.

Act July 2, 1909, c. 2, § 32, 36 Stat. 10.

Repeal.

Sec. 33. That the Act establishing the permanent Census Office, approved March sixth, nineteen hundred and two, and Acts amendatory thereof and supplemental thereto, except as are herein amended, shall remain in full force. That the Act entitled "An Act to provide for taking the Twelfth and subsequent censuses," approved March third, eighteen hundred and ninety-nine, and all other laws and parts of laws inconsistent with the provisions of this Act are hereby repealed.

Act July 2, 1909, c. 2, § 33, 36 Stat. 10.

Act March 6, 1902, c. 139, and acts amendatory thereof and supplemental thereto, mentioned in this section, are set forth above.

Act March 3, 1899, c. 419, repealed by this section, is set forth in Comp. St. 1901, pp. 1336–1349.

ACT AUG. 5, 1909, c. 7. [H. R. 11570.]

Compensation of special agents.

The Director of the Census may fix the compensation of not to exceed twenty of the special agents provided for in section eighteen of "An Act to provide for the thirteenth and subsequent decennial censuses," approved July second, nineteen hundred and nine, at an amount not to exceed eight dollars per day: Provided, That such special agents shall be persons of known and tried experience in statistical work.

Act Aug. 5, 1909, c. 7, 36 Stat. 126.

This is a provision of the urgent deficiency act for the fiscal year 1909, cited above.

Act July 2, 1909, c. 2, § 18, mentioned in this provision, is set forth above.

RES. MARCH 24, 1910, No. 17. [H. J. Res. 172.]

Joint Resolution Enlarging the Scope of Inquiry of the Schedules Relating to Population for the Thirteenth Decennial Census. (36 Stat. 877.)

Scope of Thirteenth Census; schedules relating to population; nationality or mother tongue of persons of foreign birth.

Resolved, &c., That the schedules relating to population for the Thirteenth Decennial Census, in addition to the inquiries required by the Act entitled "An Act to amend section eight of an Act to provide for the Thirteenth and subsequent decennial censuses, approved July second, nineteen hundred and nine," approved February twenty-fifth, nineteen hundred and ten, shall provide inquiries respecting the nationality or mother tongue of all persons born in foreign countries, and of the nationality or mother tongue of parents of foreign birth of persons enumerated.

Res. March 24, 1910, No. 17, 36 Stat. 877.

Act July 2, 1909, c. 2, § 8, mentioned in this resolution, prescribing the scope of the Thirteenth Census and of the schedules relating to population and other subjects, as amended by Act Feb. 25, 1910, c. 63, also mentioned in this resolution, is set forth above.

TITLE XXXII.

THE PUBLIC LANDS.

CHAPTER ONE.

Surveyors and Deputy Surveyors.

Sec. 2207.

Surveyors-general, how and where appointed.

Besides the States mentioned in the notes under this section in Comp. St. 1901, p. 1355, in which the office of surveyor-general had been discontinued, in pursuance of Rev. St. §§ 2218–2221, etc., the office has ceased in the States of Louisiana, Florida, Minnesota, and North Dakota.

Appropriations for surveyors-general, for the fiscal year ending June 30, 1912, are made only for the districts of Alaska, Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, South Dakota, Utah, Washington, and Wyoming. Act March 4, 1911, c. 237, § 1, 36 Stat. 1219.

Sec. 2208.

Salary of surveyors-general.

The appropriations for the salaries of the respective surveyors-general for the fiscal year ending June 30, 1912, are by Act March 4, 1911, c. 237, § 1, 36 Stat. 1219.

Sec. 2218.

Completion of surveys, delivery of field-notes, etc.

A survey, pursuant to this section, set forth in Comp. St. 1901, p. 1360, of unsurveyed lands in Louisiana, is provided for by Act May 25, 1906, c. 2554, set forth below.

Resurveys or retracements of surveys, to mark the boundaries of the public lands remaining undisposed of, are authorized by Act March 3, 1909, c. 271, set forth post, under chapter 9 of this Title.

ACT MAY 25, 1906, c. 2554. [H. R. 16307.]

An Act Authorizing the Secretary of the Interior to Have a Survey Made of Unsurveyed Public Lands in the State of Louisiana. (34 Stat. 199.)

Survey of unsurveyed lands in Louisiana.

Be it enacted, &c., That pursuant to section twenty-two hundred and eighteen of the Revised Statutes of the United States the Secretary of the Interior be, and he is hereby, authorized and instructed to cause a survey to be made of all of the unsurveyed public lands in the State of Louisiana lying north of the Louisiana base line and thirty-first degree of north latitude, together with such resurveys and retracements as may be found necessary in order to complete the original surveys herein provided for.

Act May 25, 1906, c. 2554, 34 Stat. 199.

Sec. 2226.

Clerk-hire, allowance of, to surveyors-general.

The appropriations for clerk-hire in the offices of the surveyors-general for the fiscal year ending June 30, 1912, are contained in Act March 4, 1911, c. 237, § 1, 36 Stat. 1219.

Sec. 2227.

Office-rent, allowance of, to surveyors-general.

The appropriations for office-rent, etc., for the surveyors-general for the fiscal year ending June 30, 1912, are contained in Act March 4, 1911, c. 237, § 1, 36 Stat. 1219.

CHAPTER TWO.

Registers and Receivers.

Sec. 2238.

[Amended. Act May 29, 1908, c. 220, § 14.]

Subdivision 10 of this section, set forth in Comp. St. 1901, p. 1368, prescribing the fees and commissions of registers and receivers, is expressly amended by Act May 29, 1908, c. 220, § 14, set forth below.

The usual commissions are allowed on all moneys paid for lands entered under Act June 17, 1902, c. 1093, which provides for the construction of irrigation works for the reclamation of arid lands, by the provision of section 5 of that act, set forth post, under chapter 11 of this Title, subchapter "Irrigation in Arid Regions; Grants of Desert Lands to States for Reclamation."

Additional fees to registers and receivers for making transcripts of the records in their offices for individuals are authorized, and such transcripts, when duly certified, are made admissible as evidence, by Act March 22, 1904, c. 748, set forth below.

Provisions relating to fees of registers for issuing notices of cancellation of entries are contained in Act March 4, 1911, c. 261, set forth below.

ACT MARCH 22, 1904, c. 748. [H. R. 5511.]

An Act to Authorize Registers and Receivers of United States Land Offices to Furnish Transcripts of their Records to Individuals. (33 Stat. 144.)

Fees for transcripts of records; transcripts as evidence.

Be it enacted, &c., That registers and receivers of United States land offices shall, in addition to the fees now allowed by law, be entitled to charge and receive for making transcripts of the records in their offices for individuals, the sum of ten cents per hundred words for each transcript so furnished; and the transcripts thus furnished, when duly certified to by them, shall be admitted as evidence in all courts of the United States and the Territories thereof, and before all officials authorized to receive evidence, with the same force and effect as the original records.

Act March 22, 1904, c. 748, 33 Stat. 144.

Provisions for certifying copies of records, books, and papers in the General Land Office, and for transmission of original papers on file in

the office, for use as evidence, are contained in Rev. St. §§ 891, 2469, set forth in Comp. St. 1901, pp. 672, 1557, in Act April 19, 1904, c. 1396, set forth ante, under Title XIII, "The Judiciary," c. 17, and in Act April 19, 1904, c. 1398, set forth ante, under Title XI, "The Department of the Interior," c. 3.

ACT MAY 29, 1908, c. 220, § 14. [S. 6190.]

Amendment of Rev. St. § 2238, subd. 10.

Sec. 14. That subdivision ten of section twenty-two hundred and thirty-eight of the Revised Statutes of the United States be, and the same is hereby, amended so as to read as follows:

Fees for testimony reduced to writing.

"Tenth. Registers and receivers are allowed jointly at the rate of fifteen cents per hundred words for testimony reduced by them to writing for claimants in establishing pre-emption, desert-land, and homestead rights."

Act May 29, 1908, c. 220, § 14, 35 Stat. 468.

Rev. St. § 2238, subd. 10, amended by this section, is set forth in Comp. St. 1901, p. 1368. The amendment consists in the insertion of the term "desert-land."

ACT MARCH 4, 1911, c. 261. [H. R. 6043.]

An Act for the Relief of Registers and Former Registers of the United States Land Offices. (36 Stat. 1351.)

Fees for notices of cancellation of entries, erroneously deposited by registers in Treasury, to be refunded to them.

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized and directed to refund, out of any money in the Treasury not otherwise appropriated, to registers and former registers of United States land offices money earned by them for issuing notices of the cancellation of entries subsequent to July twenty-sixth, eighteen hundred and ninety-two, which money, under the instructions of the Secretary of the Interior, they were erroneously required to deposit in the United States Treasury, contrary to the provisions of the Act approved July twenty-sixth, eighteen hundred and ninety-two: Provided, That such refund shall be made only of money deposited subsequent to the approval of the Act of July twenty-sixth, eighteen hundred and ninety-two, and shall be made upon accounts stated and certified by the Secretary of the Interior: And provided further, That said refund shall be made of only such fees which have not entered into the compensation paid to such registers out of the appropriation for salaries and commissions of registers and receivers for any fiscal year.

Act March 4, 1911, c. 261, § 1, 36 Stat. 1351.

Act July 26, 1892, c. 251, mentioned in this section, amending Act May 14, 1880, c. 89, § 2, is incorporated in that section as set forth in Comp. St. 1901, p. 1392.

Fees for notices of cancellation of entries hereafter received to be accounted for.

Sec. 2. That hereafter all money or fees received or collected by registers of United States land offices for issuing notices of cancellation of entries shall be reported and accounted for by such registers in the same manner as other fees or moneys received or collected.

Act March 4, 1911, c. 261, § 2, 36 Stat. 1352.

Sec. 2243.

ACT JUNE 6, 1900, c. 791, § 1.

Expenses of land-offices.

The provision of this and later acts, set forth in Comp. St. 1901, p. 1371, is repeated in the subsequent deficiency appropriation acts and sundry civil appropriation acts. The provision for the fiscal year ending June 30, 1912, is by Act March 4, 1911, c. 285, § 1, 36 Stat. 1414.

The payment of sums disbursed by receivers of public moneys, acting as special disbursing agents at land offices, before the receipt of Government funds, is authorized by Act March 2, 1907, c. 2563, set forth below.

ACT MARCH 2, 1907, c. 2563. [H. R. 11044.]

An Act Authorizing and Directing the Secretary of the Treasury, in Certain Contingencies, to Refund to Receivers of Public Moneys Acting as Special Disbursing Agents Amounts Paid by them out of their Private Funds. (34 Stat. 1245.)

Reimbursement of sums disbursed by receivers as special disbursing agents.

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any unexpended balances of appropriations for contingent expenses of land offices, for the expenses of hearings in land entries and the expenses of depositing public moneys, such sums as may have been or may hereafter be disbursed by receivers of public moneys, acting as special disbursing agents at United States land offices, before the receipt of Government funds: Provided, That no payment shall be made under this Act in excess of the amount appropriated by the Congress for the particular purpose in each instance and for the fiscal year in which such disbursements were made: Provided, That all such disbursements shall have been or shall hereafter be made in pursuance of law in carrying out departmental regulations or to meet authorizations by the Commissioner of the General Land Office: Provided further, That the accounts containing such items shall have been duly approved by the Commissioner of the General Land Office.

Act March 2, 1907, c. 2563, 34 Stat. 1245.

Sec. 2245.

Monthly and quarterly returns of receivers.

Receivers are authorized to deposit to the credit of the Treasurer of the United States unearned fees and unofficial moneys carried on the books of their offices for five years or more, and moneys deposited by unknown parties, and repayment of such moneys is provided for, by Act March 2, 1907, c. 2562, set forth below.

The repayment of purchase moneys, etc., paid under the land laws on applications afterward rejected, and of excess payments under the land laws, is provided for by Act March 26, 1908, c. 102, set forth below.

ACT MARCH 2, 1907, c. 2562. [H. R. 11040.]

An Act to Authorize the Receivers of Public Moneys for Land Districts to Deposit with the Treasurer of the United States Certain Sums Embraced in their Accounts of Unearned Fees and Unofficial Moneys. (34 Stat. 1245.)

Deposit in Treasury by receivers of unearned fees and unofficial moneys carried on their books for five years or more.

Be it enacted, &c., That the receivers of public moneys for land districts are hereby authorized, under the direction of the Commissioner of the General Land Office, to deposit to the credit of the

Treasurer of the United States all unearned fees and unofficial moneys that have been carried upon the books of their respective offices for a period of five years or more, which sums shall be covered into the Treasury by warrant and carried to the credit of the parties from whom such fees or moneys were received, and into an appropriation account to be denominated "Outstanding liabilities."

Act March 2, 1907, c. 2562, § 1, 34 Stat. 1245.

Lists to be furnished with deposits.

Sec. 2. That at the time of making such deposit the receiver shall furnish a list showing the date when the money was paid to him or to his predecessor; the names and residences of the parties; the purposes of the payments and the amounts thereof, which list shall bear the certificate of the register and receiver that the same is correct; that the amounts are due and payable; that diligence has been exercised to return the same, and that the sums specified have remained unclaimed for a period of five years or more.

Act March 2, 1907, c. 2562, § 2, 34 Stat. 1245.

Deposit of moneys deposited by unknown parties.

Sec. 3. That amounts that appear in a receiver's accounts as "Moneys deposited by unknown parties" shall also be deposited to the credit of the Treasurer of the United States, accompanied by a list showing the amount and, if possible, the date of the receipt of each item; which list shall bear the certificate of the register and receiver that, after careful investigation, the ownership of said moneys could not be determined, and that they have been reported in the unearned fees and unofficial moneys accounts for five years or more.

Act March 2, 1907, c. 2562, § 3, 34 Stat. 1245.

Repayment of moneys deposited in Treasury; limitation; payment by homestead entryman on making cash entry.

Sec. 4. That any person or persons who shall have made payment to a receiver, or to his predecessor, and the money shall have been covered into the Treasury pursuant to section one or section three hereof, shall, on presenting satisfactory evidence of such payment to the proper officer of the Treasury Department, be entitled to have the same returned by the settlement of an account and the issuing of a warrant in his favor according to the practice in other cases of authorized and liquidated claims against the United States: Provided, That when such moneys shall remain unclaimed in the Treasury for more than five years the right to recover the same shall be barred: Provided, That no homestead entryman shall be required to make payment of the purchase money on any application to make a cash entry until the same shall have been approved by the register and receiver, but such payment shall be made within ten days after notice of such approval.

Act March 2, 1907, c. 2562, § 4, 34 Stat. 1245.

ACT MARCH 26, 1908, c. 102. [H. R. 15660.]

An Act to Provide for the Repayment of Certain Commissions, Excess Payments, and Purchase Moneys Paid under the Public Laws. (35 Stat. 48.)

Repayment of purchase moneys, etc., paid under applications, etc., afterward rejected.

Be it enacted, &c., That where purchase moneys and commissions paid under any public land law have been or shall hereafter be covered

into the Treasury of the United States under any application to make any filing, location, selection, entry, or proof, such purchase moneys and commissions shall be repaid to the person who made such application, entry, or proof, or to his legal representatives, in all cases where such application, entry, or proof has been or shall hereafter be rejected, and neither such applicant nor his legal representatives shall have been guilty of any fraud or attempted fraud in connection with such application.

Act March 26, 1908, c. 102, § 1, 35 Stat. 48.

Repayment of excess payments.

Sec. 2. That in all cases where it shall appear to the satisfaction of the Secretary of the Interior that any person has heretofore or shall hereafter make any payments to the United States under the public land laws in excess of the amount he was lawfully required to pay under such laws, such excess shall be repaid to such person or to his legal representatives.

Act March 26, 1908, c. 102, § 2, 35 Stat. 48.

A provision for repayment to homestead entrymen of excess payments is contained in Act March 2, 1907, c. 2568, set forth post, under chapter 5 of this Title.

Certification of amount of excess moneys, purchase moneys, etc., and repayment.

Sec. 3. That when the Commissioner of the General Land Office shall ascertain the amount of any excess moneys, purchase moneys, or commissions in any case where repayment is authorized by this statute, the Secretary of the Interior shall at once certify such amounts to the Secretary of the Treasury, who is hereby authorized and directed to make repayment of all amounts so certified out of any moneys not otherwise appropriated and issue his warrant in settlement thereof.

Act March 26, 1908, c. 102, § 3, 35 Stat. 48.

Sec. 2246.

Oaths administered by registers and receivers.

The compulsory attendance of witnesses before registers and receivers in all matters requiring a hearing before them, and the taking of testimony and of depositions for such hearings, are provided for by Act Jan. 31, 1903, c. 344, set forth below.

ACT JAN. 31, 1903, c. 344.

An Act Providing for the Compulsory Attendance of Witnesses before Registers and Receivers of the Land Office. (32 Stat. 790.)

Subpœnas for attendance of witnesses before registers and receivers.

Be it enacted, &c., That registers and receivers of the land office, or either of them, in all matters requiring a hearing before them, are authorized and empowered to issue subpœnas directing the attendance of witnesses, which subpœnas may be served by any person by delivering a true copy thereof to such witness, and when served, witnesses shall be required to attend in obedience thereto: Provided, That if any subpœna be served under the provisions of this Act by any person other than an officer authorized by the laws of the United States, or of the State or Territory in which the depositions are taken,

the service thereof shall be proved by the affidavit of the person serving the same: Provided further, That said subpœnas shall be served within the county in which attendance is required, and at least five days before attendance is required.

Act Jan. 31, 1903, c. 344, § 1, 32 Stat. 790.

Subpœnas for taking depositions of witnesses residing outside the county are provided for by section 4 of this act, set forth below.

Witnesses' fees.

Sec. 2. That witnesses shall have the right to receive their fee for one day's attendance and mileage in advance. The fees and mileage of witnesses shall be the same as that provided by law in the district courts of the United States in the district in which such land offices are situated; and the witness shall be entitled to receive his fee for attendance in advance from day to day during the hearing.

Act Jan. 31, 1903, c. 344, § 2, 32 Stat. 790.

Witnesses' fees in the courts of the United States are prescribed by Rev. St. § 848, and Act Aug. 3, 1892, c. 361, Comp. St. 1901, pp. 654, 655.

Disobedience to subpœna, punishable.

Sec. 3. That any person willfully neglecting or refusing obedience to such subpœna, or neglecting or refusing to appear and testify when subpœnaed, his fees having been paid if demanded, shall be deemed guilty of a misdemeanor, for which he shall be punished by indictment in the district court of the United States or in the district courts of the Territories exercising the jurisdiction of circuit or district courts of the United States. The punishment for such offense, upon conviction, shall be a fine of not more than two hundred dollars, or imprisonment not to exceed ninety days, or both, at the discretion of the court: Provided, That if such witness has been prevented from obeying such subpœna without fault upon his part he shall not be punished under the provisions of this Act.

Act Jan. 31, 1903, c. 344, § 3, 32 Stat. 790.

Witnesses under subpœnas for taking depositions are subject to the same penalties, by the provisions of the next following section of this act.

Depositions of witnesses residing outside the county.

Sec. 4. That whenever the witness resides outside the county in which the hearing occurs any party to the proceeding may take the testimony of such witness in the county of such witness's residence in the form of depositions by giving ten days' written notice of the time and place of taking such depositions to the opposite party or parties. The depositions may be taken before any United States commissioner, notary public, judge or clerk of a court of record. Subpœnas for witnesses before the officer taking depositions may issue from the office of the register or receiver, or may be issued by the officer taking the depositions, and disobedience thereof, as defined in this Act, shall also be punished; and the witness shall receive the same fees and mileage and be subject to the same penalties in all respects as in case of violation of a subpœna to appear before the register or receiver, and subject to the same limitations. The fees of the officer taking the depositions shall be the same as those allowed in the State or Territorial courts, and shall be paid by the party taking the

deposition, and an itemized account of the fees shall be made by the officer taking the depositions and attached to the depositions.

Act Jan. 31, 1903, c. 344, § 4, 32 Stat. 790.

Penalties in case of violation of a subpœna to appear before the register or receiver, mentioned in this section, are imposed by the preceding section of this act.

Continuing taking of depositions in behalf of opposite party.

Sec. 5. That whenever the taking of any depositions taken in pursuance of the foregoing provisions of this Act is concluded the opposite party may proceed at once at his own expense to take depositions in his own behalf, at the same time and place and before the same officer: Provided, That he shall, before taking of the depositions in the first instance is entered upon, give notice to the opposing party, or any agent or attorney representing him in the taking of said depositions, of his intention to do so.

Act Jan. 31, 1903, c. 344, § 5, 32 Stat. 791.

CHAPTER THREE.

Land-Districts—General Provisions Respecting Certain Lands.

PROVISIONS RESPECTING PARTICULAR LOCAL LAND DISTRICTS.

Sec. 2256.

Changes in the existing land districts enumerated in the note under this section in Comp. St. 1901, p. 1377, are as follows:

The number of land offices and land districts in Alaska is reduced to one, the location to be fixed by the President, by a provision of Act Feb. 14, 1902, c. 17, § 1, set forth below. Two additional land districts, the boundaries to be designated by the President, to be known as the Nome land district and the Fairbanks land district, with offices at Nome and Fairbanks, are established by Act March 2, 1907, c. 2537, also set forth below.

An additional land district in the state of Montana, to be called the "Great Falls Land District," the land office to be located at Great Falls, is established, and the appointment of a register and receiver for the district is authorized by Act April 28, 1902, c. 595, set forth below; a new district with an office at Billings is established by Act Feb. 5, 1906, c. 83, set forth below; another new district with an office at Glasgow is established by Act Feb. 25, 1907, c. 1191, set forth below; and an additional land district with an office at Havre is established by Act Feb. 15, 1910, c. 27, also set forth below.

An additional land district in the territory of New Mexico, to be known as the "Tucumcari District," the land office to be located at Tucumcari, is established, and the appointment of a register and receiver for the district is authorized, by Act March 16, 1908, c. 93, set forth below; and an additional land district, to be known as the "Fort Sumner land District," Fort Sumner to be the site for the land office, is established, and the appointment of a register and receiver for the district is authorized, by Act June 22, 1910, c. 320, also set forth below.

An additional land district in the State of North Dakota, to be called the "Dickinson District," the land office to be located at Dickinson until the President may remove it from that town, is established, and the appointment of a register and receiver for the district is authorized, by

Act March 16, 1904, c. 550, set forth below; and an additional land office to be known as the Williston district, with an office at Williston, is established by Act April 26, 1906, c. 1877, also set forth below.

An additional land district in the states of North Dakota and South Dakota, to be known as the "Lemmon District," the land office to be at Lemmon, is established, and the appointment of a register and receiver for the district is authorized, by Act May 29, 1908, c. 220, § 13, set forth below.

An additional land district in the state of South Dakota, to be known as the "Bellefourche District," the land office to be at Bellefourche, is established, and the appointment of a register and receiver for the district is authorized, by Act Feb. 6, 1909, c. 77, set forth below.

An additional land district in the State of Utah, to be called the "Uintah District," the land office to be located at such place within the district as the President may designate, is established by Act March 3, 1905, c. 1450, set forth below.

The land office at Des Moines, Iowa, is abolished, after Feb. 28, 1910, by Act Feb. 15, 1910, c. 28, set forth below.

An additional land district in the State of Oregon, to be known as the "Vale land district," the land office to be located at Vale, is established, and the appointment of a register and receiver for the district is authorized, by Act March 15, 1910, c. 97, set forth below.

The Government of the Philippine Islands is authorized to establish land districts and to provide for the appointment of the necessary officers wherever they deem the same necessary for the public convenience, by Act July 1, 1902, c. 1369, § 52, 32 Stat. 704.

ACT MAY 14, 1898, c. 299, § 12.

Land districts and offices in Alaska; registers and receivers.

The number of land offices and land districts in Alaska is reduced to one, the location to be fixed by the President, by a provision of Act Feb. 14, 1902, c. 17, § 1, set forth below; but two additional land districts are established by Act March 2, 1907, c. 2537, also set forth below.

ACT FEB. 14, 1902, c. 17, § 1.

Land districts and offices in Alaska reduced to one.

That on and after June first, nineteen hundred and two, the number of land offices and land districts in the district of Alaska is hereby reduced to one, the location of which shall be fixed by the President.

Act Feb. 14, 1902, c. 17, § 1, 32 Stat. 20.

This is a provision of the urgent deficiency appropriation act for the fiscal year ending June 30, 1902, cited above. Two additional land districts in Alaska are established by Act March 2, 1907, c. 2537, set forth below.

ACT APRIL 28, 1902, c. 595.

An Act to Establish an Additional Land Office in the State of Montana. (32 Stat. 171.)

Additional land district in Montana.

Be it enacted, &c., That all that portion of the State of Montana bounded and described as follows: Beginning at the northeast corner of the State and running thence west on the national boundary line between the United States and British possessions to the point intersected by the eastern boundary line of the Blackfeet Indian Reservation; thence south along the line of said reservation to where it is intersected by the eastern line of the Lewis and Clarke Forest Reservation; thence south on said line to the southwest corner of township twenty-two north, range eight west; thence east along the line between townships twenty-one and twenty-two north to the northeast corner of township twenty-one north, range four west; thence south along the line between ranges three and four west to the northeast corner of township fourteen north, range four west; thence east along the line

between townships fourteen and fifteen north to the southeast corner of township fifteen north, range three east; thence north to the northeast corner of said township; thence east along the line between townships fifteen and sixteen north to the southeast corner of township sixteen north, range ten east; thence north along the line between ranges ten and eleven east to the northeast corner of township eighteen north, range ten east; thence east along the line between townships eighteen and nineteen north to the northeast corner of township eighteen north, range twelve east; thence north along the line between ranges twelve and thirteen east to the Missouri River; thence south and east, following the Missouri River to the east line of the State of Montana; thence north along said line to the place of beginning, be, and the same is hereby, constituted a new land district, to be called Great Falls land district of the State of Montana; and the land office for said district shall be located at the town of Great Falls.

Act April 28, 1902, c. 595, § 1, 32 Stat. 171.

Additional land district in Montana; register and receiver.

Sec. 2. That the President, by and with the advice and consent of the Senate, is hereby authorized to appoint a register and receiver for such land district, who shall discharge like and similar duties and receive the same amount of compensation as other officers discharging like duties in the other land offices of said State.

Act April 28, 1902, c. 595, § 2, 32 Stat. 172.

ACT MARCH 16, 1904, c. 550. [S. 1487.]

An Act Creating an Additional Land Office in the State of North Dakota. (33 Stat. 83.)

Additional land district in North Dakota.

Be it enacted, &c., That all that portion of North Dakota lying south of the twelfth standard parallel and west of the range line between ranges ninety and ninety-one west of the principal meridian be, and the same is hereby, created into a separate land district, to be known as the Dickinson district, and the land office for said district shall be located at the town of Dickinson until such time as the President may, in his discretion, remove the site of said land office from said town.

Act March 16, 1904, c. 550, § 1, 33 Stat. 83.

Additional land district in North Dakota; register and receiver.

Sec. 2. That the President be, and is hereby, authorized to appoint, by and with the advice and consent of the Senate, or during the recess thereof and until the next session after such appointment, a register and a receiver for said district; and they shall be subject to the same laws and be entitled to the same compensation as is or may hereafter be provided by law in relation to the existing land offices and officers in said State.

Act March 16, 1904, c. 550, § 2, 33 Stat. 84.

ACT MARCH 3, 1905, c. 1450. [H. R. 17934.]

An Act to Provide for a Land District in Wasatch, Uintah, and Carbon Counties in the State of Utah, to be Known as the Uintah Land District, and for Other Purposes. (33 Stat. 1014.)

Additional land district in Utah.

Be it enacted, &c., That all that portion of the State of Utah included within the present boundaries of Uintah and Carbon counties, and

also within the boundaries of that part of the Uintah Indian Reservation which lies within the present boundaries of Wasatch County, is hereby constituted a new land district, to be called the Uintah land district, and that the land office for said district shall be located at such place within the territory above described as the President of the United States may designate.

Act March 3, 1905, c. 1450, 33 Stat. 1014.

ACT FEB. 5, 1906, c. 83. [H. R. 8994.]

An Act to Provide for a Land District in Yellowstone, Carbon, and Rosebud Counties, in the State of Montana, to be Known as the Billings Land District. (34 Stat. 11.)

Additional land district in Montana.

Be it enacted, &c., That all that portion of the State of Montana included within the present boundaries of Yellowstone and Carbon counties and all that portion of the ceded and unceded part of the Crow Indian Reservation lying within the limits of Rosebud County, west of the Big Horn River, is hereby constituted a new land district, and that the land office for said district shall be located at Billings, in said Yellowstone County.

Act Feb. 5, 1906, c. 83, 34 Stat. 11.

ACT APRIL 26, 1906, c. 1877. [S. 2452.]

An Act Creating an Additional Land Office in the State of North Dakota. (34 Stat. 148.)

Additional land district in North Dakota.

Be it enacted, &c., That all that portion of North Dakota lying north of the twelfth standard parallel and west of a line beginning at the juncture of the range line between ranges ninety-two and ninety-three with the said twelfth standard parallel and running north to the fifteenth standard parallel, and thence west along the said fifteenth standard parallel to the range line between ranges ninety-six and ninety-seven, and thence north along the said range line to the international boundary line, all west of the principal meridian, be, and the same is hereby, created into a separate land district, to be known as the Williston district; and the land office for said district shall be located at the town of Williston until such time as the President may, in his discretion, remove the site of said land office from said town.

Act April 26, 1906, c. 1877, § 1, 34 Stat. 148.

Additional land district in North Dakota; register and receiver.

Sec. 2. That the President be, and is hereby, authorized to appoint, by and with the advice and consent of the Senate, a register and a receiver for said district; and they shall be subject to the same laws and be entitled to the same compensation as is or may hereafter be provided by law in relation to the existing land offices and officers in said State.

Act April 26, 1906, c. 1877, § 2, 34 Stat. 149.

ACT FEB. 25, 1907, c. 1191. [H. R. 20984.]

An Act to Provide for a Land District in Valley County, in the State of Montana, to be Known as the Glasgow Land District. (34 Stat. 929.)

Additional land district in Montana.

Be it enacted, &c., That all that portion of the State of Montana included within the present boundaries of Valley County is hereby constituted a new land district, and that the land office for said district shall be located at Glasgow, in said county.

Act Feb. 27, 1907, c. 1191, 34 Stat. 929.

ACT MARCH 2, 1907, c. 2537. [H. R. 25041.]

An Act to Provide for the Creation of Additional Land Districts in the District of Alaska. (34 Stat. 1232.)

Additional land districts in Alaska.

Be it enacted, &c., That there are hereby created two additional land districts, the boundaries of which shall be designated by the President, in the district of Alaska, to be known as the Nome land district and the Fairbanks land district, with the land offices located, respectively, at Nome, Alaska, and Fairbanks, Alaska.

Act March 2, 1907, c. 2537, § 1, 34 Stat. 1232.

Additional land districts in Alaska; clerks of courts to be registers, and marshals to be receivers.

Sec. 2. That the clerks of the district courts at Nome and Fairbanks shall respectively be ex-officio registers of the land offices at Nome and Fairbanks and the marshals of the said courts at Nome and Fairbanks shall be ex-officio receivers of public moneys for the Nome and Fairbanks land districts. Said officers shall perform the several duties of register of the land office and receiver of public moneys for the land districts with all the powers incident to such offices to the same extent as now performed by the register of the land office and the receiver of public moneys at Juneau, Alaska.

Act March 2, 1907, c. 2537, § 2, 34 Stat. 1232.

Fees and commissions as compensation of officers in additional districts.

Sec. 3. That the said officers shall, in addition to their present compensation as clerk or marshal as provided by law, receive all the fees and commissions allowed by law for their services as registers of land offices and receivers of public moneys for land districts under the land laws: Provided, That any fees or commissions in excess of one thousand five hundred dollars per annum received by either such officials shall be paid into the Treasury of the United States: Provided, That no other salary than aforesaid shall be paid such registers and receivers.

Act March 2, 1907, c. 2537, § 3, 34 Stat. 1232.

Surveys in additional districts.

Sec. 4. That the surveyor-general of the district of Alaska, under the direction of the Secretary of the Interior, shall furnish the receivers of said land offices a sufficient quantity of numbers to be used in the different classes of official surveys that may be made in said Nome and Fairbanks land districts to meet the requirements thereof, and upon application by any person desiring to have an official survey made the receivers shall furnish a number or numbers for such survey or surveys, together with an order directing a qualified deputy surveyor to make the same, and such application, order, and the fee required to be paid to the surveyor-general in the district of Alaska

shall be transmitted to the surveyor-general: Provided, That all surveys thus made shall be approved by the surveyor-general as at present.

Act March 2, 1907, c. 2537, § 4, 34 Stat. 1232.

Time of taking effect of act.

Sec. 5. That this Act shall take effect and be in force from and after July first, nineteen hundred and seven.

Act March 2, 1907, c. 2537, § 5, 34 Stat. 1232.

ACT MARCH 16, 1908, c. 93. [H. R. 16860.]

An Act to Establish a United States Land District in the Territory of New Mexico to be Known as the Tucumcari Land District. (35 Stat. 45.)

Additional land district in New Mexico.

Be it enacted, &c., That all that portion of the Territory of New Mexico bounded and described as follows: Commencing at the intersection of the fourth standard parallel north with the boundary line of the Territory of New Mexico and the State of Texas; thence west along said fourth standard parallel north to its intersection with the third guide meridian east of New Mexico; thence south along said third guide meridian east to its intersection with the first standard parallel north; thence east along said first standard parallel north to its intersection with the boundary line of the Territory of New Mexico and the State of Texas; thence north along said boundary line to the place of beginning, be, and is hereby, constituted a new and separate land district, to be called the Tucumcari land district, the land office of which shall be located in the town of Tucumcari, county of Quay, in the Territory of New Mexico.

Act March 16, 1908, c. 93, § 1, 35 Stat. 45.

Additional land district in New Mexico; register and receiver.

Sec. 2. That the President, by and with the advice and consent of the Senate, shall appoint a register and a receiver of public moneys for said district, and said officers shall reside in the place where said land office is located, and shall have the same powers and shall discharge similar duties and receive the same fees and emoluments as officers discharging like duties in the other land offices of the Territory of New Mexico.

Act March 16, 1908, c. 93, § 2, 35 Stat. 45.

ACT MAY 29, 1908, c. 220, § 13. [S. 6190.]

Additional land district in North Dakota and South Dakota; register and receiver.

That all that part of the States of North and South Dakota lying within the following-described boundaries, to wit: Commencing at a point on the boundary line between the States of North and South Dakota where the east boundary line of the county of Schnasse intersects said State line, thence due north to a point on the eighth standard parallel north; thence west on said eighth standard parallel north to a point where the boundary line between the States of North Dakota and Montana intersects the said eighth standard parallel north; thence south on the boundary line between the States of North Dakota and Montana and South Dakota and Montana to a point where the fourth

standard parallel north intersects said State boundary line; thence east on the said fourth standard parallel north to the northeast corner of township sixteen north, of range nine east; then south along the range line between ranges nine and ten east to a point where the same intersects the third standard parallel north; thence east on said third standard parallel north to a point where the same intersects the western boundary line of the county of Schnasse; thence north along the western boundary line of said county to a point where the same intersects the fifth standard parallel north; thence east along the said fifth standard parallel north to a point where the same intersects the range line between ranges twenty-three and twenty-four east; thence along said range line to a point where the same intersects the State line between the States of North Dakota and South Dakota; thence west along the said State line to the point of beginning, be, and the same hereby is, constituted a new land district, to be known as the Lemmon land district; and the United States land office for said district is hereby located at the town of Lemmon, in Butte County. That the President be, and he hereby is, authorized to appoint, by and with the advice and consent of the Senate, a register and a receiver for said land district, and they shall be subject to the same laws and be entitled to the same compensation as is or may be hereafter provided by law in relation to the existing land offices and officers in said State.

Act May 29, 1908, c. 220, § 13, 35 Stat. 468.

ACT FEB. 6, 1909, c. 77. [H. R. 26062.]

An Act Authorizing the Creation of a Land District in the State of South Dakota, to be Known as the Bellefourche Land District. (35 Stat. 597.)

Additional land district in South Dakota; register and receiver.

Be it enacted, &c., That all that part of the State of South Dakota lying within the following described boundaries, to wit: Commencing at a point where the township line between townships eighteen and nineteen north intersects the boundary line between the States of South Dakota and Montana; thence east on the said township line to the northeast corner of township eighteen north, of range nine east; thence south along the range line between ranges nine and ten to a point where the same intersects the third standard parallel north; thence east on said third standard parallel north to the northeast corner of township twelve north, range eleven east; thence south along the range line between ranges eleven and twelve to where the same intersects the township line between townships six and seven north; thence west on said township line between townships six and seven to a point where the same intersects the boundary line between the States of South Dakota and Wyoming; thence north on the boundary line between the States of South Dakota and Wyoming and Montana to the point of beginning, be, and the same hereby is, constituted a new land district, to be known as the Bellefourche land district; and the United States land office for said district is hereby located at the town of Bellefourche, in Butte County. That the President be, and he hereby is, authorized to appoint, by and with the advice and consent of the Senate, a register and a receiver for said land district, and they shall be subject to the same laws and be entitled to the same com-

pensation as is or may be hereafter provided by law in relation to the existing land offices and officers in said State.

Act Feb. 6, 1909, c. 77, 35 Stat. 597.

ACT FEB. 15, 1910, c. 27. [S. 2523.]

An Act for the Establishment of a New Land District in the State of Montana. (36 Stat. 192.)

Additional land district in Montana.

Be it enacted, &c., That all that portion of the State of Montana included within the boundaries hereinafter described is hereby constituted a new land district, and that the land office for said district shall be located at Havre, in Chouteau County, Montana: Beginning on the range line when extended between ranges twenty-eight and twenty-nine east, where the same will intersect the international boundary line between the United States of America and the Dominion of Canada, thence south, allowing for the proper offsets on the sixth, seventh, and ninth standard parallels north, to the point of intersection with the center of the Missouri River; thence westerly and northwesterly along the center of the Missouri River to the point of intersection with the center of the Marias River; thence northwesterly along the Marias River to the point of intersection with the Montana principal meridian; thence north along said principal meridian to the point of intersection with the international boundary line; thence east to the range line when extended between ranges twenty-eight and twenty-nine east, to the place of beginning.

Act Feb. 15, 1910, c. 27, 36 Stat. 192.

ACT FEB. 15, 1910, c. 28. [S. 5238.]

An Act to Abolish the United States Land Office at Des Moines, Iowa. (36 Stat. 193.)

Land office at Des Moines, Iowa, abolished; disposition of records.

Be it enacted, &c., That the land office at Des Moines, Iowa, shall be, and is hereby, abolished from and after the twenty-eighth day of February, nineteen hundred and ten; and the Secretary of the Interior is hereby authorized to transfer to the State of Iowa such of the transcripts, documents, and records of the office as are not required for the use of the United States and as the State may desire to preserve.

Act Feb. 15, 1910, c. 28, 36 Stat. 193.

ACT MARCH 15, 1910, c. 97. [S. 5125.]

An Act Authorizing the Creation of an Additional Land District in the State of Oregon, to be Known as the "Vale land district." (36 Stat. 238.)

Additional land district in Oregon.

Be it enacted, &c., That an additional land district is hereby created in the State of Oregon, to embrace lands described as follows: Commencing at a point where the township line between townships eleven and twelve south intersects the Snake River; thence west along said township line to its intersection with the northwest corner of township twelve south, range thirty-six east; thence south on the range line between ranges thirty-five and thirty-six east to its intersection

with the fourth standard parallel south; thence east on said fourth standard parallel south to its intersection with the range line between ranges thirty-six and thirty-seven east; thence south along said range line to its intersection with the sixth standard parallel south; thence west along said sixth parallel south to the northwest corner of township thirty-one south, range thirty-five east; thence south along the range line between ranges thirty-four and thirty-five east to the southwest corner of township thirty-seven south, range thirty-five east; thence east along the north boundary of township thirty-eight south to the northwest corner of township thirty-eight south, range thirty-seven east; thence south along the range line between ranges thirty-six and thirty-seven south to its intersection with the boundary line between the States of Oregon and Nevada; thence east along said boundary line to its intersection with the boundary line between the States of Oregon and Idaho; thence north and northerly along said boundary to the place of beginning; and that Vale, Malheur County, within said district, is hereby designated as the site for the land office thereof.

Act March 15, 1910, c. 97, § 1, 36 Stat. 238.

Additional land district in Oregon; transfer thereto of plats, maps, records, etc., from other land offices.

Sec. 2. That the Secretary of the Interior shall cause all plats, maps, records, and papers in the Burns and La Grande land offices which relate to or form a necessary part of the record of the lands embraced in the land district hereby created to be transferred to the same, and said district created as aforesaid shall be known as the "Vale land district."

Act March 15, 1910, c. 97, § 2, 36 Stat. 238.

Additional land district in Oregon; register and receiver.

Sec. 3. That the President is authorized to appoint, by and with the advice and consent of the Senate, a register and a receiver for said land district, and they shall be subject to the same laws and be entitled to the same compensation as is or may be hereafter provided by law in relation to the existing land offices and officers in said State.

Act March 15, 1910, c. 97, § 3, 36 Stat. 238.

ACT JUNE 22, 1910, c. 320. [H. R. 19268.]

An Act to Create an Additional Land District in the Territory of New Mexico, to be Known as the "Fort Sumner Land District." (36 Stat. 585.)

Additional land district in New Mexico.

Be it enacted, &c., That an additional land district is hereby created in the Territory of New Mexico, to embrace lands described as follows: Beginning at the point where the township line between townships four and five north of the base line parallel intersects the boundary line between the Territory of New Mexico and the State of Texas; running thence west from said intersection along said township line to its intersection with the line between ranges fifteen and sixteen east of the New Mexico prime meridian; thence south along said range line to its intersection with the township line between townships five and six south; thence east along said township line to the boundary line between the Territory of New Mexico and the State of Texas;

thence north on and along said boundary line to the place of beginning; and that Fort Sumner, within said district, is hereby designated as the site for the land office thereof.

Act June 22, 1910, c. 320, § 1, 36 Stat. 585.

Additional land district in New Mexico; transfer thereto of plats, maps, records, etc., from other land offices.

Sec. 2. That the Secretary of the Interior shall cause all plats, maps, records, and papers in the Roswell and Santa Fé land offices which relate to or form a necessary part of the record of the lands embraced in the land district hereby created to be transferred to the same, and said district created as aforesaid shall be known as the "Fort Sumner land district."

Act June 22, 1910, c. 320, § 2, 36 Stat. 585.

Additional land district in New Mexico; register and receiver.

Sec. 3. That the President is authorized to appoint, by and with the consent of the Senate, a person to act as register and also a person to act as receiver of the aforesaid Fort Sumner land district, and that such clerical force as may be necessary shall be assigned to the said Fort Sumner land office by the Secretary of the Interior.

Act June 22, 1910, c. 320, § 3, 36 Stat. 585.

CHAPTER FOUR.

Pre-emptions.

Sec. 2275. [*As amended* 1891.]

Settlements before survey on sections 16 or 36; deficiencies thereof.

The provisions of Act Feb. 28, 1891, c. 384, amending Rev. St. §§ 2275, 2276, to read as set forth in Comp. St. 1901, pp. 1381, 1382, are made applicable to the Territory of New Mexico, by Act March 16, 1908, c. 88, set forth post, under Rev. St. § 2276.

Sec. 2276. [*As amended* 1891.]

Selections to supply deficiencies of school lands.

The provisions of Act Feb. 28, 1891, c. 384, amending this section to read as set forth in Comp. St. 1901, p. 1382, are made applicable to the State of Utah, and to the grant of school lands to that State, including sections 2 and 32 as well as 16 and 36 in each township or other lands equivalent thereto, as stated in the note under this section in Comp. St. 1901, p. 1383, by Act May 3, 1902, c. 683, set forth below.

The provisions of said Act Feb. 28, 1891, c. 384, are made applicable also to the Territory of New Mexico, by Act March 16, 1908, c. 88, set forth below.

Lands selected and appropriated in lieu of lands granted for school purposes to the Territory and State of Washington, under the several acts relating thereto, as stated in the notes under this section in Comp. St. 1901, p. 1383, when approved by the Secretary of the Interior, are to be deemed to have been granted to the State by Act Feb. 22, 1889, c. 180, and the title of the State thereto is confirmed by Act Dec. 18, 1902, c. 5, set forth below.

Title to certain tracts of land previously selected by the State of Nebraska as indemnity for granted school lands, and certified to the State, but the certification of which was declared void, is confirmed to the State, by Act April 15, 1902, c. 506, 32 Stat. 105.

Selections by States in lieu of school sections in abandoned military reservations are confirmed, and provisions for the disposal of the lands in

such school sections are made, by Act Feb. 11, 1903, c. 543, post, under chapter 11 of this title, subc. "Abandoned Military and Naval Reservations."

The act providing for the admission into the Union of the Territory of Oklahoma and the Indian Territory as the State of Oklahoma grants sections 16 and 36 in every township in Oklahoma Territory and indemnity lands selected in lieu thereof, and the sum of $5,000,000 in lieu of sections 16 and 36 and other lands in the Indian Territory, to the State for the use and benefit of common schools, and grants other lands for the use and benefit of the University of Oklahoma and other educational institutions, with special provisions as to the disposal of said lands and the proceeds thereof. Act June 16, 1906, c. 3335, §§ 7–10, 12, 34 Stat. 272–274.

An amount equal to five per cent. of the proceeds of the sales of public lands within said State of Oklahoma, is to be paid to the State, to be used as a permanent fund, the interest to be expended for the support of common schools by Act June 16, 1906, c. 3335, § 11, 34 Stat. 274.

The act providing for the admission into the Union of the States of New Mexico and Arizona, grants to each State, in addition to sections 16 and 36 previously granted or reserved, sections 2 and 32 in every township not otherwise appropriated, for the support of common schools; and when those sections, or any parts thereof, are mineral, or have been sold, etc., or otherwise appropriated, the provisions of Rev. St. §§ 2275, 2276, are made applicable thereto and to the selection of lands in lieu thereof. Act June 20, 1910, c. 310, §§ 6, 24, 36 Stat. 561, 572.

The State of Wyoming is permitted to reconvey to the United States certain lands selected by and certified to said State under the provisions of the act admitting the State into the Union, and to select other lands in lieu thereof, by Act March 31, 1906, c. 1354, 34 Stat. 92, and Act April 12, 1910, c. 154, 36 Stat. 295.

The State of Montana is permitted to reconvey to the United States certain lands selected as indemnity school land under the provisions of the act admitting the State into the Union, and to select other lands in lieu thereof, by Act April 28, 1906, c. 2068, 34 Stat. 150.

ACT MAY 3, 1902, c. 683.

An Act to Make the Provisions of an Act of Congress Approved February Twenty-Eighth, Eighteen Hundred and Ninety-One (Twenty-Sixth Statutes, Seven Hundred and Ninety-Six), Applicable to the State of Utah. (32 Stat. 188.)

Provisions for selections to supply deficiencies of school lands, made applicable to grant of school lands to State of Utah.

Be it enacted, &c., That all the provisions of an Act of Congress approved February twenty-eighth, eighteen hundred and ninety-one, which provides for the selection of lands for educational purposes in lieu of those appropriated for other purposes, be, and the same are hereby, made applicable to the State of Utah, and the grant of school lands to said State, including sections two and thirty-two in each township, and indemnity therefor, shall be administered and adjusted in accordance with the provisions of said Act, anything in the Act approved July sixteenth, eighteen hundred and ninety-four, providing for the admission of said State into the Union, to the contrary notwithstanding.

Act May 3, 1902, c. 683, § 1, 32 Stat. 188.

Act Feb. 28, 1891, c. 384, mentioned in this section, amends Rev. St. §§ 2275, 2276, and is incorporated in those sections as set forth in Comp. St. 1901, pp. 1381, 1382.

Additional school sections included in provisions as applicable to State of Utah.

Sec. 2. That wherever the words "sections sixteen and thirty-six" occur in said Act, the same as applicable to the State of Utah shall

read: "sections two, sixteen, thirty-two, and thirty-six," and wherever the words "sixteenth and thirty-sixth sections" occur the same shall read: "second, sixteenth, thirty-second, and thirty-sixth sections," and wherever the words "sections sixteen or thirty-six" occur the same shall read: "sections two, sixteen, thirty-two, or thirty-six," and wherever the words "two sections" occur the same shall read "four sections."

Act May 3, 1902, c. 683, § 2, 32 Stat. 189.

Sections numbered 2, 16, 32, and 36, or other lands equivalent thereto, are granted to the State of Utah for school purposes, by Act July 16, 1894, c. 138, § 6, 28 Stat. 109, as stated in note under Rev. St. § 2276, in Comp. St. 1901, p. 1383.

ACT DEC. 18, 1902, c. 5.

An Act Relating to Grants of Land to the Territory and State of Washington for School Purposes. (32 Stat. 756.)

Preamble.

Whereas by the Act of Congress of February twenty-second, eighteen hundred and eighty-nine, providing that the inhabitants of the Territory of Washington might, upon certain conditions prescribed in said Act, become the State of Washington, certain lands were granted to the said State for school purposes; and

Whereas a doubt has arisen as to what lands were granted by section ten of said Act; and

Whereas by section twenty of the Act of Congress of March second, eighteen hundred and fifty-three, entitled "An Act to establish the Territorial government of Washington," the county commissioners of counties in said Territory were authorized to locate and select certain lands in lieu of sections sixteen and thirty-six occupied by actual settlers; and

Whereas by the Act of Congress of February twenty-sixth, eighteen hundred and fifty-nine, entitled "An Act to authorize settlers upon sixteenth and thirty-sixth sections, who settled before the surveys of public lands, to preempt their settlements," certain lands were appropriated for school purposes in lieu of such as might be patented by preemptors, and to compensate deficiencies for school purposes where said sections sixteen and thirty-six were fractional in quantity, or where one or both were wanting by reason of the township being fractional, or from any natural cause whatever, and providing for their selection; and

Whereas certain lieu lands have been selected by the Territory of Washington under said Acts of Congress: Therefore,

Title to lands selected in lieu of school lands in State of Washington, confirmed.

Be it enacted, &c., That in all cases where sections sixteen and thirty-six, or either or any of them, or any portion thereof, have been occupied by actual settlers prior to survey thereof, and the county commissioners of the counties in which said sections so occupied as aforesaid are situated, have, under said Act of Congress of March second, eighteen hundred and fifty-three, located or selected other lands in sections or fractional sections, as the case may be, within their respective counties, in lieu of said section so occupied as afore-

said, the lands so located or selected, when the same shall have been approved by the Secretary of the Interior, shall be deemed and taken to have been granted to said State by said Act of February twenty-second, eighteen hundred and eighty-nine, and the title of said State thereto is hereby confirmed.

Act Dec. 18, 1902, c. 5, § 1, 32 Stat. 757.

Act March 2, 1853, c. 90, § 20, mentioned in the preamble to this act and in this section, was incorporated into Rev. St. § 1947; and Act Feb. 26, 1859, c. 58, also mentioned in the preamble, was incorporated into Rev. St. § 2276. The provisions of Act Feb. 22, 1889, c. 180, granting lands to the State of Washington for school purposes, also mentioned in the preamble and in this section, are stated in the note under Rev. St. § 2276, in Comp. St. 1901, p. 1383.

Title to lands selected in lieu of lands appropriated to supply deficiencies of school lands in State of Washington, confirmed.

Sec. 2. That where any lands appropriated by Congress to said Territory to compensate deficiencies for school purposes, where sections sixteen or thirty-six were fractional in quantity, or where one or both were wanting by reason of the township being fractional, or from any natural cause whatever, or where section sixteen or thirty-six were patented by preemptors, have been selected and appropriated as provided in said Act of Congress of February twenty-sixth, eighteen hundred and fifty-nine, the lands so selected and appropriated, when the same shall have been approved by the Secretary of the Interior, shall be deemed and taken to have been granted to said State of Washington by the said Act of February twenty-second, eighteen hundred and eighty-nine, and the title thereto confirmed.

Act Dec. 18, 1902, c. 5, § 2, 32 Stat. 757.

See note under preceding section of this act.

ACT MARCH 16, 1908, c. 88. [H. R. 9205.]

An Act to Make the Provisions of an Act of Congress Approved February Twenty-Eighth, Eighteen Hundred and Ninety-One (Twenty-Sixth Statutes, Page Seven Hundred and Ninety-Six), Applicable to the Territory of New Mexico. (35 Stat. 44.)

Provisions for selections to supply deficiencies of school lands made applicable to grant of school lands to Territory of New Mexico.

Be it enacted, &c., That all the provisions of an Act of Congress approved February twenty-eighth, eighteen hundred and ninety-one, entitled "An Act to amend sections twenty-two hundred and seventy-five and twenty-two hundred and seventy-six of the Revised Statutes of the United States providing for the selection of lands for educational purposes in lieu of those appropriated for other purposes," be, and the same are hereby, made applicable to the Territory of New Mexico, and the grant of school lands to said Territory, and indemnity therefor, shall be administered and adjusted in accordance with the provisions of said Act, anything in the Act of Congress approved June twenty-first, eighteen hundred and ninety-eight, making certain grants of land to the Territory of New Mexico, and for other purposes, to the contrary notwithstanding.

Act March 16, 1908, c. 88, 35 Stat. 44.

Act Feb. 28, 1891, c. 384, mentioned in this act, amends Rev. St. §§ 2275, 2276, and is incorporated in those sections as set forth in Comp. St. 1901, pp. 1381, 1382.

Sec. 2288. [*As amended* 1891.]

This section, set forth in Comp. St. 1901, p. 1385, as amended by Act March 3, 1891, c. 561, § 3, is further amended by Act March 3, 1905, c. 1424, to read as set forth below.

ACT MARCH 3, 1905, c. 1424. [S. 6757.]

An Act to Amend Section Twenty-two hundred and eighty-eight of the Revised Statutes of the United States. (33 Stat. 991.)

Amendment of Rev. St. § 2288.

Be it enacted, &c., That section twenty-two hundred and eighty-eight of the Revised Statutes be amended so as to read as follows:

Right of transfer of settlers under homestead or pre-emption laws for certain public purposes.

"Sec. 2288. Any bona fide settler under the preemption, homestead, or other settlement law shall have the right to transfer, by warranty against his own acts, any portion of his claim for church, cemetery, or school purposes, or for the right of way of railroads, telegraph, telephones, canals, reservoirs, or ditches for irrigation or drainage across it; and the transfer for such public purposes shall in no way vitiate the right to complete and perfect the title to his claim."

Act March 3, 1905, c. 1424, 33 Stat. 991.

Rev. St. § 2288, amended by this act, is set forth, as previously amended by Act March 3, 1891, c. 561, § 3, in Comp. St. 1901, p. 1385. The amendment by this act consists in the insertion, after the words "or for the right of way of railroads," of the words "telegraph, telephones," making the section read as set forth here.

The right of any homestead settler in Alaska to transfer any portion of the land settled upon, as provided by this section, is restricted by a provision of Act March 3, 1903, c. 1002, post, under chapter 5 of this Title.

CHAPTER FIVE.

Homesteads.

Sec. 2289. [*As amended* 1891.]

Who may enter certain unappropriated public lands.

The provisions of the homestead laws are extended to Alaska, by Act May 14, 1898, c. 299, § 1, Comp. St. 1901, p. 1412, which is amended by Act March 3, 1903, c. 1002, set forth post, under Rev. St. § 2303.

Lands may be withdrawn from settlement, location, sale, or entry, and reserved for water-power sites, irrigation, classification, or other public purposes, by the President, by Act June 25, 1910, c. 421, set forth below.

Provisions somewhat similar, for reservation from location, etc., of lands within any Indian reservation, by the Secretary of the Interior, are contained in Act June 25, 1910, c. 431, § 13, also set forth below.

Lands required for irrigation works, and lands believed to be susceptible of irrigation from such works are to be withdrawn from public entry, by provisions of Act June 17, 1902, c. 1093, §§ 3-5 set forth post, under chapter 11 of this Title, subc. "Irrigation in Arid Regions; Grants of Desert Lands to States for Reclamation."

Provisions for opening to homestead entry agricultural lands within forest reserves are contained in Act June 11, 1906, c. 3074, set forth post, under chapter 11 of this Title, subchapter, "National Forests."

Provisions for the reclassification of lands in Alabama to determine

which are agricultural lands and which mineral lands, those designated as agricultural to be subject to homestead entry, are contained in Act March 27, 1907, c. 1347, set forth post, under chapter 6 of this Title.

The right to make homestead entries under the provisions of this section is not affected by Act Feb. 19, 1909, c. 160, providing for enlarged homestead entries of lands, in certain states and territories named, designated as not irrigable, but no person making entry under that act is entitled to make homestead entry under this section, by section 5 of that act, set forth post, under chapter 5 of this Title.

The provision of Act June 29, 1906, c. 3592, § 8, that no alien shall be naturalized or admitted to citizenship who can not speak the English language, does not apply to aliens who declare their intention to become citizens and make homestead entries on the public lands, by a proviso annexed to said section 8, set forth ante, under Title XXX, "Naturalization."

Where an alien, after declaration of intention to become a citizen becomes insane before he is actually naturalized, and his wife thereafter makes a homestead entry under the land laws, she and their minor children may be naturalized without making declaration of intention, by Act Feb. 24, 1911, c. 151, set forth ante, under Title XXX, "Naturalization."

ACT JUNE 25, 1910, c. 421. [H. R. 24070.]

An Act to Authorize the President of the United States to Make Withdrawals of Public Lands in Certain Cases. (36 Stat. 847.)

Withdrawal by President from settlement, location, etc., and reservation of lands for water-power sites, irrigation, etc.

Be it enacted, &c., That the President may, at any time in his discretion, temporarily withdraw from settlement, location, sale, or entry any of the public lands of the United States including the District of Alaska and reserve the same for water-power sites, irrigation, classification of lands, or other public purposes to be specified in the orders of withdrawals, and such withdrawals or reservations shall remain in force until revoked by him or by an Act of Congress.

Act June 25, 1910. c. 421, § 1, 36 Stat. 847.

Provisions somewhat similar to those of this section, for reservation from location, etc., of lands within any Indian reservation, by the Secretary of the Interior, are contained in Act June 25, 1910, c. 431, § 13, set forth below.

Provisions for withdrawal from entry of lands required for irrigation works and lands believed to be susceptible of irrigation from such works, and provisions for entry of lands to be irrigated, are contained in Act June 17, 1902, c. 1093, §§ 3–5, set forth post, under chapter 11 of this Title, subc. "Irrigation in Arid Regions; Grants of Desert Lands to States for Reclamation."

Lands withdrawn open to exploration, discovery, etc., under mining laws; rights of occupants or claimants of oil or gas bearing lands; previous homestead, etc., entries, etc., excepted; no forest reserves to be created, etc., within certain States, except by act of Congress.

Sec. 2. That all lands withdrawn under the provisions of this Act shall at all times be open to exploration, discovery, occupation, and purchase, under the mining laws of the United States, so far as the same apply to minerals other than coal, oil, gas, and phosphates: Provided, That the rights of any person who, at the date of any order of withdrawal heretofore or hereafter made, is a bona fide occupant or claimant of oil or gas bearing lands, and who, at such date, is in diligent prosecution of work leading to discovery of oil or gas, shall not be affected or impaired by such order, so long as such occupant or claimant shall continue in diligent prosecution of said work: And pro-

vided further, That this Act shall not be construed as a recognition, abridgment, or enlargement of any asserted rights or claims initiated upon any oil or gas bearing lands after any withdrawal of such lands made prior to the passage of this Act: And provided further, That there shall be excepted from the force and effect of any withdrawal made under the provisions of this Act all lands which are, on the date of such withdrawal, embraced in any lawful homestead or desert-land entry theretofore made, or upon which any valid settlement has been made and is at said date being maintained and perfected pursuant to law; but the terms of this proviso shall not continue to apply to any particular tract of land unless the entryman or settler shall continue to comply with the law under which the entry or settlement was made: And provided further, That hereafter no forest reserve shall be created, nor shall any additions be made to one heretofore created within the limits of the States of Oregon, Washington, Idaho, Montana, Colorado, or Wyoming, except by Act of Congress.

Act June 25, 1910, c. 421, § 2, 36 Stat. 847.

Reports of withdrawals to Congress.

Sec. 3. That the Secretary of the Interior shall report all such withdrawals to Congress at the beginning of its next regular session after the date of the withdrawals.

Act June 25, 1910, c. 421, § 3, 36 Stat. 848.

ACT JUNE 25, 1910, c. 431, § 13. [H. R. 24992.]

Withdrawal from location, entry, etc., and reservation of lands within Indian reservations, for power or reservoir sites, irrigation, etc.; reports of reservations to Congress.

Sec. 13. That the Secretary of the Interior be, and he is hereby, authorized, in his discretion, to reserve from location, entry, sale, allotment, or other appropriation any lands within any Indian reservation, valuable for power or reservoir sites, or which may be necessary for use in connection with any irrigation project heretofore or hereafter to be authorized by Congress: Provided, That if no irrigation project shall be authorized prior to the opening of any Indian reservation containing such power or reservoir sites the Secretary of the Interior may, in his discretion, reserve such sites pending future legislation by Congress for their disposition, and he shall report to Congress all reservations made in conformity with this Act.

Act June 25, 1910, c. 431, § 13, 36 Stat. 858.

This section is part of an act for determining the heirs of deceased Indians, for the disposition and sale of allotments of deceased Indians, etc., cited above.

Sec. 2291.

Certificate and patent, when given and issued.

Where more than the lawful purchase money is required to be paid by homestead settlers on final proof or commutation, the excess is to be repaid, by Act March 2, 1907, c. 2568, set forth below.

ACT MAY 14, 1880, c. 89, § 2. [*As amended* 1892.]

Cancellation of claims; notice to contestant; death of contestant.

Where contests were initiated under this act prior to withdrawal of the land for national forest purposes, qualified successful contestants are allowed to exercise their preference right to enter the land, for a

limited time, by Act March 3, 1911, c. 225, § 2, set forth post, in chapter 11 of this Title, subc. "National Forests."

Provisions relating to fees of registers for issuing notices of cancellation of entries are contained in Act March 4, 1911, c. 261, set forth ante, in chapter 2 of this Title, "Registers and Receivers," under Rev. St. § 2238.

ACT MARCH 2, 1907, c. 2568. [H. R. 22588.]

An Act for the Relief of Homestead Entrymen Who Have Paid More than the Lawful Purchase Money. (34 Stat. 1248.)

Repayment of excess required to be paid on final proof or commutation.

Be it enacted, &c., That in all cases in which homestead entrymen upon final proof or commutation shall have been required to pay more than the lawful purchase money for their lands, the Secretary of the Interior shall cause the excess to be repaid to the entryman or to his heirs or assigns.

Act March 2, 1907, c. 2568, 34 Stat. 1248.

Subsequent provisions for repayment of excess moneys paid under the public land laws, and of purchase moneys, etc., paid under applications, etc., afterwards rejected, are contained in Act March 26, 1908, c. 102, set forth ante, under chapter 2 of this Title.

Sec. 2294. [*As amended* 1890.]

[Amended. Act March 11, 1902, c. 182. Act March 4, 1904, c. 394.]

This section, set forth in Comp. St. 1901, p. 1396, as amended by Act May 26, 1890, c. 355, is further amended by Act March 11, 1902, c. 182, and that act is itself amended by Act March 4, 1904, c. 394, so as to read as set forth below.

ACT MARCH 11, 1902, c. 182. [*As amended* 1904.]

An Act to Amend Section Twenty-Two Hundred and Ninety-Four of the Revised Statutes of the United States. (32 Stat. 63.)

Amendment of Rev. St. § 2294.

Be it enacted, &c., That section twenty-two hundred and ninety-four of the Revised Statutes of the United States be, and the same is hereby, amended so as to read as follows:

Officers before whom affidavits, proofs, etc., may be made; false swearing deemed perjury and punishable; fees.

"Sec. 2294. That hereafter all proofs, affidavits, and oaths of any kind whatsoever required to be made by applicants and entrymen under the homestead, preemption, timber-culture, desert-land, and timber and stone Acts, may, in addition to those now authorized to take such affidavits, proofs, and oaths, be made before any United States commissioner or commissioner of the court exercising Federal jurisdiction in the Territory or before the judge or clerk of any court of record in the county, parish, or land district in which the lands are situated: Provided, That in case the affidavits, proofs, and oaths hereinbefore mentioned be taken out of the county in which the land is located the applicant must show by affidavit, satisfactory to the Commissioner of the General Land Office, that it was taken before the nearest or most accessible officer qualified to take said affidavits, proofs, and oaths in the land districts in which the lands applied for are located;

but such showing by affidavit need not be made in making final proof if the proof be taken in the town or city where the newspaper is published in which the final proof notice is printed. The proof, affidavit, and oath, when so made and duly subscribed, or which may have heretofore been so made and duly subscribed, shall have the same force and effect as if made before the register and receiver, when transmitted to them with the fees and commissions allowed and required by law. That if any witness making such proof, or any applicant making such affidavit or oath, shall knowingly, willfully, or corruptly swear falsely to any material matter contained in said proofs, affidavits, or oaths he shall be deemed guilty of perjury, and shall be liable to the same pains and penalties as if he had sworn falsely before the register. That the fees for entries and for final proofs, when made before any other officer than the register and receiver, shall be as follows:

"For each affidavit, twenty-five cents.

"For each deposition of claimant or witness, when not prepared by the officer, twenty-five cents.

"For each deposition of claimant or witness, prepared by the officer, one dollar.

"Any officer demanding or receiving a greater sum for such service shall be guilty of a misdemeanor, and upon conviction shall be punished for each offense by a fine not exceeding one hundred dollars."

Act March 11, 1902, c. 182, 32 Stat. 63. Act March 4, 1904, c. 394, 33 Stat. 59.

Rev. St. § 2294, amended by these acts, is set forth in Comp. St. 1901, p. 1396, as previously amended by Act May 26, 1890, c. 355. The further amendatory Act March 11, 1902, c. 182, cited above, is itself amended by Act March 4, 1904, c. 394, so as to make the section read as set forth here.

Provisions for the confirmation of entries or final proofs, not made within the land district in which the lands are situated, by error of the officers of any local land office, are contained in Act March 9, 1904, c. 503, set forth post, under chapter 11 of this Title, subchapter "Disposition of Suspended Entries and Claims; Invalid and Defective Claims and Patents therefor."

Sec. 2298.

Limitation of amount entered for homestead.

Besides the provisions set forth under Rev. St. § 2298, in Comp. St. 1901, pp. 1401–1405, for homestead entries after a former entry not perfected for various reasons, or additional to a former entry of less than one quarter section, other provisions of various acts for such entries, or for enlarged homesteads, or for second entries, are set forth below.

Special limitations of the amount to be entered for homestead in Alaska are prescribed by the amendment of Act May 14, 1898, c. 299, § 1, Comp. St. 1901, p. 1412, by Act March 3, 1903, c. 1002, set forth below.

Provisions for additional entries or second entries on ceded Indian lands or lands in Indian reservations opened to settlement, contained in various acts, are set forth or referred to post, under chapter 11 of this Title, subc. "Ceded Indian Reservations and Lands."

ACT MARCH 2, 1889, c. 381, §§ 2, 5.

Homestead entry after former unperfected entry.

Besides the provisions of Act March 2, 1889, c. 381, § 2, set forth in Comp. St. 1901, p. 1403, for homestead entries by persons who had not perfected title under a former entry, further provisions, that persons

having failed to perfect, or having lost, abandoned, or forfeited, former entries, may make second entries, are contained in Act April 28, 1904, c. 1776, § 1, Act Feb. 8, 1908, c. 19, and Act Feb. 3, 1911, c. 34, set forth below.

Additional entry of land contiguous to former entry of less than one quarter section.

The provisions of Act March 2, 1889, c. 381, § 5, set forth in Comp. St. 1901, p. 1403, allowing any homestead settler who had theretofore entered less than one quarter section of land to enter additional land contiguous to the original entry, are re-enacted, with additions including entries subsequently made, by Act April 28, 1904, c. 1776, § 2, set forth below.

ACT AUG. 30, 1890, c. 837, § 1.

Limitation of aggregate amount entered under any land laws.

Homestead entries of 320 acres or less of nonmineral, nonirrigable, etc., lands, not containing merchantable timber, in certain states and territories named, are permitted, by Act Feb. 19, 1909, c. 160, and Act June 17, 1910, c. 298, set forth below.

Homestead entries of not exceeding in area 640 acres of lands within certain designated boundaries in the State of Nebraska are allowed, and former homestead entries are not to be a bar thereto, by provisions of Act April 28, 1904, c. 1801, amended by Act May 29, 1908, c. 220, § 7, set forth below.

Special limitations of the amount to be entered in Alaska are prescribed by Act May 14, 1898, c. 299, § 1, Comp. St. 1901, p. 1412, amended by Act March 3, 1903, c. 1002, set forth below.

ACT JUNE 5, 1900, c. 716, § 2.

Additional entry after commutation of former entry.

Provisions restricting cancellation of homestead entries made under this section, set forth in Comp. St. 1901, p. 1405, on the ground that the former entry was commuted under Act June 15, 1880, c. 227, § 2, are contained in Act May 29, 1908, c. 220, § 10, set forth below.

ACT APRIL 28, 1904, c. 1776. [S. 3165.]

An Act Providing for Second and Additional Homestead Entries, and for Other Purposes. (33 Stat. 527.)

Homestead entry after former unperfected entry.

Be it enacted, &c., That any person who has heretofore made entry under the homestead laws, but who shall show to the satisfaction of the Commissioner of the General Land Office that he was unable to perfect the entry on account of some unavoidable complication of his personal or business affairs, or on account of an honest mistake as to the character of the land; that he made a bona-fide effort to comply with the homestead law and that he did not relinquish his entry or abandon his claim for a consideration, shall be entitled to the benefit of the homestead laws as though such former entry had not been made.

Act April 28, 1904, c. 1776, § 1, 33 Stat. 527.

Previous provisions for homestead entries after a former entry under which title had not been perfected are contained in several acts set forth under Rev. St. § 2298, in Comp. St. 1901, pp. 1401–1405.

Subsequent provisions for second homestead entries by persons having lost, abandoned, or forfeited former entries, are contained in Act Feb. 8, 1908, c. 19, and Act Feb. 3, 1911, c. 34, set forth below.

Additional entry of land contiguous to former entry of less than one quarter section.

Sec. 2. That any homestead settler who has heretofore entered, or may hereafter enter, less than one-quarter section of land may enter other and additional land lying contiguous to the original entry which

shall not, with the land first entered and occupied, exceed in the aggregate one hundred and sixty acres, without proof of residence upon and cultivation of the additional entry; and if final proof of settlement and cultivation has been made for the original entry when the additional entry is made, then the patent shall issue without further proof: Provided, That this section shall not apply to or for the benefit of any person who does not own and occupy the lands covered by the original entry: And provided, That if the original entry should fail for any reason prior to patent, or should appear to be illegal or fraudulent, the additional entry shall not be permitted, or, if having been initiated, shall be canceled.

Act April 28, 1904, c. 1776, § 2, 33 Stat. 527.

This section re-enacts the provisions of Act March 2, 1889, c. 381, § 5, set forth in Comp. St. 1901, p. 1403, in the same language, with the addition, after the words at the beginning, "That any homestead settler who has heretofore entered," of the words, "or may hereafter enter," and the omission, after the words of the first proviso, "That this section shall not apply to or for the benefit of any person who," of the words, "at the date of making application for entry hereunder," which were in said former section.

Commutation of entries under this act not allowed.

Sec. 3. That commutation under the provisions of section twenty-three hundred and one of the Revised Statutes shall not be allowed of an entry made under this Act.

Act April 28, 1904, c. 1776, § 3, 33 Stat. 527.

Rev. St. § 2301, mentioned in this section, is set forth in Comp. St. 1901, p. 1406.

ACT APRIL 28, 1904, c. 1801. [H. R. 14826.] [*As amended* 1908, S. 6190.]

An Act to Amend the Homestead Laws as to Certain Unappropriated and Unreserved Lands in Nebraska. (33 Stat. 547.)

Limitation of entries within certain boundaries in Nebraska extended; exclusion of irrigable lands from provisions of act.

Be it enacted, &c., That from and after sixty days after the approval of this Act entries made under the homestead laws in the State of Nebraska west and north of the following line, to wit: Beginning at a point on the boundary line between the States of South Dakota and Nebraska where the first guide meridian west of the sixth principal meridian strikes said boundary; thence running south along said guide meridian to its intersection with the fourth standard parallel north of the base line between the States of Nebraska and Kansas; thence west along said fourth standard parallel to its intersection with the second guide meridian west of the sixth principal meridian; thence south along said second guide meridian to its intersection with the third standard parallel north of the said base line; thence west along said third standard parallel to its intersection with the range line between ranges twenty-five and twenty-six west of the sixth principal meridian; thence south along said line to its intersection with the second standard parallel north of the said base line; thence west on said standard parallel to its intersection with the range line between ranges thirty and thirty-one west; thence south along said line to its intersection with the boundary line between the States of Nebraska and Kansas, shall not exceed in

area six hundred and forty acres, and shall be as nearly compact in form as possible, and in no event over two miles in extreme length: Provided, That there shall be excluded from the provisions of this Act such lands within the territory herein described as in the opinion of the Secretary of the Interior it may be reasonably practicable to irrigate under the national irrigation law, or by private enterprise; and that said Secretary shall, prior to the date above mentioned, designate and exclude from entry under this Act the lands, particularly along the North Platte River, which in his opinion it may be possible to irrigate as aforesaid; and shall thereafter, from time to time, open to entry under this Act any of the lands so excluded, which, upon further investigation, he may conclude can not be practically irrigated in the manner aforesaid.

Act April 28, 1904, c. 1801, § 1, 33 Stat. 547.

Additional entry of land contiguous to former entry, not to exceed in the aggregate the limitation as extended.

Sec. 2. That entrymen under the homestead laws of the United States within the territory above described who own and occupy the lands heretofore entered by them, may, under the provisions of this Act and subject to its conditions, enter other lands contiguous to their said homestead entry, which shall not, with the land so already entered, owned, and occupied, exceed in the aggregate six hundred and forty acres; and residence continued and improvements made upon the original homestead, subsequent to the making of the additional entry, shall be accepted as equivalent to actual residence and improvements made upon the additional land so entered, but final entry shall not be allowed of such additional land until five years after first entering the same, except in favor of entrymen entitled to credit for military service.

Act April 28, 1904, c. 1801, § 2, 33 Stat. 548. Act May 29, 1908, c. 220, § 7, 35 Stat. 466.

The amendment of this section by Act May 29, 1908, c. 220, § 7, cited above, consists in the change of the last provision of the section to read as set forth here, instead of the provision originally enacted, which was as follows: "And residence upon the original homestead shall be accepted as equivalent to residence upon the additional land so entered, but final entry shall not be allowed of such additional land until five years after first entering the same."

Similar provisions as to entries additional to previous entry of less than one quarter section are contained in Act April 28, 1904, c. 1776, § 2, set forth above.

Further provisions for additional entries by former homestead entrymen are contained in section 3 of this act, set forth below.

Fees and commissions on entries; commutation of entries not allowed; improvements to be shown on final proof; entries under this act by former homestead entrymen.

Sec. 3. That the fees and commissions on all entries under this Act shall be uniformly the same as those charged under the present law for a maximum entry at the minimum price. That the commutation provisions of the homestead law shall not apply to entries under this Act, and at the time of making final proof the entryman must prove affirmatively that he has placed upon the lands entered permanent improvements of the value of not less than one dollar and twenty-five cents per acre for each acre included in his entry: Provided, That a former homestead entry shall not be a bar to the entry under the

provisions of this Act of a tract which, together with the former entry, shall not exceed six hundred and forty acres: Provided, That any former homestead entryman who shall be entitled to an additional entry under section two of this Act shall have for ninety days after the passage of this Act the preferential right to make additional entry as provided in said section.

Act April 28, 1904, c. 1801, § 3, 33 Stat. 548.

Fees and commissions of registers and receivers are prescribed by Rev. St. § 2238, and subsequent provisions set forth in Comp. St. 1901, pp. 1367–1370.

Provisions for commutation of homestead entries, mentioned in this section, are contained in Rev. St. § 2301, and subsequent acts, set forth in Comp. St. 1901, pp. 1406–1410.

Under section 2 of this act, mentioned in this section, and set forth above, a former homestead entryman is entitled to an additional entry of lands contiguous to his former entry.

ACT FEB. 8, 1908, c. 19. [H. R. 300.]

An Act Providing for Second Homestead Entries. (35 Stat. 6.)

Homestead entry after former entry lost, forfeited, or abandoned.

Be it enacted, &c., That any person who, prior to the passage of this Act, has made entry under the homestead laws, but from any cause has lost forfeited or abandoned the same, shall be entitled to the benefits of the homestead law as though such former entry had not been made, and any person applying for a second homestead under this Act shall furnish the description and date of his former entry: Provided, That the provisions of this Act shall not apply to any person whose former entry was canceled for fraud, or who relinquished the former entry for a valuable consideration.

Act Feb. 8, 1908, c. 19, 35 Stat. 6.

A previous provision for homestead entries after a former unperfected entry is contained in Act April 28, 1904, c. 1776, § 1, set forth above.

Subsequent provisions, similar to those of this act, for second homestead and desert-land entries, are contained in Act Feb. 3, 1911, c. 34, set forth below.

ACT MAY 29, 1908, c. 220, § 10. [S. 6190.]

Ground for cancellation of entry made after commutation of former entry; reinstatement of canceled entries.

That no homestead entry heretofore made under the provisions of section two of the Act of Congress entitled "An Act for the relief of the Colorado Cooperative Colony, to permit homestead entries in certain cases, and for other purposes," approved June fifth, nineteen hundred, shall be canceled for the reason that the former entry made by the entryman was commuted under the provisions of an Act entitled "An Act relating to the public lands of the United States," approved June fifteenth, eighteen hundred and eighty (Twenty-first Statutes, page two hundred and thirty-seven). And all entries heretofore canceled on the ground that an entryman who commuted under the provisions of said Act of June fifteenth, eighteen hundred and eighty, is not entitled to the benefits of the Act of June fifth, nineteen hundred, shall be reinstated upon a showing by the entryman or his heirs, within one year from the approval of this Act, that there were no valid grounds for the cancellation of such entries except that a former entry was perfected under the Act of June fifteenth, eighteen hundred and

eighty, in all cases where valid adverse rights have not attached to the lands covered by such second entries since the date of their cancellation.

Act May 29, 1908, c. 220, § 10, 35 Stat. 467.

Act June 5, 1900, c. 716, § 2, mentioned in this section, permitting an additional homestead entry after commutation of a former entry, is set forth in Comp. St. 1901, p. 1405. And Act June 15, 1880, c. 227, § 2, also mentioned in this section, which provided for commutation of homestead entries theretofore made by paying the government price for the lands, is set forth post, under Rev. St. § 2301.

ACT FEB. 19, 1909, c. 160. [S. 6155.]

An Act to Provide for an Enlarged Homestead. (35 Stat. 639.)

Enlarged homestead entries of nonmineral, nonirrigable lands not containing merchantable timber in certain states and territories; lands to be designated as not irrigable.

Be it enacted, &c., That any person who is a qualified entryman under the homestead laws of the United States may enter, by legal subdivisions, under the provisions of this Act, in the States of Colorado, Montana, Nevada, Oregon, Utah, Washington, and Wyoming, and the Territories of Arizona and New Mexico, three hundred and twenty acres, or less, of nonmineral, nonirrigable, unreserved and unappropriated surveyed public lands which do not contain merchantable timber, located in a reasonably compact body, and not over one and one-half miles in extreme length: Provided, That no lands shall be subject to entry under the provisions of this Act until such lands shall have been designated by the Secretary of the Interior as not being, in his opinion, susceptible of successful irrigation at a reasonable cost from any known source of water supply.

Act Feb. 19, 1909, c. 160, § 1, 35 Stat. 639.

Provisions similar to those of this act for entries of enlarged homesteads in the State of Idaho, are contained in Act June 17, 1910, c. 398, set forth below.

Applications for entry; affidavits; fees.

Sec. 2. That any person applying to enter land under the provisions of this Act shall make and subscribe before the proper officer an affidavit as required by section twenty-two hundred and ninety of the Revised Statutes, and in addition thereto shall make affidavit that the land sought to be entered is of the character described in section one of this Act, and shall pay the fees now required to be paid under the homestead laws.

Act Feb. 19, 1909, c. 160, § 2, 35 Stat. 639.

Additional entry of land contiguous to former entry, not to exceed limitation.

Sec. 3. That any homestead entryman of lands of the character herein described, upon which final proof has not been made, shall have the right to enter public lands, subject to the provisions of this Act, contiguous to his former entry which shall not, together with the original entry, exceed three hundred and twenty acres, and residence upon and cultivation of the original entry shall be deemed as residence upon and cultivation of the additional entry.

Act Feb. 19, 1909, c. 160, § 3, 35 Stat. 639.

Proof of cultivation on making final proofs.

Sec. 4. That at the time of making final proofs as provided in section twenty-two hundred and ninety-one of the Revised Statutes the entry-

man under this Act shall, in addition to the proofs and affidavits required under the said section, proved by two credible witnesses that at least one-eighth of the area embraced in his entry was continuously cultivated to agricultural crops other than native grasses beginning with the second year of the entry, and that at least one-fourth of the area embraced in the entry was so continuously cultivated beginning with the third year of the entry.

Act Feb. 19, 1909, c. 160, § 4, 35 Stat. 639.

Right to make homestead entries under Rev. St. § 2289, not affected by act; entries under act not to be commuted.

Sec. 5. That nothing herein contained shall be held to affect the right of a qualified entryman to make homestead entry in the States named in section one of this Act under the provisions of section twenty-two hundred and eighty-nine of the Revised Statutes, but no person who has made entry under this Act shall be entitled to make homestead entry under the provisions of said section, and no entry made under this Act shall be commuted.

Act Feb. 19, 1909, c. 160, § 5, 35 Stat. 639.

Rev. St. § 2289, mentioned in this section, is set forth in Comp. St. 1901, p. 1388.

Lands in Utah without supply of water for domestic use to be designated; requirements of residence and cultivation as to such lands.

Sec. 6. That whenever the Secretary of the Interior shall find that any tracts of land, in the State of Utah, subject to entry under this Act, do not have upon them such a sufficient supply of water suitable for domestic purposes as would make continuous residence upon the lands possible, he may, in his discretion, designate such tracts of land, not to exceed in the aggregate two million acres, and thereafter they shall be subject to entry under this Act without the necessity of residence: Provided, That in such event the entryman on any such entry shall in good faith cultivate not less than one-eighth of the entire area of the entry during the second year, one-fourth during the third year, and one-half during the fourth and fifth years after the date of such entry, and that after entry and until final proof the entryman shall reside within such distance of said land as will enable him successfully to farm the same as required by this section.

Act Feb. 19, 1909, c. 160, § 6, 35 Stat. 640.

ACT JUNE 17, 1910, c. 298. [S. 5167.]

An Act to Provide for an Enlarged Homestead. (36 Stat. 531.)

Enlarged homestead entries of non-mineral non-irrigable lands not containing merchantable timber in Idaho; lands to be designated as not irrigable.

Be it enacted, &c., That any person who is a qualified entryman under the homestead laws of the United States may enter, by legal subdivision, under the provisions of this Act, in the State of Idaho, three hundred and twenty acres or less of arid nonmineral, nonirrigable, unreserved, and unappropriated surveyed public lands which do not contain merchantable timber, located in a reasonably compact body and not over one and one-half miles in extreme length: Provided, That no lands shall be subject to entry under the provisions of this Act until the lands shall have been designated by the Secretary

of the Interior as not being, in his opinion, susceptible of successful irrigation, at a reasonable cost, from any known source of water supply.

Act June 17, 1910, c. 298, § 1, 36 Stat. 531.

Previous provisions similar to those of this act for entries of enlarged homesteads in certain other States and Territories are contained in Act Feb. 19, 1909, c. 160, set forth above.

Applications for entry; affidavits; fees.

Sec. 2. That any person applying to enter land under the provisions of this Act shall make and subscribe before the proper officer an affidavit as required by section twenty-two hundred and ninety of the Revised Statutes, and in addition thereto shall make affidavit that the land sought to be entered is of the character described in section one of this Act, and shall pay the fees now required to be paid under the homestead laws.

Act June 17, 1910, c. 298, § 2, 36 Stat. 532.

Additional entry of land contiguous to former entry, not to exceed limitation.

Sec. 3. That any homestead entryman of lands of the character herein described, upon which final proof has not been made, shall have the right to enter public lands, subject to the provisions of this Act, contiguous to his former entry, which shall not, together with the original entry, exceed three hundred and twenty acres, and residence upon and cultivation of the original entry shall be deemed as residence upon and cultivation of the additional entry.

Act June 17, 1910, c. 298, § 3, 36 Stat. 532.

Proof of cultivation on making final proofs.

Sec. 4. That at the time of making final proofs as provided in section twenty-two hundred and ninety-one of the Revised Statutes, the entryman under this Act shall, in addition to the proofs and affidavits required under said section, prove by two credible witnesses that at least one-eighth of the area embraced in his entry was continuously cultivated to agricultural crops other than native grasses beginning with the second year of the entry, and that at least one-fourth of the area embraced in the entry was so continuously cultivated beginning with the third year of the entry.

Act June 17, 1910, c. 298, § 4, 36 Stat. 532.

Right to make homestead entries under Rev. St. § 2289, not affected by act; entries under act not to be commuted.

Sec. 5. That nothing herein contained shall be held to affect the right of a qualified entryman to make homestead entry in the State of Idaho under the provisions of section twenty-two hundred and eighty-nine of the Revised Statutes, but no person who has made entry under this Act shall be entitled to make homestead entry under the provisions of said section, and no entry made under this Act shall be commuted.

Act June 17, 1910, c. 298, § 5, 36 Stat. 532.

Lands without supply of water for domestic use to be designated; requirements of residence and cultivation as to such lands; leaves of absence.

Sec. 6. That whenever the Secretary of the Interior shall find that any tracts of land in the State of Idaho subject to entry under this Act do not have upon them such a sufficient supply of water suitable fo

domestic purposes as would make continuous residence upon the lands possible, he may, in his discretion, designate such tracts of land, not to exceed in the aggregate three hundred and twenty thousand acres, and thereafter they shall be subject to entry under this Act without the necessity of residence upon the land entered: Provided, That the entryman shall in good faith cultivate not less than one-eighth of the entire area of the entry during the second year, one-fourth during the third year, and one-half during the fourth and fifth years after the date of said entry, and that after six months from date of entry and until final proof the entryman shall reside not more than twenty miles from said land and be engaged personally in preparing the soil for seed, seeding, cultivating, and harvesting crops upon the land during the usual seasons for such work unless prevented by sickness or other unavoidable cause. Leave of absence from a residence established under this section may, however, be granted upon the same terms and conditions as are required of other homestead entrymen.

Act June 17, 1910, c. 298, § 6, 36 Stat. 532.

ACT FEB. 3, 1911, c. 34. [H. R. 15660.]

An Act Providing for Second Homestead and Desert-land Entries. (36 Stat. 896.)

Homestead entry or desert-land entry after former entry lost, forfeited, or abandoned.

Be it enacted, &c., That any person who, prior to the approval of this Act, has made entry under the homestead or desert-land laws, but who, subsequently to such entry, from any cause shall have lost, forfeited, or abandoned the same, shall be entitled to the benefits of the homestead or desert-land laws as though such former entry had not been made, and any person applying for a second homestead or desert-land entry under this Act shall furnish a description and the date of his former entry: Provided, That the provisions of this Act shall not apply to any person whose former entry was canceled for fraud, or who relinquished his former entry for a valuable consideration in excess of the filing fees paid by him on his original entry.

Act Feb. 3, 1911, c. 34, 36 Stat. 896.

Previous provisions, similar to those of this act, for second homestead entries, were contained in Act Feb. 8, 1908, c. 19, set forth above; and similar provisions for second desert-land entries, contained in Act March 26, 1898, c. 103, are set forth post, under chapter 11 of this Title, subc. "Desert Lands."

Sec. 2301. [*As amended* 1891.]

Payment before expiration of five years; rights of applicant.

The commutation provisions of the homestead law, Rev. St. § 2301, and subsequent provisions set forth in Comp. St. 1901, pp. 1406-1410, are not to apply to entries under Act April 28, 1904, c. 1801, which provides for entries of not to exceed 640 acres within certain boundaries in Nebraska, by section 3 of that act, set forth above.

Commutation under the provisions of Rev. St. § 2301, set forth in Comp. St. 1901, p. 1406, is not allowed of an entry under Act April 28, 1904, c. 1776, which allows a homestead entry after a former unperfected entry, and an additional entry of lands contiguous to a former entry of less than one quarter section, by section 3 of that act, set forth above.

No enlarged homestead entry of lands designated as not irrigable, made under Act Feb. 19, 1909, c. 160, or under Act June 17, 1910, c.

298, shall be commuted, by section 5 of each of said acts, set forth above.

The commutation provisions of the homestead laws are not to apply to entries under Act June 17, 1902, c. 1093, which provides for the construction of irrigation works for the reclamation of arid lands, by a proviso annexed to section 3 of that act, post, under chapter 11 of this Title, subc. "Irrigation in Arid Regions; Grants of Desert Lands to States for Reclamation."

Commutation for town-site purposes, of homestead entries of certain ceded Indian lands in Oklahoma, is authorized by Act March 11, 1902, c. 180, and commutation of homestead entries of certain ceded Indian lands in South Dakota, by Act May 22, 1902, c. 821, § 1, post, under chapter 11 of this Title, subc. "Ceded Indian Reservations and Lands."

Various acts of Congress and proclamations of the President acquiring or opening to entry particular tracts of Indian lands or Indian reservations or portions thereof contain provisions relating to commutation of homestead entries permitted of such lands.

Provisions restricting cancellation, on the ground of insufficient residence, of final certificates issued upon proof under the commutation provisions of the homestead laws, are contained in Act May 29, 1908, c. 220, § 9, set forth below.

Repayment of excess moneys paid on final proof or commutation is provided for by Act March 2, 1907, c. 2568, set forth ante, under Rev St. § 2291, and Act March 26, 1908, c. 102, set forth ante, under chapter 2 of this Title.

ACT JUNE 15, 1880, c. 227, § 2.

Commutation of homestead entries previously made, on payment of government price of lands.

That persons who have heretofore under any of the homestead laws entered lands properly subject to such entry, or persons to whom the right of those having so entered for homesteads, may have been attempted to be transferred by bona fide instrument in writing, may entitle themselves to said lands by paying the government price therefor, and in no case less than one dollar and twenty-five cents per acre, and the amount heretofore paid the government upon said lands shall be taken as part payment of said price: Provided, This shall in no wise interfere with the rights or claims of others who may have subsequently entered such lands under the homestead laws.

Act June 15, 1880, c. 227, § 2, 21 Stat. 237.

A homestead entry made under Act June 5, 1900, c. 716, § 2, Comp. St. 1901, p. 1405, after commutation under this act of a former entry, is not to be canceled on the ground that the entryman, by reason of such commutation, was not entitled to the benefits of said Act June 5, 1900, c. 716, by the provisions of Act May 29, 1908, c. 220, § 10, set forth ante, under Rev. St. § 2298.

ACT MAY 29, 1908, c. 220, § 9. [S. 6190.]

Insufficient residence as ground for cancellation of final certificates issued under commutation provisions; reinstatement of cancelled certificates.

That no final certificate issued upon proof offered under the commutation provisions of the homestead laws prior to the passage of this Act shall be canceled solely upon the ground of insufficient residence in any case where such proof shows that the entryman had in good faith resided upon and improved the lands covered by his entry for at least eight months within the year immediately preceding the submission of such proof, and in all such cases where the final certificate has been canceled because of insufficient residence such certificate shall, upon application made therefor by the entryman, his heirs or assigns,

within one year from the passage of this Act, be reinstated and confirmed if no fraud was practiced by the entryman and no valid adverse rights have attached to the land affected thereby at the date of the filing of such application.

Act May 29, 1908, c. 220, § 9, 35 Stat. 467.

Sec. 2303.

ACT JULY 4, 1876, c. 165.

Repeal of section 2303.

Provisions for withdrawal from entry of lands required for irrigation works, and provisions for entries under the homestead laws of lands susceptible of irrigation from such works, are contained in Act June 17, 1902, c. 1093, §§ 3–5, post, under chapter 11 of this Title, subc. "Irrigation in Arid Regions; Grants of Desert Lands to States for Reclamation;" but, by a proviso annexed to section 3, the commutation provisions of the homestead laws are not to apply to entries made under that act.

Provisions for exclusion from entry of irrigable lands within certain boundaries in Nebraska are contained in Act April 28, 1904, c. 1801, § 1, set forth above.

ACT MAY 14, 1898, c. 299, § 1.

[Amended. Act March 3, 1903, c. 1002.]

This section is amended by Act March 3, 1903, c. 1002, set forth below.

ACT MARCH 3, 1903, c. 1002.

An Act to Amend Section One of the Act of Congress Approved May Fourteenth, Eighteen Hundred and Ninety-Eight, Entitled "An Act Extending the Homestead Laws and Providing for a Right of Way for Railroads in the District of Alaska." (32 Stat. 1028.)

Homestead laws extended to Alaska; limitation of amount to be entered; locations on unsurveyed lands; restriction of transfers.

Be it enacted, &c., That all the provisions of the homestead laws of the United States not in conflict with the provisions of this Act, and all rights incident thereto, are hereby extended to the district of Alaska, subject to such regulations as may be made by the Secretary of the Interior; and no indemnity, deficiency, or lieu land selections pertaining to any land grant outside of the district of Alaska shall be made, and no land scrip or land warrant of any kind whatsoever shall be located within or exercised upon any lands in said district except as now provided by law; and provided further that no more than one hundred and sixty acres shall be entered in any single body by such scrip, lieu selection, or soldier's additional homestead right; and provided further that no location of scrip, selection, or right along any navigable or other waters shall be made within the distance of eighty rods of any lands, along such waters, theretofore located by means of any such scrip or otherwise; and provided further that no commutation privileges shall be allowed in excess of one hundred and sixty acres included in any homestead entry under the provisions hereof: Provided, That no entry shall be allowed extending more than one hundred and sixty rods along the shore of any navigable water, and along such shore a space of at least eighty rods shall be reserved from entry between all such claims; and that nothing herein contained shall be so construed as to authorize entries to be made

or title to be acquired to the shore of any navigable waters within said district; and no patent shall issue hereunder until all the requirements of sections twenty-two hundred and ninety-one, twenty-two hundred and ninety-two, and twenty-three hundred and five of the Revised Statutes of the United States have been fully complied with as to residence, improvements, cultivation, and proof except as to commuted lands as herein provided: And it is further provided, That every person who is qualified under existing laws to make homestead entry of the public lands of the United States who has settled upon or who shall hereafter settle upon any of the public lands of the United States situated in the district of Alaska, whether surveyed or unsurveyed, with the intention of claiming the same under the homestead laws, shall, subject to the provisions and limitations hereof, be entitled to enter three hundred and twenty acres or a less quantity of unappropriated public land in said district of Alaska. If any of the land so settled upon, or to be settled upon, is unsurveyed, then the land settled upon, or to be settled upon, must be located in a rectangular form, not more than one mile in length, and located by north and south lines run according to the true meridian; that the location so made shall be marked upon the ground by permanent monuments at each of the four corners of the said location, so that the boundaries of the same may be readily and easily traced; that the record of said location shall, within ninety days from the date of settlement, be filed for record in the recording district in which the land is situated. Said record shall contain the name of the settler, the date of the settlement, and such a description of the land settled upon, by reference to some natural object or permanent monument, as will identify the same; and, if after the expiration of the said period of five years or at such date as the settler may desire to commute the public surveys of the United States have not been extended over the land located, a patent shall nevertheless issue for the land included within the boundaries of said location as thus recorded, upon proof to be submitted to the register and receiver of the proper land office, upon proof that he is a citizen of the United States, and upon the further proof required by section twenty-two hundred and ninety-one of the Revised Statutes of the United States as heretofore and herein amended, and under the procedure in the obtaining of patents to the unsurveyed lands of the United States, as provided for by section ten of the Act hereby amended, and under such rules and regulations as shall be prescribed by the Secretary of the Interior as hereinbefore provided, without the payment of any purchase price or other charges, except the ordinary office fees and commissions of the register and receiver except one dollar and twenty-five cents per acre on land commuted: And provided always, That no title shall be obtained hereunder to any of the mineral or coal lands of the district of Alaska: And it is further provided, That the right of any homestead settler to transfer any portion of the land so settled upon, as provided by section twenty-two hundred and eighty-eight of the Revised Statutes of the United States, shall be restricted and limited within the district of Alaska as follows: For church, cemetery, or school purposes to five acres, and for the right of railroads across such homestead to one hundred feet in width on either side of the

center line of said railroad; and all contracts by the settler made before his receipt of patent from the Government, for the conveyance of the land homesteaded by him or her, except as herein provided, shall be held null and void.

Act March 3, 1903, c. 1002, 32 Stat. 1028.

Act May 14, 1898, c. 299, § 1, mentioned in the title to this act as amended thereby, is set forth in Comp. St. 1901, p. 1412.

Rev. St. § 2291, mentioned in this act, and Act March 3, 1877, c. 172, amending that section, with subsequent provisions relating to the same subject, are set forth in Comp. St. 1901, pp. 1390-1394.

Rev. St. § 2292, mentioned in this act, is set forth in Comp. St. 1901, p. 1394; and Rev. St. § 2305, also mentioned therein, is set forth in Comp. St. 1901, p. 1413.

Section 10 of the act amended by this act, Act May 14, 1898, c. 299, also mentioned in this act, is set forth in Comp. St. 1901, p. 1469.

Rev. St. § 2288, also mentioned in this act, is set forth in Comp. St. 1901, p. 1385.

Sec. 2306.

Persons who have entered less than 160 acres, rights of.

Rights as to location of soldiers' certificates theretofore issued under Rev. St. § 2306, are not affected by Act March 2, 1889, c. 381, § 6, which allows an additional entry after final proof on former entry of less than one quarter section, by a proviso annexed to that section, set forth in Comp. St. 1901, p. 1404.

Other provisions for additional entries, after a former entry of less than 160 acres, are contained in Act April 28, 1904, c. 1776, § 2, and Act April 28, 1904, c. 1801, § 2, set forth ante, under Rev. St. § 2298.

ACT JUNE 16, 1880, c. 244.

[Amended. Res. April 18, 1904, No. 25.]

This act is amended by Res. April 18, 1904, No. 25, set forth below.

RES. APRIL 18, 1904, No. 25. [S. J. R. 44.]

Joint Resolution as to the Provisions of "An Act for the Relief of Certain Settlers on the Public Lands, and to Provide for the Payment of Certain Fees, Purchase Money, and Commission Paid on Void Entries of Public Lands," Approved June Sixteenth, Eighteen hundred and eighty. (33 Stat. 589.)

Amendment of Act June 16, 1880, c. 244; proof of loyalty not to be required.

Resolved, &c., That the provisions of "An Act for the relief of certain settlers on the public lands, and to provide for the payment of certain fees, purchase money, and commission paid on void entries of public lands," approved June sixteenth, eighteen hundred and eighty, shall be construed to abolish the necessity for proof of loyalty in the cases mentioned in said Act, and no proof of loyalty shall be required in the cases mentioned in said Act.

Res. April 18, 1904, No. 25, 33 Stat. 589.

Act June 16, 1880, c. 244, amended by this resolution, is set forth in Comp. St. 1901, p. 1415.

CHAPTER SIX.

Mineral Lands and Mining Resources.

Sec. 2318.

Mineral lands reserved.

Provisions, similar to those of this chapter, for the reservation from sale of public lands in the Philippine Islands valuable for minerals, and the purchase of mineral deposits and the location of mining claims thereon, are contained in the act temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes, Act July 1, 1902, c. 1369, §§ 20–62, 32 Stat. 697–706.

The reclassification of the public lands of Alabama, to determine which of said lands are in fact agricultural lands and which mineral lands, is authorized by Act March 27, 1906, c. 1347, set forth post, under Rev. St. § 2345.

Sec. 2319.

Mineral lands open to purchase by citizens.

Lands withdrawn from settlement, location, sale, etc., and reserved for water-power sites, irrigation, classification, etc., under Act June 25, 1910, c. 421, are open to exploration, discovery, occupation, and purchase, under the mining laws, as to minerals other than coal, oil, gas, and phosphates, by section 2 of said act, set forth ante, in chapter 5 of this Title, "Homesteads," under Rev. St. § 2289.

Sec. 2324. [*As amended* 1880.]

Regulations made by miners.

The provisions of this section, set forth in Comp. St. 1901, p. 1426, relating to the labor or improvements required on mining claims, are modified as to mining claims in Alaska by Act March 2, 1907, c. 2559, set forth below.

ACT MARCH 2, 1907, c. 2559. [H. R. 8984.]

An Act to Amend the Laws Governing Labor or Improvements upon Mining Claims in Alaska. (34 Stat. 1243.)

Annual labor or improvements on mining claims in Alaska; affidavits, and making and filing thereof; forfeiture of claim for failure to comply with provisions of act.

Be it enacted, &c., That during each year and until patent has been issued therefor, at least one hundred dollars' worth of labor shall be performed or improvements made on, or for the benefit or development of, in accordance with existing law, each mining claim in the district of Alaska heretofore or hereafter located. And the locator or owner of such claim or some other person having knowledge of the facts may also make and file with the said recorder of the district in which the claims shall be situate an affidavit showing the performance of labor or making of improvements to the amount of one hundred dollars as aforesaid and specifying the character and extent of such work. Such affidavit shall set forth the following: First, the name or number of the mining claims and where situated; second, the number of days work done and the character and value of the improvements placed thereon; third, the date of the performance of such labor and of mak-

ing improvements; fourth, at whose instance the work was done or the improvements made; fifth, the actual amount paid for work and improvement, and by whom paid when the same was not done by the owner. Such affidavit shall be prima facie evidence of the performance of such work or making of such improvements, but if such affidavits be not filed within the time fixed by this Act the burden of proof shall be upon the claimant to establish the performance of such annual work and improvements. And upon failure of the locator or owner of any such claim to comply with the provisions of this Act, as to performance of work and improvements, such claim shall become forfeited and open to location by others as if no location of the same had ever been made. The affidavits required hereby may be made before any officer authorized to administer oaths, and the provisions of sections fifty-three hundred and ninety-two and fifty-three hundred and ninety-three of the Revised Statutes are hereby extended to such affidavits. Said affidavits shall be filed not later than ninety days after the close of the year in which such work is performed.

Act March 2, 1907, c. 2559, § 1, 34 Stat. 1243.

Fees for filing, etc., proofs of work and improvements.

Sec. 2. That the recorders for the several divisions or districts of Alaska shall collect the sum of one dollar and fifty cents as a fee for the filing, recording, and indexing said annual proofs of work and improvements for each claim so recorded.

Act March 2, 1907, c. 2559, § 2, 34 Stat. 1243.

Sec. 2326.

Adverse claim, proceedings on.

The times allowed for filing adverse claims and for instituting adverse suits thereon, under Rev. St. §§ 2325, 2326, are extended, in the district of Alaska, by Act June 7, 1910, c. 265, set forth below.

ACT JUNE 7, 1910, c. 265. [S. 621.]

An Act Extending the Time in which to File Adverse Claims and Institute Adverse Suits against Mineral Entries in the District of Alaska. (36 Stat. 459.)

Time for filing adverse claims, and for instituting adverse suits, in Alaska.

Be it enacted, &c., That in the district of Alaska adverse claims authorized and provided for in sections twenty-three hundred and twenty-five and twenty-three hundred and twenty-six, United States Revised Statutes, may be filed at any time during the sixty days period of publication or within eight months thereafter, and the adverse suits authorized and provided for in section twenty-three hundred and twenty-six, United States Revised Statutes, may be instituted at any time within sixty days after the filing of said claims in the local land office.

Act June 7, 1910, c. 265, 36 Stat. 459.

Rev. St. §§ 2325, 2326, mentioned in this act, are set forth in Comp. St. 1901, p. 1429.

Previous provisions prescribing the times for filing adverse claims to coal lands in Alaska and for bringing actions thereon, are contained in Act April 28, 1904, c. 1772, § 3, set forth post, under Rev. St. § 2352.

Sec. 2327.

[Amended. Act April 28, 1904, c. 1796.]

This section is amended by Act April 28, 1904, c. 1796, set forth below.

ACT APRIL 28, 1904, c. 1796. [H. R. 13298.]

An Act to Amend Section Twenty-three hundred and twenty-seven of the Revised Statutes of the United States, Relating to Lands. (33 Stat. 545.)

Amendment of Rev. St. § 2327.

Be it enacted, &c., That section twenty-three hundred and twenty-seven of the Revised Statutes of the United States be, and the same is hereby, amended to read as follows:

Description of vein claims on surveyed and unsurveyed lands.

"Sec. 2327. The description of vein or lode claims upon surveyed lands shall designate the location of the claims with reference to the lines of the public survey, but need not conform therewith; but where patents have been or shall be issued for claims upon unsurveyed lands, the surveyors-general, in extending the public survey, shall adjust the same to the boundaries of said patented claims so as in no case to interfere with or change the true location of such claims as they are officially established upon the ground. Where patents have issued for mineral lands, those lands only shall be segregated and shall be deemed to be patented which are bounded by the lines actually marked, defined, and established upon the ground by the monuments of the official survey upon which the patent grant is based, and surveyors-general in executing subsequent patent surveys, whether upon surveyed or unsurveyed lands, shall be governed accordingly. The said monuments shall at all times constitute the highest authority as to what land is patented, and in case of any conflict between the said monuments of such patented claims and the descriptions of said claims in the patents issued therefor the monuments on the ground shall govern, and erroneous or inconsistent descriptions or calls in the patent descriptions shall give way thereto."

Act April 28, 1904, c. 1796, 33 Stat. 545.

Rev. St. § 2327, amended by this act, is set forth in Comp. St. 1901, p. 1431.

Sec. 2333.

ACT FEB. 11, 1897, c. 216.

Entry of petroleum or other mineral oil lands under placer mining laws.

Provisions relating to the annual assessment labor upon oil lands located as placer mining claims are contained in Act Feb. 12, 1903, c. 548, set forth below.

Patents for lands located, etc., under the mining laws, containing petroleum, mineral oil, or gas, are not to be denied solely because of transfer, etc., thereof, before discovery of oil or gas thereon, by Act March 2, 1911, c. 201, set forth below.

ACT FEB. 12, 1903, c. 548.

An Act Defining What Shall Constitute and Providing for Assessments on Oil Mining Claims. (32 Stat. 825.)

Assessment work on contiguous oil lands, located as placer mining claims, of same owner.

Be it enacted, &c., That where oil lands are located under the provisions of title thirty-two, chapter six, Revised Statutes of the United States, as placer mining claims, the annual assessment labor upon such claims may be done upon any one of a group of claims lying contiguous and owned by the same person or corporation, not exceeding five claims in all: Provided, That said labor will tend to the development or to determine the oil-bearing character of such contiguous claims.

Act Feb. 12, 1903, c. 548, 32 Stat. 825.

The entry of lands containing petroleum or other mineral oils, under the laws relating to placer mineral claims, is authorized by Act Feb. 11, 1897, c. 216, Comp. St. 1901, p. 1434.

ACT MARCH 2, 1911, c. 201. [H. R. 32344.]

An Act to Protect the Locators in Good Faith of Oil and Gas Lands who shall have Effected an Actual Discovery of Oil or Gas on the Public Lands of the United States, or their Successors in Interest. (36 Stat. 1015.)

Patents for oil or gas lands, located or claimed under mining laws, not to be denied because of transfer before discovery thereon of oil or gas.

Be it enacted, &c., That in no case shall patent be denied to or for any lands heretofore located or claimed under the mining laws of the United States containing petroleum, mineral oil, or gas solely because of any transfer or assignment thereof or of any interest or interests therein by the original locator or locators, or any of them, to any qualified persons or person, or corporation, prior to discovery of oil or gas therein, but if such claim is in all other respects valid and regular, patent therefor not exceeding one hundred and sixty acres in any one claim shall issue to the holder or holders thereof, as in other cases: Provided, however, That such lands were not at the time of inception of development on or under such claim withdrawn from mineral entry.

Act March 2, 1911, c. 201, 36 Stat. 1015.

Sec. 2335.

Verification of affidavits, etc.

In addition to the provisions of Rev. St. § 2335, Comp. St. 1901, p. 1435, relating to affidavits required by this chapter, applicants for mineral patents, residing beyond the limits of the district wherein the claim is situated, may make any oath or affidavit for proof of citizenship, as required by Rev. St. § 2321, Comp. St. 1901, p. 1425, before the clerk of any court of record or before any notary public of any State or Territory, by Act April 26, 1882, c. 106, § 2, set forth in Comp. St. 1901, p. 1425.

Sec. 2345.

ACT MARCH 3, 1883, c. 118.

Mineral lands in Alabama; disposal as agricultural lands.

The reclassification of the public lands of Alabama, to determine which of said lands are in fact agricultural lands and which mineral lands, is authorized by Act March 27, 1906, c. 1347, set forth below.

ACT MARCH 27, 1906, c. 1347. [H. R. 16381.]

An Act to Authorize the Secretary of the Interior to Reclassify the Public Lands of Alabama. (34 Stat. 88.)

Reclassification of lands in Alabama, as agricultural or mineral lands.

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized to reclassify the public lands of Alabama, so as to determine which of said lands are in fact agricultural lands and which mineral lands, and to decide which of said lands should be subject to homestead entry, and to that end he is hereby authorized and empowered to employ such expert mineralogist, assayists, and civil engineers as may be necessary to designate and survey said mineral and agricultural lands.

Act March 27, 1906, c. 1347, § 1, 34 Stat. 88.

Lands designated as agricultural to be subject to homestead entry.

Sec. 2. That upon receipt of the report of the parties designated to make such classification, all lands designated thereby as agricultural shall be subject to homestead entry as such.

Act March 27, 1906, c. 1347, § 2, 34 Stat. 88.

Appropriation to carry out provisions of act.

Sec. 3. That for the purpose of carrying out this Act there is hereby appropriated, out of any money in the Treasury not otherwise expended, the sum of five thousand dollars, or so much thereof as may be necessary, to carry out the provisions of this Act.

Act March 27, 1906, c. 1347, § 3, 34 Stat. 88.

Sec. 2347.

Entry of coal lands.

Provisions for the protection of the surface rights of entrymen, under the nonmineral land laws, of lands subsequently classified, claimed, or reported as coal lands, are contained in Act March 3, 1909, c. 270, set forth below.

Agricultural entries on lands withdrawn or classified as coal lands, or valuable for coal, are provided for by Act June 22, 1910, c. 318, set forth below.

ACT MARCH 3, 1909, c. 270. [H. R. 24834.]

An Act for the Protection of the Surface Rights of Entrymen. (35 Stat. 844.)

Rights of entrymen under nonmineral land laws of lands subsequently classified as coal lands; disposal of coal deposits under coal-land laws.

Be it enacted, &c., That any person who has in good faith located, selected, or entered under the nonmineral land laws of the United States any lands which subsequently are classified, claimed, or reported as being valuable for coal, may, if he shall so elect, and upon making satisfactory proof of compliance with the laws under which such lands are claimed, receive a patent therefor, which shall contain a reservation to the United States of all coal in said lands, and the right to prospect for, mine, and remove the same. The coal deposits in such lands shall be subject to disposal by the United States in accordance with the provisions of the coal-land laws in force at the time of such

disposal, but no person shall enter upon said lands to prospect for, or mine and remove coal therefrom, without previous consent of the owner under such patent, except upon such conditions as to security for and payment of all damages to such owner caused thereby as may be determined by a court of competent jurisdiction: Provided, That the owner under such patent shall have the right to mine coal for use on the land for domestic purposes prior to the disposal by the United States of the coal deposit: Provided further, That nothing herein contained shall be held to affect or abridge the right of any locator, selector, or entryman to a hearing for the purpose of determining the character of the land located, selected, or entered by him. Such locator, selector or entryman who has heretofore made or shall hereafter make final proof showing good faith and satisfactory compliance with the law under which his land is claimed shall be entitled to a patent without reservation unless at the time of such final proof and entry it shall be shown that the land is chiefly valuable for coal.

Act March 3, 1909, c. 270, 35 Stat. 844.

ACT JUNE 22, 1910, c. 318. [H. R. 13907.]

An Act to Provide for Agricultural Entries on Coal Lands. (36 Stat. 583.)

Coal lands subject to homestead or desert-land entry, to selection under Carey Act, and to withdrawal under Reclamation Act, with reservation of coal, etc.; limitation and conditions of entries; application of act to prior non-mineral entries.

Be it enacted, &c., That from and after the passage of this Act unreserved public lands of the United States exclusive of Alaska which have been withdrawn or classified as coal lands, or are valuable for coal, shall be subject to appropriate entry under the homestead laws by actual settlers only, the desert-land law, to selection under section four of the Act approved August eighteenth, eighteen hundred and ninety-four, known as the Carey Act, and to withdrawal under the Act approved June seventeenth, nineteen hundred and two, known as the Reclamation Act, whenever such entry, selection, or withdrawal shall be made with a view of obtaining or passing title, with a reservation to the United States of the coal in such lands and of the right to prospect for, mine, and remove the same. But no desert entry made under the provisions of this Act shall contain more than one hundred and sixty acres, and all homestead entries made hereunder shall be subject to the conditions, as to residence and cultivation, of entries under the Act approved February nineteenth, nineteen hundred and nine, entitled "An Act to provide for an enlarged homestead:" Provided, That those who have initiated non-mineral entries, selections, or locations in good faith, prior to the passage of this Act, on lands withdrawn or classified as coal lands may perfect the same under the provisions of the laws under which said entries were made, but shall receive the limited patent provided for in this Act.

Act June 22, 1910, c. 318, § 1, 36 Stat. 583.

Act March 3, 1877, c. 107, the desert-land law, mentioned in this act, is set forth in Comp. St. 1901, p. 1548.

Act Aug. 18, 1894, c. 301, § 4, the Carey Act, also mentioned in this act, is set forth in Comp. St. 1901, p. 1554.

Act June 17, 1902, c. 1093, the Reclamation Act, also mentioned in this act, is set forth post, under chapter 11 of this Title, subc. "Irri-

gation in Arid Regions; Grants of Desert Lands to States for Reclamation."

Act Feb. 19, 1909, c. 160, providing for an enlarged homestead, also mentioned in this act, is set forth ante, in chapter 5 of this Title, under Rev. St. § 2298.

Applications for entry, etc., under act.

Sec. 2. That any person desiring to make entry under the homestead laws or the desert-land law, any State desiring to make selection under section four of the Act of August eighteenth, eighteen hundred and ninety-four, known as the Carey Act, and the Secretary of the Interior in withdrawing under the Reclamation Act lands classified as coal lands, or valuable for coal, with a view of securing or passing title to the same in accordance with the provisions of said Acts, shall state in the application for entry, selection, or notice of withdrawal that the same is made in accordance with and subject to the provisions and reservations of this Act.

Act June 22, 1910, c. 318, § 2, 36 Stat. 584.

Patents for lands, with reservation of coal, etc.; disposal of coal deposits; prospecting for coal; damages from mining to surface owners; mining by owners for domestic use; right to disprove classification as coal lands.

Sec. 3. That upon satisfactory proof of full compliance with the provisions of the laws under which entry is made, and of this Act, the entryman shall be entitled to a patent to the land entered by him, which patent shall contain a reservation to the United States of all the coal in the lands so patented, together with the right to prospect for, mine, and remove the same. The coal deposits in such lands shall be subject to disposal by the United States in accordance with the provisions of the coal-land laws in force at the time of such disposal. Any person qualified to acquire coal deposits or the right to mine and remove the coal under the laws of the United States shall have the right, at all times, to enter upon the lands selected, entered, or patented, as provided by this Act, for the purpose of prospecting for coal thereon upon the approval by the Secretary of the Interior of a bond or undertaking to be filed with him as security for the payment of all damages to the crops and improvements on such lands by reason of such prospecting. Any person who has acquired from the United States the coal deposits in any such land, or the right to mine or remove the same, may reenter and occupy so much of the surface thereof as may be required for all purposes reasonably incident to the mining and removal of the coal therefrom, and mine and remove the coal, upon payment of the damages caused thereby to the owner thereof, or upon giving a good and sufficient bond or undertaking in an action instituted in any competent court to ascertain and fix said damages: Provided, That the owner under such limited patent shall have the right to mine coal for use upon the land for domestic purposes at any time prior to the disposal by the United States of the coal deposits: Provided further, That nothing herein contained shall be held to deny or abridge the right to present and have prompt consideration of applications to locate, enter, or select, under the land laws of the United States, lands which have been classified as coal lands with a view of disproving such classification and securing a patent without reservation.

Act June 22, 1910, c. 318, § 3, 36 Stat. 584.

Sec. 2352.

ACT JUNE 6, 1900, c. 796.

Coal-land laws extended to Alaska.

This act is amended by further provisions relating to coal lands in Alaska, and all provisions of the coal land laws not in conflict therewith are continued in force, by Act April 28, 1904, c. 1772, set forth below.

No title to any mineral or coal lands in Alaska can be obtained under the amendment of Act May 14, 1898, c. 299, § 1, Comp. St. 1901, p. 1412, which extends the homestead laws to Alaska, by a provision of Act March 3, 1903, c. 1002, ante, under chapter 5 of this Title.

Provisions permitting consolidation of claims or locations of coal land in Alaska, and [illegible] of associations or corporations to perfect entry of and acquire title to such lands, under conditions and restrictions prescribed, are contained in Act May 28, 1908, c. 211, set forth below.

ACT APRIL 28, 1904, c. 1772. [S. 2814.]

An Act to Amend an Act Entitled "An Act to Extend the Coal Land Laws to the District of Alaska," Approved June sixth, Nineteen hundred. (33 Stat. 525.)

Location of lands on which coal mine has been opened or improved; filing notice of location.

Be it enacted, &c., That any person or association of persons qualified to make entry under the coal-land laws of the United States, who shall have opened or improved a coal mine or coal mines on any of the unsurveyed public lands of the United States in the district of Alaska, may locate the lands upon which such mine or mines are situated, in rectangular tracts containing forty, eighty, or one hundred and sixty acres, with north and south boundary lines run according to the true meridian, by marking the four corners thereof with permanent monuments, so that the boundaries thereof may be readily and easily traced. And all such locators shall, within one year from the passage of this Act, or within one year from making such location, file for record in the recording district, and with the register and receiver of the land district in which the lands are located or situated, a notice containing the name or names of the locator or locators, the date of the location, the description of the lands located, and a reference to such natural objects or permanent monuments as will readily identify the same.

Act April 28, 1904, c. 1772, § 1, 33 Stat. 525.

Patents for coal lands, how obtained; notice of application therefor; title to shore of navigable waters not to be acquired.

Sec. 2. That such locator or locators, or their assigns, who are citizens of the United States, shall receive a patent to the lands located by presenting, at any time within three years from the date of such notice, to the register and receiver of the land district in which the lands so located are situated an application therefor, accompanied by a certified copy of a plat of survey and field notes thereof, made by a United States deputy surveyor or a United States mineral surveyor duly approved by the surveyor-general for the district of Alaska, and a payment of the sum of ten dollars per acre for the lands applied for; but no such application shall be allowed until after the applicant has caused a notice of the presentation thereof, embracing a description of the lands, to have been published in a newspaper in the district of Alaska published nearest the location of the premises for a period of

sixty days, and shall have caused copies of such notice, together with a certified copy of the official plat or survey, to have been kept posted in a conspicuous place upon the land applied for and in the land office for the district in which the lands are located for a like period, and until after he shall have furnished proof of such publication and posting, and such other proof as is required by the coal-land laws: Provided, That nothing herein contained shall be so construed as to authorize entries to be made or title to be acquired to the shore of any navigable waters within said district.

Act April 28, 1904. c. 1772, § 2, 33 Stat. 525.

Subsequent provisions extending the times for filing adverse claims, as authorized in Rev. St. §§ 2325, 2326, and for instituting suits thereon, are contained in Act June 7, 1910, c. 265, ante, under Rev. St. § 2326.

Adverse claims, and proceedings thereon.

Sec. 3. That during such period of posting and publication, or within six months thereafter, any person or association of persons having or asserting any adverse interest or claim to the tract of land or any part thereof sought to be purchased shall file in the land office where such application is pending, under oath. an adverse claim, setting forth the nature and extent thereof, and such adverse claimant shall, within sixty days after the filing of such adverse claim, begin an action to quiet title in a court of competent jurisdiction within the district of Alaska, and thereafter no patent shall issue for such claim until the final adjudication of the rights of the parties, and such patent shall then be issued in conformity with the final decree of such court therein.

Act April 28, 1904, c. 1772, § 3, 33 Stat. 525.

Existing provisions not in conflict with this act continued in force.

Sec. 4. That all the provisions of the coal-land laws of the United States not in conflict with the provisions of this Act shall continue and be in full force in the district of Alaska.

Act April 28, 1904, c. 1772, § 4, 33 Stat. 526.

ACT MAY 28, 1908, c. 211. [S. 6805.]

An Act to Encourage the Development of Coal Deposits in the Territory of Alaska. (35 Stat. 424.)

Consolidation of claims or locations of coal land in Alaska; formation of associations or corporations to perfect entry and acquire title.

Be it enacted, &c., That all persons, their heirs or assigns, who have in good faith personally or by an attorney in fact made locations of coal land in the Territory of Alaska in their own interest, prior to November twelfth, nineteen hundred and six, or in accordance with circular of instructions issued by the Secretary of the Interior May sixteenth, nineteen hundred and seven, may consolidate their said claims or locations by including in a single claim, location, or purchase not to exceed two thousand five hundred and sixty acres of contiguous lands, not exceeding in length twice the width of the tract thus consolidated and for this purpose such persons, their heirs or assigns, may form associations or corporations who may perfect entry of and acquire title to such lands in accordance with the other provisions of law under which said locations were originally made: Provided, That no corporation shall be permitted to consolidate its claims

under this Act unless seventy-five per centum of its stock shall be held by persons qualified to enter coal lands in Alaska.

Act May 28, 1908, c. 211, § 1, 35 Stat. 424.

Reservation to United States of preference right to purchase product of mine for use of Army and Navy.

Sec. 2. That the United States shall, at all times, have the preference right to purchase so much of the product of any mine or mines opened upon the lands sold under the provisions of this Act as may be necessary for the use of the Army and Navy, and at such reasonable and remunerative price as may be fixed by the President; but the producers of any coal so purchased who may be dissatisfied with the price thus fixed shall have the right to prosecute suits against the United States in the Court of Claims for the recovery of any additional sum or sums they may claim as justly due upon such purchase.

Act May 28, 1908, c. 211, § 2, 35 Stat. 424.

Forfeiture of lands or deposits purchased under act, if owned, etc., as part of combination, or controlled by combination in form of unlawful trust, or subject of contract or conspiracy in restraint of trade, or held in excess of amount limited.

Sec. 3. That if any of the lands or deposits purchased under the provisions of this Act shall be owned, leased, trusteed, possessed, or controlled by any device permanently, temporarily, directly, indirectly, tacitly, or in any manner whatsoever so that they form part of, or in any way effect any combination, or are in anywise controlled by any combination in the form of an unlawful trust, or form the subject of any contract or conspiracy in restraint of trade in the mining or selling of coal, or of any holding of such lands by any individual, partnership, association, corporation, mortgage, stock ownership, or control, in excess of two thousand five hundred and sixty acres in the district of Alaska, the title thereto shall be forfeited to the United States by proceedings instituted by the Attorney-General of the United States in the courts for that purpose.

Act May 28, 1908, c. 211, § 3, 35 Stat. 424.

Patents under act to recite terms and conditions prescribed.

Sec. 4. That every patent issued under this Act shall expressly recite the terms and conditions prescribed in sections two and three hereof.

Act May 28, 1908, c. 211, § 4, 35 Stat. 424.

CHAPTER SEVEN.

Sale and Disposal of the Public Lands.

Sec. 2357.

Price of lands, $1.25 per acre.

Provisions for the subdivision, into lots of ten acres or less or into town lots, of certain lands in the State of Washington, and the appraisal and sale thereof at public sale for not less than the appraised value, are contained in Act June 9, 1906, c. 3067, set forth below.

The sale to associations or corporations for cemetery purposes of not to exceed 80 acres of public lands is authorized by Act March 1, 1907, c. 2286, set forth below.

ACT JUNE 9, 1906, c. 3067. [H. R. 17127.]

An Act to Provide for the Subdivision and Sale of Certain Lands in the State of Washington. (34 Stat. 229.)

Subdivision, appraisal, and sale of certain lands in Washington.

Be it enacted, &c., That the Secretary of the Interior may, if in his opinion the public interests so require, cause lots one, two, and three, and the northwest quarter of the northwest quarter of section four; and lots two, three, and four, and the northeast quarter of the southeast quarter, and all of the northeast quarter of section five; and the east half of the northeast quarter and the east half of the southeast quarter of section seven; and the northwest quarter of the southwest quarter, and the south half of the southwest quarter of section eight, in township twenty-one north, and lot four of section thirty-three, in township twenty-two north, all in range two east of the Willamette meridian, in the State of Washington, or any part thereof, to be regularly surveyed or subdivided into tracts or lots of ten acres each, or less, and into town lots, or either, or both. He shall cause said lands to be so surveyed and subdivided and each tract thereof to be appraised by three competent disinterested men, to be appointed by him, and who shall, after having each been first duly sworn to impartially and faithfully execute the trust reposed in him, appraise said lands, subdivisions, and tracts, and each of them, and report their proceedings to the Secretary of the Interior for his action thereon. If such appraisement be disapproved, the Secretary of the Interior shall again cause the said lands to be appraised as before provided; and when the appraisement has been approved he shall cause the said lands, subdivisions, and lots to be sold at public sale to the highest bidder for cash, at not less than the appraised value thereof and not less than two dollars and fifty cents per acre, first having given not less than sixty days' public notice of the time, place, and terms of sale, immediately prior to such sale, by publication in at least two newspapers having general circulation in the county or the section of the county where the lands to be sold are situated; and any lands, subdivisions, or lots remaining unsold may be reoffered for sale at any subsequent time in the same manner, at the discretion of the Secretary of the Interior; and if unsold at such second offering for want of bidders then the Secretary of the Interior may sell the same at private sale for cash at not less than the appraised value nor less than two dollars and fifty cents per acre: Provided, That no date shall be fixed for the sale of any of said lands until at least ninety days after the Secretary of the Interior has approved said appraisement: Provided further, That any settler who is in actual occupation of any portion of such lands at the date of the passage of this Act who has settled thereon in good faith for the purpose of securing a home, and is by law entitled to make a homestead entry, shall be entitled to enter the land so occupied, not exceeding twenty acres in a body, according to the Government surveys and subdivisions thereof, upon payment to the Government of the sum of two dollars and fifty cents per acre for each acre entered by him, and upon showing residence and cultivation of such lands in the manner and for the length of time required by the homestead laws of the United States.

Act June 9, 1906, c. 3067, 34 Stat. 229.

ACT MARCH 1, 1907, c. 2286. [S. 6220.]

An Act to Authorize the Sale of Public Lands for Cemetery Purposes. (34 Stat. 1052.)

Sale of lands for cemetery purposes.

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized to sell and convey to any religious or fraternal association, or private corporation, empowered by the laws under which such corporation or association is organized or incorporated to hold real estate for cemetery purposes, not to exceed eighty acres of any unappropriated nonmineral public lands of the United States for cemetery purposes, upon the payment therefor by such corporation or association of the sum of not less than one dollar and twenty-five cents per acre: Provided, That title to any land disposed of under the provisions of this Act shall revert to the United States, should the land or any part thereof be sold or cease to be used for the purpose herein provided.

Act March 1, 1907, c. 2286, 34 Stat. 1052.

Sec. 2372.

[Amended. Act Feb. 24, 1909, c. 181.]

This section, set forth in Comp. St. 1901, p. 1451, is expressly amended by Act Feb. 24, 1909, c. 181, set forth below.

ACT FEB. 24, 1909, c. 181. [H. R. 26734.]

An Act to Permit Change of Entry in Case of Mistake of the Description of Tracts Intended to be Entered. (35 Stat. 645.)

Amendment of Rev. St. § 2372.

Be it enacted, &c., That section twenty-three hundred and seventy-two of the Revised Statutes of the United States be, and the same is hereby, amended so as to read as follows:

Error in entry, selection, or location by mistake of numbers; proceedings upon; change of entry.

"Sec. 2372. In all cases where an entry, selection, or location has been or shall hereafter be made of a tract of land not intended to be entered, the entryman, selector, or locator, or, in case of his death, his legal representatives, or, when the claim is by law transferable, his or their transferees, may, in any case coming within the provisions of this section, file his or their affidavit, with such additional evidence as can be procured showing the mistake as to the numbers of the tract intended to be entered and that every reasonable precaution and exertion was used to avoid the error, with the register and receiver of the land district in which such tract of land is situate, who should transmit the evidence submitted to them, in each case, together with their written opinion both as to the existence of the mistake and the credibility of every person testifying thereto, to the Commissioner of the General Land Office, who, if he be entirely satisfied that the mistake has been made and that every reasonable precaution and exertion has been made to avoid it, is authorized to change the entry and transfer the payment from the tract erroneously entered to that intended to be entered, if the same has not been disposed of and is subject to entry, or, if not subject to entry, then to any other tract liable to such entry,

selection, or location; but the oath of the person interested shall in no case be deemed sufficient, in the absence of other corroborating testimony, to authorize such change of entry, nor shall anything herein contained affect the right of third persons."

Act Feb. 24, 1909, c. 181, 35 Stat. 645.

Rev. St. § 2372, amended by this act, is set forth in Comp. St. 1901, p. 1451.

Sec. 2373.

[Repealed. Act March 4, 1909, c. 321, § 341.]

This section, set forth in Comp. St. 1901, p. 1451, is incorporated in the act to codify, etc., the penal laws, Act March 4, 1909, c. 321, in chapter 4, § 59, thereof, and is expressly repealed by chapter 15, § 341, of said act, taking effect January 1, 1910. Said act is set forth post, under Title LXIX A, "The Criminal Code."

Sec. 2378.

Grant to new States.

The act providing for the admission into the Union of the State of Oklahoma, repeals this section as to said State, and in lieu of the grant made thereby makes specific grants to the State for educational institutions, as in the case of other States previously admitted, mentioned in the note under this section in Comp. St. 1901, p. 4453. Act June 16, 1906, c. 3335, § 12, 34 Stat. 274.

The act providing for the admission into the Union of the States of New Mexico and Arizona, in lieu of the grant made by this section and of grants made by other provisions, makes specific grants to each of said States for various purposes. Act June 20, 1910, c. 310, §§ 7–12, 25–30, 36 Stat. 562, 573.

The State of Wyoming is permitted to reconvey to the United States certain lands selected by and certified to said State under the provisions of the act admitting the State into the Union, and to select other lands in lieu thereof, by Act March 31, 1906, c. 1354, 34 Stat. 92.

The State of Montana is permitted to reconvey to the United States certain lands selected as indemnity school land under the provisions of the act admitting the State into the Union, and to select other lands in lieu thereof, by Act April 28, 1906, c. 2068, 34 Stat. 150.

CHAPTER EIGHT.

Reservation and Sale of Town-Sites on the Public Lands.

Sec. 2380.

Town-sites to be reserved.

Commutation for town-site purposes in Oklahoma, of homestead entries of certain ceded Indian lands, is authorized by Act March 11, 1902, c. 180, post, under chapter 11 of this Title, subc. "Ceded Indian Reservations and Lands."

This chapter of the Revised Statutes is extended to and declared to be applicable to ceded Indian lands in Minnesota, by Act Feb. 9, 1903, c. 531, post, under chapter 11 of this Title, subc. "Ceded Indian Reservations and Lands."

Provisions for withdrawal from entry of lands needed for town-site purposes in connection with irrigation projects, and for survey and subdivision thereof, and appraisement and sale of lots, etc., are contained in Act April 16, 1906, c. 1631, set forth post, under chapter 11 of this

Title, subchapter "Irrigation in Arid Regions; Grants of Desert Lands to States for Reclamation;" and town-sites previously set apart or established, under the provisions of Rev. St. §§ 2380, 2381, Comp. St. 1901, p. 1455, may be appraised and disposed of in accordance with the provisions of that act, by Act June 27, 1906, c. 3559, §§ 3, 4, also set forth post, under said subchapter.

[TOWN-SITES IN OKLAHOMA.]

ACT MAY 2, 1890, c. 182, § 22.

Town-site laws made applicable; lands open to entry; reservations for parks, etc.; rights of homestead settlers.

The provisions of this section for commutation for town-site purposes of homestead entries is made applicable to certain ceded Indian lands in Oklahoma, by Act March 11, 1904, c. 501, post, under chapter 11 of this Title, subc. "Ceded Indian Reservations and Lands."

CHAPTER NINE.

Survey of the Public Lands.

Sec. 2397.

ACT MARCH 3, 1909, c. 271. [H. R. 24835.] [*As amended* 1910. H. J. Res. 116.]

An Act Authorizing the Necessary Resurvey of Public Lands. (35 Stat. 845.)

Resurveys or retracements of surveys to mark boundaries of public lands undisposed of.

Be it enacted, &c., That the Secretary of the Interior may in his discretion cause to be made, as he may deem wise under the rectangular system now provided by law, such resurveys or retracements of the surveys of public lands as, after full investigation, he may deem essential to properly mark the boundaries of the public lands remaining undisposed of: Provided, That no such resurvey or retracement shall be so executed as to impair the bona fide rights or claims of any claimant, entryman, or owner of lands affected by such resurvey or retracement: Provided further, That not to exceed twenty per cent. of the total annual appropriation for surveys and resurveys of the public lands shall be used for the resurveys and retracements authorized hereby.

Act March 3, 1909, c. 271, 35 Stat. 845. Res. June 25, 1910, No. 40, 36 Stat. 884.

The amendment of this act by Res. June 25, 1910, No. 40, cited above, consists in changing the words "five per centum" in the last proviso, as originally enacted, to "twenty per centum," as set forth here.

Resurveys of particular public lands are authorized by special acts: Lands in Nebraska, by Act May 19, 1908, c. 176, 35 Stat. 165; in Wyoming, by Act May 29, 1908, c. 220, §§ 1, 2, 35 Stat. 465.

Sec. 2399. [*As amended* 1890, 1894.]

[Amended. Act April 26, 1902, c. 592.]

This section is further amended by Act April 26, 1902, c. 592, set forth below.

ACT APRIL 26, 1902, c. 592.

An Act to Further Amend Section Twenty-Three Hundred and Ninety-Nine of the Revised Statutes of the United States. (32 Stat. 120.)

Amendment of Rev. St. § 2399.

Be it enacted, &c., That section twenty-three hundred and ninety-nine of the Revised Statutes of the United States, as amended by Act of Congress of October first, eighteen hundred and ninety (Statutes at Large, volume twenty-six, page six hundred and fifty), and Act of Congress of August fifteenth, eighteen hundred and ninety-four (Statutes at Large, volume twenty-eight, page two hundred and eighty-five), be further amended so as to read as follows, namely:

What instructions to be deemed part of contract.

"Sec. 2399. The printed manual of surveying instructions for the survey of the public lands of the United States and private land claims, prepared at the General Land Office, and bearing date January first, nineteen hundred and two, the instructions of the Commissioner of the General Land Office, and the special instructions of the surveyor-general, when not in conflict with said printed manual or the instructions of said Commissioner, shall be taken and deemed to be a part of every contract for surveying the public lands of the United States and private land claims."

Rev. St. § 2399, as amended by Act Oct. 1, 1890, c. 1262, and Act Aug. 15, 1894, c. 288, mentioned in this act, is set forth in Comp. St. 1901, p. 1474. The amendment by this act consists in the substitution, for the Manual bearing date June 30, 1894, inserted by the last previous amendment, of the Manual bearing date Jan. 1, 1902, as set forth here.

Sec. 2401. [*As amended* 1894.]

When survey may be had by settlers in township.

Resurveys of particular public lands, without petitions therefor from settlers on such lands, are authorized by special acts: Lands in Nebraska, by Act May 19, 1908, c. 176, 35 Stat. 165; in Wyoming, by Act May 29, 1908, c. 220, §§ 1, 2, 35 Stat. 465.

Sec. 2402.

Deposit for expenses of surveys deemed an appropriation, etc.

Besides the provisions of this section, set forth in Comp. St. 1901, p. 1478, for repayment of excesses of deposits for expenses of surveys over the actual cost of the surveys, provisions for repayment of such excesses of deposits to cover the cost of survey of mineral lands are contained in Act Feb. 24, 1909, c. 180, set forth below.

ACT FEB. 24, 1909, c. 180. [H. R. 25396.]

An Act for Relief of Applicants for Mineral Surveys. (35 Stat. 645.)

Repayment of excess of deposits to cover cost of surveys of mineral lands.

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of the moneys heretofore or hereafter covered into the Treasury from deposits made by individuals to cover cost of work performed and to be performed in the offices of the United States surveyors-general in connection with

the survey of mineral lands, any excess in the amount deposited over and above the actual cost of the work performed, including all expenses incident thereto for which the deposits were severally made or the whole of any unused deposit; and such sums, as the several cases may be, shall be deemed to be annually and permanently appropriated for that purpose. Such repayments shall be made to the person or persons who made the several deposits, or to his or their legal representatives, after the completion or abandonment of the work for which the deposits were made, and upon an account certified by the surveyor-general of the district in which the mineral land surveyed, or sought to be surveyed is situated and approved by the Commissioner of the General Land Office.

Act Feb. 24, 1909, c. 180, 35 Stat. 645.

Sec. 2411.

ACT MARCH 3, 1901, c. 853, § 1.

Compensation for surveying in Colorado, Idaho, Montana, Nevada, Utah, Washington, Wyoming, Arizona, New Mexico, and Alaska.

The provision of this act, set forth in Comp. St. 1901, p. 1482, is not repeated in the sundry civil appropriation acts for recent years, in which the compensation of surveyors is regulated. The provision for the fiscal year ending June 30, 1912, is by Act March 4, 1911, c. 285, 36 Stat. 1416.

Sec. 2412.

[Repealed. Act March 4, 1909, c. 321, § 341.]

This section, set forth in Comp. St. 1901, p. 1483, is incorporated in the act to codify, etc., the penal laws, Act March 4, 1909, c. 321, in chapter 4, § 58, thereof, and is expressly repealed by chapter 15. § 341, of said act, taking effect January 1, 1910. Said act is set forth post, under Title LXIX A, "The Criminal Code."

Sec. 2413.

ACT JUNE 10, 1896, c. 398, § 1.

Surveys in Indian Territory.

The last proviso annexed to the provision of this act, set forth in Comp. St. 1901, p. 1486, which makes it unlawful to destroy, etc., or remove any section corner or other survey marks, is incorporated in the act to codify, etc., the penal laws, Act March 4, 1909, c. 321, in chapter 4, § 57, thereof, and is expressly repealed by chapter 15, § 341, of said act, taking effect January 1, 1910. Said act is set forth post, under Title LXIX A, "The Criminal Code."

[CHAPTER NINE A.]

[Geological Survey.]

The provisions of Act Oct. 2, 1888, c. 1069, § 1, and subsequent provisions mentioned in the note under this chapter in Comp. St. 1901, p. 1487, relating to investigation by the Geological Survey of the arid regions of the United States, for the purpose of determining whether the same can be redeemed by irrigation, are to a great extent superseded by the provisions, relating to the same subjects, of Act June 17, 1902, c. 1093, post, under chapter 11 of this Title, subchapter "Irrigation in Arid Regions; Grants of Desert Lands to States for Reclamation."

ACT MARCH 3, 1879, c. 182, § 1.

Director of Geological Survey; duties; publications.

The Director is authorized to furnish transfers or copies of cartographic or other engraved or lithographic data in the division of engraving and printing of the Survey, on payment therefor, by a provision of Act June 30, 1906, c. 3914, § 1, set forth below.

The Director is required to furnish copies of photographs or lantern slides in the possession of the Survey, on payment therefor, by a provision of Act March 4, 1909, c. 299, § 1, set forth below.

Before any lands are purchased by the National Forest Reservation Commission, they are to be examined by the Geological Survey, and a report is to be made showing that the control of such lands will promote or protect the navigation of streams on whose watersheds they lie, by Act March 1, 1911, c. 186, § 6, post, under chapter 11 of this Title, subc. "National Forests."

ACT JULY 7, 1884, c. 332.

Selection of scientific employés.

Scientific and other employés of the Survey may be permitted to make assignments of their pay. and expenses incurred by them in the discharge of their duties and paid from their personal funds may be reimbursed, by provisions of Act June 30, 1906, c. 3914, § 1, set forth below.

ACT MARCH 3, 1887, c. 362.

Estimates for survey to be itemized.

Notes, in the annual Book of Estimates, under each item of appropriation under "General Expenses of the Geological Survey," showing the number of persons employed and the rate of compensation paid to each from each of said appropriations during the preceding fiscal year, are required by a provision of Act June 28, 1902, c. 1301, § 1, post, under Title XLI, "Appropriations."

The purchase of professional and scientific books and periodicals for the scientific divisions of the Geological Survey is authorized by a provision of Act June 28, 1902, c. 1301, § 1, set forth below.

The appropriations for salaries of officers, clerks and scientific and other employés and general expenses of the Survey are made by the annual civil service appropriation acts. The provision for the fiscal year ending June 30, 1912, is by Act March 4, 1911, c. 285, § 1, 36 Stat. 1417.

RES. MARCH 3, 1887, No. 16.

Distribution of memoirs to libraries.

Further provisions relating to the printing and distribution of the publications of the Geological Survey, subsequent to the provisions referred to in the note under this resolution in Comp. St. 1901, p. 1490, are contained in Res. May 16, 1902, No. 22, and Act March 3, 1903, c. 1007, § 1, post, under Title XLV, "Public Printing, Advertisements, and Public Documents."

ACT JUNE 28, 1902, c. 1301, § 1.

Books, etc., for Geological Survey; purchase from appropriations for survey.

* * That the purchase of professional and scientific books and periodicals needed for statistical purposes hereafter by the scientific divisions of the United States Geological Survey is hereby authorized to be made and paid for out of appropriations made for the said Survey.

Act June 28, 1902, c. 1301, § 1, 32 Stat. 455.

This is a proviso annexed to an appropriation for the purchase of books, etc., in the sundry civil appropriation act for the fiscal year ending June 30, 1903, cited above.

ACT JUNE 30, 1906, c. 3914, § 1. [H. R. 19844.]

Assignments of pay by scientific and other employés; reimbursement of expenses incurred and paid by them.

The Secretary of the Interior is hereby authorized to permit scientific and other employees of the United States Geological Survey, employed in the field, to make assignments of their pay, under such regulations as he may prescribe, during such time as they may be in the employ of the United States Geological Survey. And the Secretary of the Interior is further authorized, in his discretion, under such regulations as he may prescribe, to reimburse the scientific and other employees for expenses incurred by them in the discharge of their duties in the field and paid from their personal funds.

Act June 30, 1906, c. 3914, § 1, 34 Stat. 727.

These are provisions of the sundry civil appropriation act for the fiscal year ending June 30, 1907, cited above.

Sale of copies of cartographic, etc., data.

The Director of the Geological Survey shall, if the regular map work of the Survey is in no wise interfered with thereby, hereafter furnish to any person, concern, institution, State or foreign government, that shall pay in advance the whole cost thereof with ten per centum added, transfers or copies of any cartographic or other engraved or lithographic data in the division of engraving and printing of the Survey, and the moneys received by the Director for such transfers or copies shall be deposited in the Treasury.

Act June 30, 1906, c. 3914, § 1, 34 Stat. 727.

This is a further provision of the sundry civil appropriation act for the fiscal year ending June 30, 1907, cited above.

ACT MARCH 4, 1909, c. 299, § 1. [H. R. 28245.]

Sale of copies of photographs or lantern slides.

The Director of the Geological Survey shall hereafter furnish to any person, concern, or institution, in the interest of education and the dissemination of knowledge, that shall pay in advance the whole cost of material and services thereof, copies of any photographs or lantern slides in the possession of the United States Geological Survey; and the moneys received by the director for the same shall be deposited in the United States Treasury.

Act March 4, 1909, c. 299, § 1, 35 Stat. 989.

This is a provision of the sundry civil appropriation act for the fiscal year ending June 30, 1910, cited above.

CHAPTER ELEVEN.

Miscellaneous Provisions Relating to the Public Lands.

[DISPOSITION OF SUSPENDED ENTRIES AND CLAIMS; INVALID AND DEFECTIVE CLAIMS AND PATENTS THEREFOR.]

Sec. 2455. [*As amended* 1895.]

[Amended. Act June 27, 1906, c. 3554.]

This section, as amended by Act Feb. 26, 1895, c. 133, set forth in Comp. St. 1901, p. 1519, is further amended by the amendment of said amendatory act by Act June 27, 1906, c. 3554, set forth below.

ACT JUNE 27, 1906, c. 3554. [S. 4190.]

An Act to Amend an Act Entitled "An Act to Amend Section Twenty-four hundred and fifty-five of the Revised Statutes of the United States," Approved February Twenty-sixth, Eighteen hundred and ninety-five. (34 Stat. 517.)

Amendment of Act Feb. 26, 1895, c. 133, amending Rev. St. § 2455.

Be it enacted, &c., That the Act of February twenty-sixth, eighteen hundred and ninety-five, entitled "An Act to amend section twenty-four hundred and fifty-five of the Revised Statutes of the United States," be, and the same is hereby, amended so as to read as follows:

Commissioner to order into market and sell at auction isolated or disconnected tracts not exceeding one quarter section.

"It shall be lawful for the Commissioner of the General Land Office to order into market and sell, at public auction at the land office of the district in which the land is situated, for not less than one dollar and twenty-five cents per acre, any isolated or disconnected tract or parcel of the public domain not exceeding one quarter section which, in his judgment, it would be proper to expose for sale after at least thirty days' notice by the land officers of the district in which such land may be situated: Provided, That this Act shall not defeat any vested right which has already attached under any pending entry or location."

Act June 27, 1906, c. 3554, 34 Stat. 517.

Rev. St. § 2455, as amended by Act Feb. 26, 1895, c. 133, which is further amended by this act, is set forth in Comp. St. 1901, p. 1519.

The law providing for the sale of any isolated or disconnected tract or parcel of the public domain is extended to any isolated and unappropriated public lands within the Nez Percés Indian reservation, with a limitation as to the prices to be paid therefor, by Act Feb. 6, 1909, c. 76, 35 Stat. 597.

Sec. 2457.

ACT MARCH 9, 1904, c. 503. [H. R. 11812.]

An Act Relating to Applications, Declaratory Statements, Entries, and Final Proofs under the Homestead and Other Land Laws, and to Confirm the Same in Certain Cases when Made Outside of the Land District within which the Land is Situated. (33 Stat. 64.)

Entries and final proofs, made out of proper land district by error of officers, confirmed.

Be it enacted, &c., That whenever it shall appear to the Commissioner of the General Land Office that an error has heretofore been made by the officers of any local land office in receiving any application, declaratory statement, entry, or final proof under the homestead or other land laws, and that there was no fraud practiced by the entryman, and that there are no prior adverse claimants to the land described in the entry, and that no other reason why the title should not vest in the entryman exists, except that said application, declaratory statement, entry, or proof was not made within the land district in which the lands applied for are situated, as provided by the Act of March eleventh, nineteen hundred and two, such entry or proof shall be confirmed.

Act March 9, 1904, c. 503, § 1, 33 Stat. 64.

Act March 11, 1902, c. 182, mentioned in this section, amends Rev. St. § 2294, relating to the affidavits, proofs, etc., required to be made

by applicants and entrymen under the homestead and various other laws, as set forth ante under chapter 5 of this Title.

Entries or filings for lands in certain specified townships in Colorado are not to be canceled or held invalid because not allowed, made, or perfected in the proper land district, by Act March 26, 1908, c. 101, 35 Stat. 48.

Patents issued on certain applications are declared valid, and locations on similar applications on which no patents had issued are declared legal, by Act May 29, 1908, c. 220, § 12, set forth below.

Provisions for change of entry where an entry, selection, or location is made of a tract of land not intended to be entered, by mistake as to the numbers of the tract, are contained in Rev. St. § 2372, as amended by Act Feb. 24, 1909, c. 161, set forth ante, under chapter 7 of this Title.

Time of taking effect of act.

Sec. 2. That this Act shall be in force from and after its passage and approval.

Act March 9, 1904, c. 503, § 2, 33 Stat. 64.

ACT APRIL 21, 1904, c. 1402, § 1. [H. R. 12684.]

Exchange of lands, over which Indian reservation is extended, for other lands.

That any private land over which an Indian reservation has been extended by Executive order, may be exchanged at the discretion of the Secretary of the Interior and at the expense of the owner thereof and under such rules and regulations as may be prescribed by the Secretary of the Interior, for vacant, nonmineral, nontimbered, surveyed public lands of equal area and value and situated in the same State or Territory.

Act April 21, 1904, c. 1402, § 1, 33 Stat. 211.

This is a provision of the Indian appropriation act for the fiscal year ending June 30, 1905, cited above.

A previous similar provision for exchange of "any private lands occupied by actual settlers over which an Indian reservation has been or may be extended by Executive order," was contained in the similar act for the preceding year, Act March 3, 1903, c. 994, § 1, 32 Stat. 1000.

ACT MAY 29, 1908, c. 220, § 12. [S. 6190.]

Patents issued on certain applications declared valid and locations on such applications declared legal.

Sec. 12. That all patents heretofore issued on applications made for title to public lands between June fifth, nineteen hundred and one, and June twentieth, nineteen hundred and seven, with either military bounty land warrants, agricultural college land scrip, or surveyor-general's certificates, be, and the same are hereby, declared valid; and that all such locations, where the applications to locate were made between June fifth, nineteen hundred and one, and June twentieth, nineteen hundred and seven, with either military bounty land warrants, agricultural college land scrip, or surveyor-general's certificates, and upon which patents have not been issued, but which may hereafter be approved for patent by the Department under the ruling in the case of Roy McDonald, December twenty-first, nineteen hundred and seven, are hereby declared legal, and the Commissioner of the General Land Office is hereby authorized and directed to issue patents on all such locations which may be approved by him for patent as above provided: Provided, That they are otherwise in accordance with the rules and regulations in such cases made and provided.

Act May 29, 1908, c. 220, § 12, 35 Stat. 468.

[INCLOSURE OR ASSERTION OF RIGHT WITHOUT TITLE; OBSTRUCTING SETTLEMENT OR TRANSIT.]

ACT FEB. 25, 1885, c. 149, § 4.

[Amended. Act March 10, 1908, c. 75.]

This section, set forth in Comp. St. 1901, p. 1525, is expressly amended by Act March 10, 1908, c. 75, set forth below.

ACT MARCH 10, 1908, c. 75. [S. 3941.]

An Act to Amend Section Four of an Act Entitled "An Act to Prevent Unlawful Occupancy of the Public Lands," Approved February Twenty-Fifth, Eighteen Hundred and Eighty-Five. (35 Stat. 40.)

Amendment of Act Feb. 25, 1885, c. 149, § 4.

Be it enacted, &c., That section four of an Act entitled "An Act to prevent unlawful occupancy of the public lands," approved February twenty-fifth, eighteen hundred and eighty-five, be, and the same is hereby, amended so as to read as follows:

Violations of act punishable.

"Sec. 4. That any person violating any of the provisions hereof, whether as owner, part owner, or agent, or who shall aid, abet, counsel, advise, or assist in any violation hereof, shall be deemed guilty of a misdemeanor and fined in a sum not exceeding one thousand dollars or be imprisoned not exceeding one year, or both, for each offense."

Act March 10, 1908, c. 75, 35 Stat. 40.

Act Feb. 25, 1885, c. 149, § 4, amended by this act, is set forth in Comp. St. 1901, p. 1525.

[PROTECTION OF TIMBER; DEPREDATIONS.]

Sec. 2463.

ACT JUNE 3, 1878, c. 151, § 4.

Cutting timber on public lands in public-land States punishable; exceptions.

Besides the exceptions in the proviso annexed to Act June 3, 1878, c. 151, § 4, set forth in Comp. St. 1901, p. 1529, of certain purposes for which timber on public lands may be cut, the use of earth, stone, and timber from the public lands in the construction of irrigation works under Act June 17, 1902, c. 1093, set forth post, under this chapter, subchapter "Irrigation in Arid Regions; Grants of Desert Lands to States for Reclamation," is authorized by Act Feb. 8, 1905, c. 552, also set forth post, under that subchapter.

An act punishing the cutting, chipping, or boxing of trees on the public lands, etc., Act June 4, 1906, c. 2571, 34 Stat. 208, is incorporated in the act to codify, etc., the penal laws, Act March 4, 1909, c. 321, in chapter 4, § 51, thereof, and is expressly repealed by chapter 15, § 341, of said act, taking effect January 1, 1910. Said act is set forth post, under Title LXIX A, "The Criminal Code."

Appropriations for expenses of protecting timber on the public lands, etc., are made in the annual sundry civil appropriation acts. The provision for the fiscal year ending June 30, 1912, is by Act March 4, 1911, c. 285, § 1, 36 Stat. 1415.

Provisions for the sale of the mature living and dead and down timber on unallotted lands of any Indian reservation, and of the timber on any Indian allotment held under a trust or other patent containing restrictions on alienations, are contained in Act June 25, 1910, c. 431, §§ 7, 8, 36 Stat. 857.

ACT FEB. 24, 1897, c. 313. [*As amended* 1900.]

[Repealed. Act March 4, 1909, c. 321, § 341.]

This act, as amended by Act May 5, 1900, c. 349, set forth in Comp. St. 1901, pp. 1532, 1533, making punishable setting fire, to timber, etc., on public lands, is incorporated in the act to codify, etc., the penal laws, Act March 4, 1909, c. 321, in chapter 4, §§ 52–54, thereof, and is expressly repealed by chapter 15, § 341, of said act, taking effect January 1, 1910. Said act is set forth post, under Title LXIX A, "The Criminal Code."

ACT MAY 14, 1898, c. 299, § 11.

Sale of timber on public lands in Alaska.

In addition to the provisions of Act May 14, 1898, c. 299, § 11, set forth in Comp. St. 1901, p. 1537, relating to the sale and use for certain purposes of timber on public lands in Alaska, pulp wood or wood pulp manufactured from timber in Alaska may be exported therefrom, by Act Feb. 1, 1905, c. 288, § 2, set forth below.

ACT FEB. 1, 1905, c. 288, § 2. [H. R. 8460.]

Export of pulp wood or wood pulp from Alaska.

That pulp wood or wood pulp manufactured from timber in the district of Alaska may be exported therefrom.

Act Feb. 1, 1905, c. 288, § 2, 33 Stat. 628.

This section is part of an act which transfers the execution of the laws relating to forest reserves from the Secretary of the Interior to the Secretary of Agriculture, other sections of which are set forth post, under this chapter, subchapter "National Forests."

[NATIONAL FORESTS.]

In the Compiled Statutes of 1901, the provisions relating to the forest reserves established by Act March 3, 1891, c. 561, § 24, and other acts, are collected in a separate subchapter under the heading "Forest Reserves." By a provision of Act March 4, 1907, c. 2907, set forth below, the forest reserves are to be known as "National Forests." The heading of this subchapter is changed accordingly, as above.

ACT MARCH 3, 1891, c. 561, § 24.

Establishment of forest reserves.

Before the passage of Act March 3, 1891, c. 561, § 24, set forth in Comp. St. 1901, p. 1537, providing for the setting apart and reservation by the President of forest lands, certain tracts of land in the State of California had been set apart as reserved forest lands, by Act Oct. 1, 1890, c. 1263, set forth below. And certain lands are segregated from Yosemite National Park, and are also set apart as reserved forest lands, by Act Feb. 7, 1905, c. 547, set forth below, and by Res. June 11, 1906, No. 27, also set forth below, accepting the recession by the State of California of the Yosemite Valley and the Mariposa Big Tree Grove, and setting apart said tracts and other lands as reserved forest lands.

Numerous special provisions for the disposition of Indian reservation lands either set apart a portion of such lands as a forest reserve, as though set apart by proclamation of the President under said Act March 3, 1891, c. 561, § 24, and subsequent laws amending and supplementing the same, or authorize the President to set apart a portion thereof, as he may deem proper, to constitute a forest reserve or to be added to such a reserve already existing.

A national forest in the State of Minnesota is created by Act May 23, 1908, c. 193, 35 Stat. 268.

By provision of Act March 4, 1907, c. 2907, set forth below, no forest reserve is to be created thereafter, nor are any additions to be made to one theretofore created, in the States of Oregon, Washington, Idaho, Montana, Colorado, or Wyoming, except by act of Congress.

The Secretary of Agriculture is to execute, or cause to be executed, all laws affecting public lands reserved under Act March 3, 1901, c. 561, § 24, set forth in Comp. St. 1901, p. 1537, and acts supplemental to and amendatory thereof, after such lands have been so reserved, ex-

cept such laws as affect the surveying, etc., entering, etc., or patenting of any of such lands, by Act Feb. 1, 1905, c. 288, § 1, set forth below. The supervision of the forest reserves is thereby transferred from the Secretary of the Interior to the Secretary of Agriculture.

Agricultural lands within forest reserves may be opened to homestead entry, by Act June 11, 1906, c. 3074, set forth below.

Provisions for protection of wild animals and birds in certain forest reserves are contained in Act Jan. 24, 1905, c. 137, and Act June 29, 1906, c. 3593, set forth below. And provisions for protection of birds and their eggs on lands set apart or reserved as breeding grounds for birds are contained in Act June 28, 1906, c. 3565, also set forth below.

ACT OCT. 1, 1890, c. 1263.

An Act to Set Apart Certain Tracts of Land in the State of California as Forest Reservations. (26 Stat. 650.)

Forest reserve in California; previous grants to State and bona fide entries not affected.

Be it enacted, &c., That the tracts of land in the State of California known as described as follows: Commencing at the northwest cornor of township two north, range nineteen east Mount Diablo meridian, thence eastwardly on the line between townships two and three north, ranges twenty-four and twenty-five east; thence southwardly on the line between ranges twenty-four and twenty-five east to the Mount Diablo base line; thence eastwardly on said base line to the corner to township one south, ranges twenty-five and twenty-six east; thence southwardly on the line between ranges twenty-five and twenty-six east to the south-east corner of township two south, range twenty-five east; thence eastwardly on the line between townships two and three south, range twenty-six east to the corner to townships two and three south, ranges twenty-six and twenty-seven east; thence southwardly on the line between ranges twenty-six and twenty-seven east to the first standard parallel south; thence westwardly on the first standard parallel south to the southwest corner of township four south, range nineteen east; thence northwardly on the line between ranges eighteen and nineteen east to the northwest corner of township two south, range nineteen east; thence westwardly on the line between townships one and two south to the southwest corner of township one south, range nineteen east; thence northwardly on the line between ranges eighteen and nineteen east to the northwest corner of township two north, range nineteen east, the place of beginning, are hereby reserved and withdrawn from settlement, occupancy, or sale under the laws of the United States, and set apart as reserved forest lands; and all persons who shall locate or settle upon, or occupy the same or any part thereof, except as hereinafter provided, shall be considered trespassers and removed therefrom: Provided, however, That nothing in this act shall be construed as in anywise affecting the grant of lands made to the State of California by virtue of the act entitled "An act authorizing a grant to the State of California of the Yosemite Valley, and of the land embracing the Mariposa Big-Tree Grove, approved June thirtieth, eighteen hundred and sixty-four; or as affecting any bona-fide entry of land made within the limits above described under any law of the United States prior to the approval of this act.

Act Oct. 1, 1890, c. 1263, § 1, 26 Stat. 650.

Other lands in California were set apart as a public park, and provisions similar to those of this act in regard to rules and regulations,

leases of ground, preservation of fish and game, trespassers, etc., were made, by Act Sept. 25, 1890, c. 926, set forth post, under this chapter, subchapter "Parks and Reservations."

All the lands described in this section, not included within the metes and bounds of the land described in Act Feb. 7, 1905, c. 547, § 1, set forth below, are included in and made part of the Sierra Forest Reserve, by a proviso annexed to said section.

The recession by the State of California of the Yosemite Valley and the Mariposa Big Tree Grove is accepted, and said tracts with other lands are set apart as reserved forest lands, subject to the provisions of this act, and are to form a part of the Yosemite National Park, and certain lands are excluded from said park by a change of the south and west boundaries thereof, and are made a part of the Sierra Forest Reserve, by Res. June 11, 1906, No. 27, set forth below.

Rules and regulations for reserve; leases of ground; preservation of fish and game; removal of trespassers.

Sec. 2. That said reservation shall be under the exclusive control of the Secretary of the Interior, whose duty it shall be, as soon as practicable, to make and publish such rules and regulations as he may deem necessary or proper for the care and management of the same. Such regulations shall provide for the preservation from injury of all timber, mineral deposits, natural curiosities, or wonders within said reservation, and their retention in their natural condition. The Secretary may, in his discretion, grant leases for building purposes for terms not exceeding ten years of small parcels of ground not exceeding five acres; at such places in said reservation as shall require the erection of buildings for the accommodation of visitors; all of the proceeds of said leases and other revenues that may be derived from any source connected with said reservation to be expended under his direction in the management of the same and the construction of roads and paths therein. He shall provide against the wanton destruction of the fish, and game found within said reservation, and against their capture or destruction, for the purposes of merchandise or profit. He shall also cause all persons trespassing upon the same after the passage of this act to be removed therefrom, and, generally, shall be authorized to take all such measures as shall be necessary or proper to fully carry out the objects and purposes of this act.

Act Oct. 1, 1890, c. 1263, § 2, 26 Stat. 651.

The lands set apart as reserved forest lands by Act Feb. 7, 1905, c. 547, § 1, and by Res. June 11, 1906, No. 27, § 1, are made subject to all the provisions of this act, by provisions of each of said sections, set forth below.

Provisions similar to those of this section, applicable to forest reservations in general contained in Act June 4, 1897, c. 2, § 1, are set forth in Comp. St. 1901, pp. 1538–1542.

The execution of all laws affecting public lands reserved as forest reserves, after such lands are so reserved, with certain exceptions, is placed under the Secretary of Agriculture instead of the Secretary of the Interior, by Act Feb. 1, 1905, c. 288, § 1, set forth below.

Additional forest reserves in California.

Sec. 3. There shall also be and is hereby reserved and withdrawn from settlement, occupancy or sale under the laws of the United States, and shall be set apart as reserved forest lands, as hereinbefore provided, and subject to all the limitations and provisions herein contained, the following additional lands, to wit: Township seventeen, south, range thirty east of the Mount Diablo meridian, excepting sections thirty-one, thirty-two, thirty-three, and thirty-four of said township,

included in a previous bill. And there is also reserved and withdrawn from settlement, occupancy or sale under the laws of the United States, and set apart as forest lands, subject to like limitations, conditions and provisions, all of townships fifteen and sixteen, south, of ranges twenty-nine and thirty east of the Mount Diablo meridian. And there is also hereby reserved and withdrawn from settlement, occupancy or sale under the laws of the United States, and set apart as reserved forest lands under like limitations, restrictions and provisions, Sections five and six in township fourteen, south, range twenty-eight, east of Mount Diablo meridian, and also Sections thirty-one and thirty-two of township thirteen, south, range twenty-eight east of the same meridian. Nothing in this act shall authorize rules or contracts touching the protection and improvement of said reservations, beyond the sums that may be received by the Secretary of the Interior under the foregoing provisions, or authorize any charge against the Treasury of the United States.

Act Oct. 1, 1890, c. 1263. § 3, 26 Stat. 651.

The disposition of revenues derived from privileges in Yosemite National Park under this act and other acts, or from privileges on lands segregated from the park and included within the Sierra Forest Reserve, is provided for by Res. June 11, 1906, No. 27, § 3, set forth below.

ACT JUNE 4, 1897, c. 2, § 1. [*As amended* 1901.]

Revocation of orders or proclamations establishing forest reserves.

All laws, rules, and regulations affecting forest reservations, including the right to change the boundaries thereof by executive proclamation. are in force within the territory excluded from the Yosemite National Park and included in the Sierra Forest Reserve, by Act Feb. 7, 1905, c. 547, by a provision of section 2 of that act, set forth below.

Protection of forest reserves; rules and regulations therefor.

Instead of the Secretary of the Interior, who was authorized by various provisions of Act June 4, 1897, c. 2, § 1, set forth in Comp. St. 1901, pp. 1540, 1541, to protect, preserve, and regulate the use of forest reservations set aside under Act March 3, 1891, c. 561, § 24, set forth in Comp. St. 1901, p. 1537, the Secretary of Agriculture is to execute, or cause to be executed, all laws affecting lands reserved under said Act March 3, 1891, and acts supplemental to and amendatory thereof, by Act Feb. 1, 1905, c. 288, set forth below.

Use of timber and stone by settlers.

The use of earth, stone, and timber from the forest reserves in the construction of irrigation works under Act June 17, 1902, c. 1093, set forth post, under subchapter "Irrigation in Arid Regions; Grants of Desert Lands to States for Reclamation," is authorized by Act Feb. 8, 1905, c. 552, also set forth post, under that subchapter.

Rights of claimants of land.

Provisions for the relief of bona fide settlers in forest reserves, created under Act March 3, 1891, c. 561, § 24, Comp. St. 1901, p. 1537, who had failed to place their claims of record within the statutory time, whereby the filing of such claims was permitted within a period of two years from the passage of the act, were contained in Act April 15, 1902, c. 507, 32 Stat. 106; the time limited thereby expiring April 15, 1904.

Private lands in the area included in the Sierra Forest Reserve by Act Feb. 7, 1905, c. 547, have not the privileges of the lieu-land scrip provisions of the land laws, by section 2 of that act, set forth below. And the same provision as to lands included in said reserve by Res. June 11, 1906, No. 27, is contained in section 2 of said resolution, also set forth below.

On the opening to homestead entry of agricultural lands within forest reserves, settlers actually occupying and in good faith claiming such

lands for agricultural purposes prior to Jan. 1, 1906, have a preference right of settlement and entry, by Act June 11, 1906, c. 3074, § 1, set forth below.

And Act June 4, 1897, c. 2, Comp. St. 1901, pp. 1538–1542, and other acts, so far as they provide for the relinquishment, selection, and patenting of lands in lieu of tracts covered by an unperfected bona fide claim or patent within a forest reserve, are repealed by Act March 3, 1905, c. 1495, set forth below.

Settlers and owners of tracts within the Wind Cave National Park established by Act Jan. 9, 1903, c. 63, may relinquish them and secure other land, in accordance with the provisions for relinquishment of lands in forest reserves, by section 5 of that act, post, under subchapter "Parks and Reservations."

Homestead entries canceled or relinquished or invalid solely because of erroneous allowance after withdrawal of the lands for national forest purposes may be reinstated, by provisions of Act March 3, 1911, c. 225, set forth below.

Modification or vacation of executive orders; reduction of area; change of boundaries.

The right to change the boundaries of forest reserves by executive proclamation is in force within the territory excluded from the Yosemite National Park and included in the Sierra Forest Reserve by Act Feb. 7, 1905, c. 547, by a provision of section 2 of that act, set forth below. And a similar provision as to the lands included in said reserve by Res. June 11, 1906, No. 27, is contained in section 2 of said resolution, also set forth below.

ACT MARCH 3, 1901, c. 831, § 1.

Rights of claimants of land; indemnity selections.

Private lands in the area included in the Sierra Forest Reserve by Act Feb. 7, 1905, c. 547, have not the privileges of the lieu-land scrip provisions of the land laws, by section 2 of that act, set forth below. And the same provision as to lands included in said reserve by Res. June 11, 1906, No. 27, is contained in section 2 of said resolution, also set forth below.

And the provisions of Act March 3, 1901, c. 831, § 1, set forth in Comp. St. 1901, p. 1544, for the relinquishment, selection, and patenting of lands in lieu of tracts covered by an unperfected bona fide claim or patent within a forest reserve, as well as the previous similar provisions of Act June 6, 1900, c. 791, § 1, referred to in the note under said act in Comp. St. 1901, p. 1544, and those of June 4, 1897, c. 2, § 1, Comp. St. 1901, p. 1541, are repealed by Act March 3, 1905, c. 1495, set forth below.

ACT MARCH 3, 1901, c. 853, § 1.

Forestry agents, etc.; selection; fees; duties.

The provision of this act set forth in Comp. St. 1901, p. 1544, is repeated in substantially the same language in the sundry civil appropriation acts for the fiscal years 1903, 1904, and 1905. But the execution of the laws affecting forest reserves having been placed, with certain exceptions, under the Secretary of Agriculture, the similar appropriations for subsequent fiscal years are made in the agricultural appropriation acts for each year. The provisions for the fiscal year ending June 30, 1912, are by Act March 4, 1911, c. 238, 36 Stat. 1244. The appropriation by that act for "general expenses, forest service," and accompanying provisions, are set forth below.

ACT JAN. 24, 1905, c. 137. [H. R. 11584.]

An Act for the Protection of Wild Animals and Birds in the Wichita Forest Reserve. (33 Stat. 614.)

Areas in Wichita Forest Reserve to be set aside for protection as breeding place for game animals and birds.

Be it enacted, &c., That the President of the United States is hereby authorized to designate such areas in the Wichita Forest Reserve as

should, in his opinion, be set aside for the protection of game animals and birds and be recognized as a breeding place therefor.

Act Jan. 24, 1905, c. 137, § 1, 33 Stat. 614.

Provisions similar to those of this act, relating to the Grand Canyon Forest Reserve, are contained in Act June 29, 1906, c. 3593, set forth below.

Hunting, trapping, killing, or capturing game animals or birds, within areas set aside, unlawful; penalty.

Sec. 2. That when such areas have been designated as provided for in section one of this Act, hunting, trapping, killing, or capturing of game animals and birds upon the lands of the United States within the limits of said areas shall be unlawful, except under such regulations as may be prescribed from time to time, by the Secretary of Agriculture; and any person violating such regulations or the provisions of this Act shall be deemed guilty of a misdemeanor, and shall, upon conviction in any United States court of competent jurisdiction, be fined in a sum not exceeding one thousand dollars or be imprisoned for a period not exceeding one year, or shall suffer both fine and imprisonment, in the discretion of the court.

Act Jan. 24, 1905, c. 137, § 2, 33 Stat. 614.

Operation of local game laws as to private, State, or Territorial lands, not affected by this act.

Sec. 3. That it is the purpose of this Act to protect from trespass the public lands of the United States and the game animals and birds which may be thereon, and not to interfere with the operation of the local game laws as affecting private, State or Territorial lands.

Act Jan. 24, 1905, c. 137, § 3, 33 Stat. 614.

ACT FEB. 1, 1905, c. 288. [H. R. 8460.]

An Act Providing for the Transfer of Forest Reserves from the Department of the Interior to the Department of Agriculture. (33 Stat. 628.)

Secretary of Agriculture to execute, or cause to be executed, laws affecting forest reserves; exceptions.

Be it enacted, &c., That the Secretary of the Department of Agriculture shall, from and after the passage of this Act, execute or cause to be executed all laws affecting public lands heretofore or hereafter reserved under the provisions of section twenty-four of the Act entitled "An Act to repeal the timber-culture laws, and for other purposes," approved March third, eighteen hundred and ninety-one, and Acts supplemental to and amendatory thereof, after such lands have been so reserved, excepting such laws as affect the surveying, prospecting, locating, appropriating, entering, relinquishing, reconveying, certifying, or patenting of any of such lands.

Act Feb. 1, 1905, c. 288, § 1, 33 Stat. 628.

Act March 3, 1891, c. 561, § 24, and acts supplemental to and amendatory thereof, mentioned in this section, are set forth in Comp. St. 1901, pp. 1537–1544.

Before this act, the Secretary of the Interior was charged with the supervision of the public lands by Rev. St. § 441, Comp. St. 1901, p. 252, and with the execution of the laws relating to forest reserves by various special provisions thereof, set forth in Comp. St. 1901, pp. 1537–1544.

Sec. 2. [Relates to export from Alaska of pulp wood or wood pulp.]

This section permits pulp wood or wood pulp manufactured from timber in Alaska to be exported therefrom. It is set forth ante, under this chapter, subchapter "Protection of Timber; Depredations."

Forest supervisors and rangers; selection.

Sec. 3. That forest supervisors and rangers shall be selected, when practicable, from qualified citizens of the States or Territories in which the said reserves, respectively, are situated.

Act Feb. 1, 1905, c. 288, § 3, 33 Stat. 628.

Previous provisions relating to the selection of forestry agents, superintendents, and supervisors, etc., under the Secretary of the Interior, were contained in the sundry civil appropriation acts for each year. The provisions of Act March 3, 1901, c. 853, § 1, set forth in Comp. St. 1901, p. 1544, were repeated in substantially the same language in the subsequent similar acts for the fiscal years 1903, 1904, and 1905.

Sec. 4. [Relates to grants of rights for construction and maintenance of dams, reservoirs, water plants, ditches, etc., within and across forest reserves.]

This section grants rights of way within and across forest reserves for the construction and maintenance of dams, reservoirs, water plants, ditches, etc., for municipal or mining purposes, and for the purposes of milling and reduction of ores. It is set forth post, under this chapter, subchapter "Navigable Rivers, Highways, and Rights of Way."

Disposition of money received from sale of products or use of land, etc.

Sec. 5. That all money received from the sale of any products or the use of any land or resources of said forest reserves shall be covered into the Treasury of the United States and for a period of five years from the passage of this Act shall constitute a special fund available, until expended, as the Secretary of Agriculture may direct, for the protection, administration, improvement, and extension of Federal forest reserves.

Act Feb. 1, 1905, c. 288, § 5, 33 Stat. 628.

The special fund provided for by this section for a period of five years was continued, until otherwise provided, and the expenditure thereof was regulated, by provisions of Act June 30, 1906, c. 3913, 34 Stat. 684. But all these provisions are superseded by the different provisions for the disposal of moneys received after July 1, 1907, by or on account of the forest service for timber, or from any other source of forest reservation revenue, contained in Act March 4, 1907, c. 2907, set forth below.

ACT FEB. 6, 1905, c. 456. [H. R. 7296.]

An Act for the Protection of the Public Forest Reserves and National Parks of the United States. (33 Stat. 700.)

Arrests for violations of laws and regulations relating to forest reserves and national parks, and proceedings thereon.

Be it enacted, &c., That all persons employed in the forest reserve and national park service of the United States shall have authority to make arrests for the violation of the laws and regulations relating to the forest reserves and national parks, and any person so arrested shall be taken before the nearest United States commissioner, within whose jurisdiction the reservation or national park is located, for trial; and upon sworn information by any competent person any United States commissioner in the proper jurisdiction shall issue process for the arrest of any person charged with the violation of said laws and

regulations; but nothing herein contained shall be construed as preventing the arrest by any officer of the United States, without process, of any person taken in the act of violating said laws and regulations.

Act Feb. 6, 1905, c. 456, 33 Stat. 700. Act March 3, 1905, c. 1405, 33 Stat. 872.

These provisions of Act Feb. 6, 1905, c. 456, cited above, are repeated in the same language in the agricultural appropriation act for the fiscal year ending June 30, 1906, Act March 3, 1905, c. 1405, also cited above.

ACT FEB. 7, 1905, c. 547. [H. R. 17345.]

An Act to Exclude from the Yosemite National Park, California, Certain Lands therein Described, and to Attach and Include the said Lands in the Sierra Forest Reserve. (33 Stat. 702.)

Forest reserves in California; lands segregated from Yosemite National Park and included in Sierra Forest Reserve; rights of way over lands; disposition of money received for privileges.

Be it enacted, &c., That the tracts of land in the State of California known and described as follows: Beginning at the point where the middle of the channel of the South Fork of the Merced River intersects the line between sections three and four, township four south, range twenty east, Mount Diablo base and meridian; thence northerly along section lines through the middle of townships three and four south, range twenty east, to the northwest corner of section three, township three south, range twenty east; thence westerly along township line to the southwest corner of section thirty-three, township two south, range twenty east; thence northerly along section lines to the northwest corner of section twenty-one, said township; thence westerly along section lines to the southwest corner of section eighteen, said township; thence southerly along range line to the southeast corner of the northeast quarter of section twenty-four, township two south, range nineteen east; thence westerly to the southwest corner of the northeast quarter of section twenty-four, said township; thence southerly to the southeast corner of the southwest quarter of section twenty-four, said township; thence westerly along section lines to the southwest corner of section twenty-three, said township; thence northerly along section lines to the northwest corner of the southwest quarter of section fourteen, said township; thence easterly to the northeast corner of the southeast quarter of section fourteen, said township; thence northerly along section line to the northwest corner of section thirteen, said township; thence easterly along section line to the northeast corner of section thirteen, said township; thence northerly along range line to the northwest corner of the southwest quarter of section seven, township two south, range twenty east; thence easterly to the northeast corner of the southeast quarter of section seven, said township; thence southerly along section line to the northwest corner of section seventeen, said township; thence easterly along section lines to the northeast corner of section sixteen, said township; thence northerly along section lines to the northwest corner of section three, said township; thence westerly along township line to the southwest corner of section thirty-three, township one south, range twenty east; thence northerly along section lines to the northwest corner of section twenty-one, said township; thence westerly along section lines to the southwest corner

of section eighteen, said township; thence northerly along range line to the northwest corner of section six, said township; thence westerly along Mount Diablo base line to the southwest corner of section thirty-four, township one north, range nineteen east; thence northerly along section lines through the middle of townships one and two north, range nineteen east, to the point of intersection with the summit of the divide between Cherry Creek on the west and Eleanor and Fall creeks on the east; thence along the summit of said divide in a northeasterly direction to the summit of the Sierra Nevada Mountains; thence southeasterly along the summit of the Sierra Nevada Mountains to the divide between the Merced and San Joaquin rivers; thence southwesterly along said divide to the point of intersection with the south boundary of township four south, range twenty-three east, Mount Diablo base and meridian; thence westerly along township line to the point of intersection with the middle of the channel of the South Fork of the Merced River; thence westerly down the middle of said river to the place of beginning, are hereby reserved and withdrawn from settlement, occupancy, or sale under the laws of the United States, and set apart as reserved forest lands, subject to all the provisions of the Act of Congress approved October first, eighteen hundred and ninety, entitled "An Act to set apart certain tracts of land in the State of California as forest reservations:" Provided, That all those tracts or parcels of land described in section one of the said Act of October first, eighteen hundred and ninety, and not included within the metes and bounds of the land above described, be, and the same are hereby, included in and made part of the Sierra Forest Reserve: And provided further, That the Secretary of the Interior may require the payment of such price as he may deem proper for privileges on the land herein segregated from the Yosemite National Park and made a part of the Sierra Forest Reserve accorded under the Act approved February fifteenth, nineteen hundred and one, relating to rights of way over certain parks, reservations, and other lands, and other acts concerning rights of way over public lands; and the moneys received from the privileges accorded on the lands herein segregated and included in the Sierra Forest Reserve shall be paid into the Treasury of the United States, to be expended, under the direction of the Secretary of the Interior, in the management, improvement, and protection of the forest lands herein set aside and reserved, which shall hereafter be known as the "Yosemite National Park."

Act Feb. 7, 1905, c. 547, § 1, 33 Stat. 702.

The provisions of Act Oct. 1, 1890, c. 1263, mentioned in this section, setting apart certain lands in California as forest reservations, are set forth above.

Act Feb. 15, 1901, c. 372, also mentioned in this section, relating to rights of way over certain parks, reservations, etc., including Yosemite National Park, is set forth in Comp. St. 1901, p. 1584.

On the acceptance of the recession by the State of California of the Yosemite Valley and Mariposa Big Tree Grove, which, with other lands, are set apart as reserved forest lands and form a part of Yosemite National Park, the south and west boundaries of said park are changed, and the lands thereby excluded from said park are added to and made a part of the Sierra Forest Reserve, with provisions relating thereto similar to those of this act, by Res. June 11, 1906, No. 27, set forth below.

Provisions similar to those in the last proviso of this section, relating

to the disposition of revenues derived from privileges in Yosemite National Park under this act and other acts, as well as from privileges on lands segregated from the park and included within the Sierra Forest Reserve, are contained in Res. June 11, 1906, No. 27, § 3, set forth below.

Rights of claimants and owners of lands included in reserve; laws, etc., affecting forest reservations applicable within territory included.

Sec. 2. That none of the lands patented and in private ownership in the area hereby included in the Sierra Forest Reserve shall have the privileges of the lieu-land scrip provisions of the land laws, but otherwise to be in all respects under the laws and regulations affecting the forest reserves, and immediately upon the passage of this Act all laws, rules, and regulations affecting forest reservations, including the right to change the boundaries thereof by Executive proclamation, shall take effect and be in force within the limits of the territory excluded by this Act from the Yosemite National Park, except as herein otherwise provided.

Act Feb. 7, 1905, c. 547, § 2, 33 Stat. 703.

Previous provisions affecting forest reserves, mentioned in this section, are set forth in Comp. St. 1901, pp. 1537–1544. The lieu-land scrip provisions, mentioned therein, contained in Act June 4, 1897, c. 2, § 1, Act June 6, 1900, c. 701, § 1, and Act March 3, 1901, c. 831, § 1, are repealed by Act March 3, 1905, c. 1495, set forth below.

Subsequent provisions in the same language as this section, relating to lands included in the Sierra Forest Reserve, are contained in Res. June 11, 1906, No. 27, § 2, set forth below.

Time of taking effect of act.

Sec. 3. That this Act shall take effect and be in force from and after its passage.

Act Feb. 7, 1905, c. 547, § 3, 33 Stat. 703.

ACT MARCH 3, 1905, c. 1495. [H. R. 14622.]

An Act Prohibiting the Selection of Timber Lands in Lieu of Lands in Forest Reserves. (33 Stat. 1264.)

Rights of claimants of land; provisions for selection of lands, in lieu of lands covered by unperfected claim or patent, repealed.

Be it enacted, &c., That the Acts of June fourth, eighteen hundred and ninety-seven, June sixth, nineteen hundred, and March third, nineteen hundred and one, are hereby repealed so far as they provide for the relinquishment, selection, and patenting of lands in lieu of tracts covered by an unperfected bona fide claim or patent within a forest reserve, but the validity of contracts entered into by the Secretary of the Interior prior to the passage of this Act shall not be impaired: Provided, That selections heretofore made in lieu of lands relinquished to the United States may be perfected and patents issue therefor the same as though this Act had not been passed, and if for any reason not the fault of the party making the same any pending selection is held invalid another selection for a like quantity of land may be made in lieu thereof.

Act March 3, 1905, c. 1495, 33 Stat. 1264.

The provisions of Act June 4, 1897, c. 2, § 1, and Act March 3, 1901, c. 831, § 1, for selection of lands in lieu of tracts covered by an unperfected bona fide claim or patent within a forest reserve, repealed by this section, are set forth in Comp. St. 1901, pp. 1541, 1544.

ACT MARCH 15, 1906, c. 950. [H. R. 13673.]

An Act to Extend the Provisions of the Homestead Laws to Certain Lands in the Yellowstone Forest Reserve. (34 Stat. 62.)

Homestead laws extended to certain lands in Yellowstone Forest Reserve; commutation provisions not to apply; rights of former settlers revived.

Be it enacted, &c., That the general provisions of the homestead laws of the United States be, and the same are hereby, extended to and over the surveyed lands in townships forty-eight, forty-nine, and fifty, and ranges one hundred and five and one hundred and six, within the Yellowstone Forest Reserve, and the said lands shall be subject to entry ninety days after the passage of this Act, within which ninety-day period the Secretary of Agriculture may set aside such portions of said lands as were not occupied by a bona fide settler January first, nineteen hundred and six, not to exceed in the aggregate one hundred and sixty acres, as may be necessary for forest reserve administrative purposes, which lands so set aside shall not be subject to settlement entry or location during the life of the forest reserve: Provided, That the commutation clause of the homestead laws shall not apply to the said lands, and any bona fide settler who made settlement on said lands prior to January first, nineteen hundred and six, and who had prior to that time lost or exercised his homestead right, may enter and perfect title to the lands settled upon by him as though his homestead right had not been lost or exercised, upon the payment of the sum of one dollar and twenty-five cents per acre for the land included in his entry at the time of making final proof.

Act March 15, 1906, c. 950. 34 Stat. 62.

General provisions for opening to homestead entry agricultural lands within forest reserves are contained in Act June 11, 1906, c. 3074, set forth below.

ACT JUNE 11, 1906, c. 3074. [H. R. 17576.]

An Act to Provide for the Entry of Agricultural Lands within Forest Reserves. (34 Stat. 233.)

Agricultural lands within forest reserves to be opened to homestead entry; preference rights of former settlers and of applicants; plats and field notes to be filed and posted; surveys; commutation provisions not to apply; credit for actual residence.

Be it enacted, &c., That the Secretary of Agriculture may, in his discretion, and he is hereby authorized, upon application or otherwise, to examine and ascertain as to the location and extent of lands within permanent or temporary forest reserves, except the following counties in the State of California, Inyo, Tulare, Kern, San Luis Obispo, Santa Barbara, Ventura, Los Angeles, San Bernardino, Orange, Riverside, and San Diego; which are chiefly valuable for agriculture, and which, in his opinion, may be occupied for agricultural purposes without injury to the forest reserves, and which are not needed for public purposes, and may list and describe the same by metes and bounds, or otherwise, and file the lists and descriptions with the Secretary of the Interior, with the request that the said lands be opened to entry in accordance with the provisions of the homestead laws and this Act.

Upon the filing of any such list or description the Secretary of the

Interior shall declare the said lands open to homestead settlement and entry in tracts not exceeding one hundred and sixty acres in area and not exceeding one mile in length, at the expiration of sixty days from the filing of the list in the land office of the district within which the lands are located, during which period the said list or description shall be prominently posted in the land office and advertised for a period of not less than four weeks in one newspaper of general circulation published in the county in which the lands are situated: Provided, That any settler actually occupying and in good faith claiming such lands for agricultural purposes prior to January first, nineteen hundred and six, and who shall not have abandoned the same, and the person, if qualified to make a homestead entry, upon whose application the land proposed to be entered was examined and listed, shall, each in the order named, have a preference right of settlement and entry: Provided further, That any entryman desiring to obtain patent to any lands described by metes and bounds entered by him under the provisions of this Act shall, within five years of the date of making settlement, file, with the required proof of residence and cultivation, a plat and field notes of the lands entered, made by or under the direction of the United States surveyor-general, showing accurately the boundaries of such lands, which shall be distinctly marked by monuments on the ground, and by posting a copy of such plat, together with a notice of the time and place of offering proof, in a conspicuous place on the land embraced in such plat during the period prescribed by law for the publication of his notice of intention to offer proof, and that a copy of such plat and field notes shall also be kept posted in the office of the register of the land office for the land district in which such lands are situated for a like period; and further, that any agricultural lands within forest reserves may, at the discretion of the Secretary, be surveyed by metes and bounds, and that no lands entered under the provisions of this Act shall be patented under the commutation provisions of the homestead laws, but settlers, upon final proof, shall have credit for the period of their actual residence upon the lands covered by their entries.

Act June 11, 1906, c. 3074, § 1, 34 Stat. 233.

Special provisions similar to those of this section, relating to certain lands in the Yellowstone Forest Reserve, are contained in Act March 15, 1906, c. 950, set forth above.

This section is amended by Act May 30, 1908, c. 233, set forth below, by striking out the words "except the following counties in the State of California: Inyo, Tulare, Kern, Ventura, Los Angeles, San Bernardino, Orange, Riverside, and San Diego." The names of the counties of San Luis Obispo and Santa Barbara are not stricken out.

Allotments within national forests to Indians occupying, etc., land included therein, who are not entitled to allotments on any Indian reservation, etc., to be made of lands more valuable for agricultural or grazing purposes than for timber, are authorized by Act June 25, 1910, c. 431, § 31, set forth below.

Additional homestead right of entry to former settlers; payment of price of lands required.

Sec. 2. That settlers upon lands chiefly valuable for agriculture within forest reserves on January first, nineteen hundred and six, who have already exercised or lost their homestead privilege, but are otherwise competent to enter lands under the homestead laws, are hereby granted an additional homestead right of entry for the purposes of this Act

only, and such settlers must otherwise comply with the provisions of the homestead law, and in addition thereto must pay two dollars and fifty cents per acre for lands entered under the provisions of this section, such payment to be made at the time of making final proof on such lands.

Act June 11, 1906, c. 3074, § 2, 34 Stat. 234.

Entries in Black Hills Forest Reserve subject to mining laws and to appropriation of waters; limitation of title acquired as to riparian rights.

Sec. 3. That all entries under this Act in the Black Hills Forest Reserve shall be subject to the quartz or lode mining laws of the United States, and the laws and regulations permitting the location, appropriation, and use of the waters within the said forest reserves for mining, irrigation, and other purposes; and no titles acquired to agricultural lands in said Black Hills Forest Reserve under this Act shall vest in the patentee any riparian rights to any stream or streams of flowing water within said reserve; and that such limitation of title shall be expressed in the patents for the lands covered by such entries.

Act June 11, 1906, c. 3074, § 3, 34 Stat. 234.

Homestead settlements or entries not allowed in certain portion of Black Hills Forest Reserve, except to give title to former settlers.

Sec. 4. That no homestead settlements or entries shall be allowed in that portion of the Black Hills Forest Reserve in Lawrence and Pennington counties in South Dakota except to persons occupying lands therein prior to January first, nineteen hundred and six, and the provisions of this Act shall apply to the said counties in said reserve only so far as is necessary to give and perfect title of such settlers or occupants to lands chiefly valuable for agriculture therein occupied or claimed by them prior to the said date, and all homestead entries under this Act in said counties in said reserve shall be described by metes and bounds survey.

Act June 11, 1906, c. 3074, § 4, 34 Stat. 234.

Act not to be construed to authorize future settlements on lands within forest reserves, or to impair rights of former bona fide settlers.

Sec. 5. That nothing herein contained shall be held to authorize any future settlement on any lands within forest reserves until such lands have been opened to settlement as provided in this Act, or to in any way impair the legal rights of any bona fide homestead settler who has or shall establish residence upon public lands prior to their inclusion within a forest reserve.

Act June 11, 1906, c. 3074, § 5, 34 Stat. 234.

RES. JUNE 11, 1906, No. 27. [H. J. R. 118.]

Joint Resolution Accepting the Recession by the State of California of the Yosemite Valley Grant and the Mariposa Big Tree Grove, and Including the Same, together with Fractional Sections Five and Six, Township Five South, Range Twenty-two East, Mount Diablo Meridian, California, within the Metes and Bounds of the Yosemite National Park, and Changing the Boundaries Thereof. (34 Stat. 831.)

Recession by California of Yosemite Valley and Mariposa Big Tree Grove accepted, and lands set apart as reserved forest lands and part of Yosemite National Park; boundaries of park changed, and lands excluded thereby added to Sierra Forest Reserve; disposition of money received for privileges; grants of right of way for railways.

Resolved, &c., That the recession and regranting unto the United States by the State of California of the cleft or gorge in the granite peak of the Sierra Nevada Mountains, situated in the county of Mariposa, State of California, and the headwaters of the Merced River, and known as the Yosemite Valley, with its branches or spurs, granted unto the State of California in trust for public use, resort, and recreation by the Act of Congress entitled "An Act authorizing a grant to the State of California of the Yosemite Valley and of the land embracing the Mariposa Big Tree Grove," approved June thirtieth, eighteen hundred and sixty-four (Thirteenth Statutes, page three hundred and twenty-five), as well as the tracts embracing what is known as the "Mariposa Big Tree Grove," likewise granted unto the State of California by the aforesaid Act of Congress, is hereby ratified and accepted, and the tracts of land embracing the Yosemite Valley and the Mariposa Big Tree Grove, as described in the Act of Congress approved June thirtieth, eighteen hundred and sixty-four, together with that part of fractional sections five and six, township five south, range twenty-two east, Mount Diablo meridian, California, lying south of the South Fork of Merced River and almost wholly between the Mariposa Big Tree Grove and the present south boundary of the Yosemite National Park, be, and the same are hereby, reserved and withdrawn from settlement, occupancy, or sale under the laws of the United States and set apart as reserved forest lands, subject to all the limitations, conditions, and provisions of the Act of Congress approved October first, eighteen hundred and ninety, entitled "An Act to set apart certain tracts of land in the State of California as forest reservations," as well as the limitations, conditions, and provisions of the Act of Congress approved February seventh, nineteen hundred and five, entitled "An Act to exclude from the Yosemite National Park, California, certain lands therein described, and to attach and include the said lands in the Sierra Forest Reserve," and shall hereafter form a part of the Yosemite National Park.

The south and west boundary lines of the Yosemite National Park are hereby changed as follows: Beginning at the point on the line between sections thirty-five and thirty-six, township four south, range twenty-one east, where same intersects the middle of the channel of the South Fork of the Merced River; thence north on section line to the southwest corner of section twenty-five; thence west on section lines to the southwest corner of section twenty-eight; thence north on section line to the northwest corner of section twenty-eight; thence west on section line to the quarter-section corner between sections twenty and twenty-nine; thence north through the middle of section twenty to the center thereof; thence east through the middle of section twenty to the quarter-section corner between sections twenty and twenty-one; thence north on section line to the quarter-section corner between sections sixteen and seventeen; thence west through middle of section seventeen to the center thereof; thence north through

the middle of sections seventeen, eight, and five to the quarter-section corner of north boundary of section five on township boundary, all in township four south, range twenty-one east; thence north through the middle of section thirty-two, township three south, range twenty-one east, to the center thereof; thence west through the middle of section thirty-two, said township, and section thirty-six, township three south, range twenty east, to the quarter-section corner between sections thirty-five and thirty-six; thence north on section line to the quarter-section corner between sections twenty-five and twenty-six; thence east through the middle of section twenty-five to the center thereof; thence north through the middle of sections twenty-five and twenty-four to the center of section twenty-four; thence west through the middle of sections twenty-four, twenty-three, and twenty-two to the quarter-section corner between sections twenty-one and twenty-two, township three south, range twenty east, on the present western boundary of the Yosemite National Park. And all that portion of the Yosemite National Park lying between the boundary line last above mentioned and the present boundary line of said national park is excluded from said park; and the said lands so excluded, and all thereof, are added to and made a part of the Sierra Forest Reserve, and shall hereafter form a part of said Sierra Forest Reserve, and shall be subject to all of the Acts of Congress with relation thereto: Provided, That the Secretary of the Interior may require the payment of such price as he may deem proper for privileges on the land herein segregated from the Yosemite National Park and made a part of the Sierra Forest Reserve accorded under the Act approved February fifteenth, nineteen hundred and one, relating to rights of way over certain parks, reservations, and other lands, and other Acts concerning rights of way over public lands: And provided further, That in the grant of any right of way for railway purposes across the lands placed under this measure within the Sierra Forest Reserve it shall be stipulated that no logs or timber shall be hauled over the same without the consent of the Secretary of the Interior, and under regulations to be promulgated by him.

Res. June 11, 1906, No. 27, § 1, 34 Stat. 831.

Act Oct. 1, 1890, c. 1263, and Act Feb. 7, 1905, c. 547, mentioned in this section, are set forth above.

Act Feb. 15, 1901, c. 372, also mentioned in this section, relating to rights of way over certain parks, reservations, etc., including Yosemite National Park, is set forth in Comp. St. 1901, p. 1584.

A proviso in the same language as the first proviso of this section is annexed to said Act Feb. 7, 1905, c. 547, § 1, relating to the lands described in said section, set forth above.

Rights of claimants and owners of lands included in reserve; laws, etc., affecting forest reservations applicable within territory included.

Sec. 2. That none of the lands patented and in private ownership in the area hereby included in the Sierra Forest Reserve shall have the privileges of the lieu-land scrip provisions of the land laws, but otherwise to be in all respects under the laws and regulations affecting the forest reserves, and immediately upon the passage of this Act all laws, rules, and regulations affecting forest reservations, including the right to change the boundaries thereof by Executive proclamation, shall take effect and be in force within the limits of the territory

excluded by this Act from the Yosemite National Park, except as herein otherwise provided.

Res. June 11, 1906, No. 27, § 2, 34 Stat. 832.

Previous provisions in the same language as this section, relating to lands included in the Sierra Forest Reserve, are contained in Act Feb. 7, 1905, c. 547, § 2, set forth above.

Disposition of revenues derived from privileges.

Sec. 3. That all revenues derived from privileges in the park authorized under the Act of October first, eighteen hundred and ninety, the Act of February seventh, nineteen hundred and five, as well as under this measure, or from privileges accorded on the lands herein segregated from said park and included within the Sierra Forest Reserve, shall be paid into the Treasury of the United States, to be expended under the direction of the Secretary of the Interior in the management, protection, and improvement of the Yosemite National Park.

Res. June 11, 1906, No. 27, § 3, 34 Stat. 832.

Act Oct. 1, 1890, c. 1263, and Act Feb. 7, 1905, c. 547, mentioned in this section, are set forth above.

Previous provisions similar to those of this section, relating to moneys received for privileges on lands segregated from Yosemite National Park and included in the Sierra Forest Reserve, are contained in said Act Feb. 7, 1905, c. 547, § 1, set forth above.

ACT JUNE 28, 1906, c. 3565. [H. R. 13190.]

An Act to Protect Birds and Their Eggs in Game and Bird Preserves. (34 Stat. 536.)

Hunting, etc., or killing birds or taking their eggs on lands set apart as breeding grounds, unlawful.

Be it enacted, &c., That it shall be unlawful for any person to hunt, trap, capture, willfully disturb, or kill any bird of any kind whatever or take the eggs of such birds on any lands of the United States which have been set apart or reserved as breeding grounds for birds by any law, proclamation, or Executive order, except under such rules and regulations as may be prescribed from time to time by the Secretary of Agriculture.

Act June 28, 1906, c. 3565, § 1, 34 Stat. 536.

These provisions do not apply to the Black Hills Forest Reserve, So. Dak., by a proviso to the section next following.

Penalty for violation of provisions of act; provisions not to apply to Black Hills Forest Reserve.

Sec. 2. That any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and shall, upon conviction in any United States court of competent jurisdiction, be fined in a sum not exceeding five hundred dollars or be imprisoned for a period not exceeding six months, or shall suffer both fine and imprisonment, in the discretion of the court: Provided, That the provisions of this Act shall not apply to the Black Hills Forest Reservation, in South Dakota.

Act June 28, 1906, c. 3565, § 2, 34 Stat. 537.

ACT JUNE 29, 1906, c. 3593. [S. 2732.]

An Act for the Protection of Wild Animals in the Grand Canyon Forest Reserve. (34 Stat. 607.)

Areas in Grand Canyon Forest Reserve to be set aside for protection of game animals as breeding place therefor.

Be it enacted, &c., That the President of the United States is hereby authorized to designate such areas in the Grand Canyon Forest Re-

serve as should, in his opinion, be set aside for the protection of game animals and be recognized as a breeding place therefor.

Act June 29, 1906, c. 3593, § 1, 34 Stat. 607.

Provisions similar to those of this act, relating to the Wichita Forest Reserve, are contained in Act Jan. 24, 1905, c. 137, set forth above.

Hunting, trapping, killing, or capturing game animals, within areas set aside, unlawful; penalty.

Sec. 2. That when such areas have been designated as provided in section one of this Act, hunting, trapping, killing, or capturing of game animals upon the lands of the United States within the limits of said areas shall be unlawful, except under such regulations as may be prescribed from time to time by the Secretary of Agriculture; and any person violating such regulations or the provisions of this Act shall be deemed guilty of a misdemeanor, and shall, upon conviction in any United States court of competent jurisdiction, be fined in a sum not exceeding one thousand dollars, or by imprisonment for a period not exceeding one year, or shall suffer both fine and imprisonment, in the discretion of the court.

Act June 29, 1906, c. 3593, § 2, 34 Stat. 607.

Operation of local game laws as to private, State, or Territorial lands, not affected by this act.

Sec. 3. That it is the purpose of this Act to protect from trespass the public lands of the United States and the game animals which may be thereon, and not to interfere with the operation of the local game laws as affecting private, State, or Territorial lands.

Act June 29, 1906, c. 3593, § 3, 34 Stat. 607.

ACT JUNE 30, 1906, c. 3913. [H. R. 18537.]

Special fund from money received from sale of products, etc., continued; estimates of expenditures to be submitted in annual Book of Estimates.

That the forest-reserve special fund provided for in section five of the Act approved February first, nineteen hundred and five, entitled "An Act providing for the transfer of forest reserves from the Department of the Interior to the Department of Agriculture," shall continue until otherwise provided by law; but after June thirtieth, nineteen hundred and eight, it shall not be expended except in accordance with specific estimates of expenditures to be made from said fund for the succeeding fiscal year, to be submitted by the Secretary of Agriculture with the estimates of appropriation in the annual Book of Estimates.

Act June 30, 1906, c. 3913, 34 Stat. 684.

These are provisions of the agricultural appropriation act for the fiscal year ending June 30, 1907, cited above.

Act Feb. 1, 1905, c. 288, § 5, mentioned in this paragraph, which provided for the special fund referred to therein for a period of five years, is set forth above.

Other provisions for the disposition of all money received after July 1, 1907, by or on account of the forest service for timber, or from any other source of forest reservation revenue, contained in Act March 4, 1907, c. 2907, are set forth below.

Sales of timber on forest reserves in California to conform to law governing such sales in other States.

* * and hereafter sales of timber on forest reserves in the State of California shall in every respect conform to the law governing such sales in other States, as set forth in the Act of June sixth, nineteen

hundred (Thirty-First Statutes at Large, page six hundred and sixty-one); * *

Act June 30, 1906, c. 3913, 34 Stat. 684.

This is a further provision of the agricultural appropriation act for the fiscal year ending June 30, 1907, cited above.

Act June 6, 1900, c. 804, 31 Stat. 661, mentioned in this provision, expressly amends Act June 4, 1897, c. 2, § 1, and the amendment made thereby is incorporated into the provision of said Act June 4, 1897, amended, which is set forth as amended in Comp. St. 1901, p. 1540. See note to said provision. By a proviso annexed to said amendment, the provisions of the act were not to apply to forest reservations in the State of California.

Disposal of contributions toward co-operative work in forest investigations.

* * and hereafter all moneys received as contributions toward co-operative work in forest investigations shall be covered into the Treasury and shall constitute a special fund, which is hereby appropriated and made available until expended, as the Secretary of Agriculture may direct, for the payment of the expenses of said investigations by the Forest Service and for refunds to the contributors of amounts heretofore or hereafter paid in by them in excess of their share of the cost of said investigations, * *

Act June 30, 1906, c. 3913, 34 Stat. 684.

This is a further provision of the agricultural appropriation act for the fiscal year ending June 30, 1907, cited above.

A provision immediately preceding this in the same act, relating to the disposal of moneys received as deposits to secure the purchase price on the sale of any products or the use of any land or resources of the forest reserves, is superseded by different provisions for the disposal of all money received on account of the forest service for timber, or from any other source of forest reservation revenue, contained in Act March 4, 1907, c. 2907, set forth below.

ACT MARCH 4, 1907, c. 2907. [H. R. 24815.]

Forest reserves to be known as national forests.

General Expenses, Forest Service: To enable the Secretary of Agriculture to experiment and to make and continue investigations and report on forestry, forest reserves, which shall be known hereafter as national forests, * *

Act March 4, 1907, c. 2907, 34 Stat. 1269.

This is a provision of the agricultural appropriation act for the fiscal year ending June 30, 1908, cited above.

Sale of photographic prints, etc., and forest maps, and of condemned property or materials.

* * and hereafter he may dispose of photographic prints (including bromide enlargements), lantern slides, transparencies, blueprints, and forest maps at cost and ten per centum additional, and condemned property or materials under his charge in the same manner as provided by law for other bureaus; * *

Act March 4, 1907, c. 2907, 34 Stat. 1269.

This is a further provision of the agricultural appropriation act for the fiscal year ending June 30, 1908, cited above.

A similar provision, without the word "hereafter," was contained in the similar appropriation act for the preceding year, Act June 30, 1906, c. 3913, 34 Stat. 684.

A further provision of this act, requiring the Secretary of Agriculture each year to submit to Congress classified and detailed reports of all receipts by the Forest Service and classified and detailed

estimates of all expenditures intended for this service for the next fiscal year and detailed reports of all expenditures under any appropriation for such service during the preceding fiscal year, is repealed, with other provisions of this act, by a provision of Act March 4, 1911, c. 238, set forth post, under Title XII, "Appropriations," under Rev. St. § 3668.

A further provision of said Act March 4, 1911, c. 238, 36 Stat. 1265, requires the Secretary of Agriculture to prepare a statement of expenditures made for the Forest Service each fiscal year from 1900 to 1910, inclusive.

Disposal of money received by or on account of Forest Service; refund to depositors of excess deposited.

* * That all money received after July first, nineteen hundred and seven, by or on account of the forest service for timber, or from any other source of forest reservation revenue, shall be covered into the Treasury of the United States as a miscellaneous receipt and there is hereby appropriated and made available as the Secretary of Agriculture may direct out of any funds in the Treasury not otherwise appropriated, so much as may be necessary to make refunds to depositors of money heretofore or hereafter deposited by them to secure the purchase price on the sale of any products or for the use of any land or resources of the national forests in excess of amounts found actually due from them to the United States: * *

Act March 4, 1907, c. 2907, 34 Stat. 1270.

This is a further proviso annexed to the appropriation for the administration, etc., of the national forests, in the agricultural appropriation act for the fiscal year ending June 30, 1908, cited above.

Previous provisions relating to the disposal of money received from the sale of any products or the use of any land or resources of the forest reserves, contained in Act Feb. 1, 1905, c. 281, § 5, set forth above, and Act June 30, 1906, c. 3913, 34 Stat. 684, are superseded by this provision.

The provision for refunds of moneys deposited is amended, to include refunds of sums erroneously collected for use, etc., of lands located within, but not a part of, the national forests, or for illegal acts done upon such lands etc., by a provision of Act March 4, 1911, c. 238, set forth below.

No forest reserves to be created, and no additions thereto to be made hereafter, within certain states, except by act of Congress.

* * That hereafter no forest reserve shall be created, nor shall any additions be made to one heretofore created within the limits of the States of Oregon, Washington, Idaho, Montana, Colorado, or Wyoming, except by Act of Congress.

Act March 4, 1907, c. 2907, 34 Stat. 1271.

This is a further proviso annexed to the appropriation for the administration, etc., of the national forests, in the agricultural appropriation act for the fiscal year ending June 30, 1908, cited above.

This provision is re-enacted as a proviso to Act June 25, 1910, c. 421, § 1, set forth ante, in chapter 5 of this Title, "Homesteads," under Rev. St. § 2289.

ACT MAY 23, 1908, c. 192. [H. R. 19158.]

Officials of Forest Service to aid in enforcement of local laws for certain purposes, and to aid other federal bureaus and departments in the performance of their duties.

* * and hereafter officials of the Forest Service designated by the Secretary of Agriculture shall, in all ways that are practicable, aid in the enforcement of the laws of the States or Territories with regard to stock, for the prevention and extinguishment of forest fires,

and for the protection of fish and game, and with respect to National Forests, shall aid the other Federal Bureaus and Departments on request from them, in the performance of the duties imposed on them by law; * *

Act May 23, 1908, c. 192, 35 Stat. 259.

This is a provision accompanying an appropriation for expenses to protect, etc., the national forests, in the agricultural appropriation act for the fiscal year ending June 30, 1909, cited above.

Previous similar provisions for aiding the enforcement of laws of the States or Territories, contained in similar appropriation acts, including a permanent provision for that purpose of Act March 4, 1907, c. 2907, 34 Stat. 1209, are superseded by this provision.

Advances under appropriations for Forest Service for fighting forest fires in emergency cases.

* * and hereafter advances of money under any appropriation for the Forest Service may be made to the Forest Service and by authority of the Secretary of Agriculture to chiefs of field parties for fighting forest fires in emergency cases, who shall give bond under such rules and regulations and in such sum as the Secretary of Agriculture may direct, and detailed accounts arising under such advances shall be rendered through and by the Department of Agriculture to the Treasury Department; * *

Act May 23, 1908, c. 192, 35 Stat. 259.

This is a further provision of the agricultural appropriation act for the fiscal year ending June 30, 1909, cited above.

Payment of part of money received from each forest reserve to State or Territory for public schools and public roads.

That hereafter twenty-five per centum of all money received from each forest reserve during any fiscal year, including the year ending June thirtieth, nineteen hundred and eight, shall be paid at the end thereof by the Secretary of the Treasury to the State or Territory in which said reserve is situated, to be expended as the State or Territorial legislature may prescribe for the benefit of the public schools and public roads of the county or counties in which the forest reserve is situated: Provided, That when any forest reserve is in more than one State or Territory or county the distributive share to each from the proceeds of said reserve shall be proportional to its area therein.

Act May 23, 1908, c. 192, 35 Stat. 260.

This is a further provision of the agricultural appropriation act for the fiscal year ending June 30, 1909, cited above.

Previous provisions for payment for the same purposes of ten per cent. of the money received from each forest reserve, with an additional limitation of the amount to be paid to any county, contained in Act June 30, 1906, c. 3913, 34 Stat. 684, and Act March 4, 1907, c. 2907, 34 Stat. 1270, are superseded by this provision.

ACT MAY 30, 1908, c. 233. [H. R. 11778.]

An Act to Amend an Act Approved June Eleventh, Nineteen Hundred and Six, Entitled "An Act to Provide for the Entry of Agricultural Lands within Forest Reserves." (35 Stat. 554.)

Amendment of Act June 11, 1906, c. 3074, § 1; exception from provisions of certain counties in California stricken out.

Be it enacted, &c., That an Act entitled "An Act to provide for the entry of agricultural lands within forest reserves," approved June eleventh, nineteen hundred and six, be amended by striking out of sec-

tion one the following words: "except the following counties in the State of California: Inyo, Tulare, Kern, Ventura, Los Angeles, San Bernardino, Orange, Riverside, and San Diego."

Act May 30, 1908, c. 233, 35 Stat. 554.

Act June 11, 1906, c. 3074, § 1, amended by this act, is set forth above. See note under said section.

ACT FEB. 18, 1909, c. 143. [S. 1574.]

An Act to Create the Calaveras Bigtree National Forest, and for Other Purposes. (35 Stat. 626.)

Calaveras Bigtree National Forest; acquisition of title to lands; reimbursement of owners.

Be it enacted, &c., That the Secretary of Agriculture, to secure and protect for all time the big trees scientifically known as Sequoia washingtoniana, is hereby empowered, in his discretion, to obtain for the United States the complete title to any or all of the following-described lands in the State of California: In township four north, range fifteen east, Mount Diablo meridian, the northeast quarter of section one; in township four north, range sixteen east, Mount Diablo meridian, the north half of section six; in township five north, range fifteen east, Mount Diablo meridian, the southwest quarter of section fourteen, south half of section fifteen, north half of section twenty-two, northwest quarter of section twenty-three, and southeast quarter of section thirty-six, and in township five north, range sixteen east, Mount Diablo meridian, the west half of section twenty-eight, the east half and southwest quarter of section twenty-nine, the southeast quarter of section thirty, all of sections thirty-one, thirty-two, and the northwest quarter of section thirty-three. And such area or areas, as fast as complete title is acquired, shall be permanently held by the United States and shall be known as the Calaveras Bigtree National Forest and shall be administered, and protected, by the Secretary of Agriculture from the funds appropriated for the administration of National Forest land to prolong the existence, growth, and promote the reproduction of said big trees: Provided, That the owners of land acquired hereunder shall convey to the United States full title to any of the above-described areas approved for said national forest by the Secretary of Agriculture, the completeness of such title to be determined by the Secretary of the Interior in each case, and shall be reimbursed therefor only in any or all of three ways: They may be given the right to file with the Secretary of the Interior, within sixty days after any such conveyance, selections for an equal area of surveyed, unreserved, unappropriated, nonmineral public lands which, if found subject to such lieu selection, and of a value substantially equal to that of the amounts conveyed, may be patented to said owners in lieu of the land conveyed, and if any selection is rejected other selections may be made under conditions applicable to the one rejected; or the Secretary of Agriculture may grant to any such conveying owner the right to cut from national forest land an amount of timber and wood, substantially equal to the amount of timber and wood on the land acquired by the United States under the provisions of this Act: Provided, That nothing contained in this Act shall warrant an appropriation from the Treasury to carry out the terms of this Act.

Act Feb. 18, 1909, c. 143, 35 Stat. 626.

ACT JUNE 25, 1910, c. 431, § 31. [H. R. 24992.]

Allotments to Indians occupying lands within national forests, not entitled to allotments on Indian reservations, etc.; lands more valuable for agriculture or grazing than for timber to be allotted.

Sec. 31. That the Secretary of the Interior is hereby authorized, in his discretion, to make allotments within the national forests in conformity with the general allotment laws as amended by section of this Act, to any Indian occupying, living on, or having improvements on land included within any such national forest who is not entitled to an allotment on any existing Indian reservation, or for whose tribe no reservation has been provided, or whose reservation was not sufficient to afford an allotment to each member thereof. All applications for allotments under the provisions of this section shall be submitted to the Secretary of Agriculture who shall determine whether the lands applied for are more valuable for agricultural or grazing purposes than for the timber found thereon; and if it be found that the lands applied for are more valuable for agricultural or grazing purposes, then the Secretary of the Interior shall cause allotment to be made as herein provided.

Act June 25, 1910, c. 431, § 31, 36 Stat. 863.

This section is part of an act to provide for determining the heirs of, and for the disposition of allotments of, deceased Indians, cited above.

ACT FEB. 18, 1911, c. 115. [S. 9566.]

An Act to Reserve Certain Lands and to Incorporate the Same and Make them a Part of the Pocatello National Forest. (36 Stat. 919.)

Pocatello National Forest; lands included.

Be it enacted, &c., That the following-described lands, to wit, sections three, four, five, six, seven, eight, and nine, township nine south, range thirty-five; section twenty-two, township eight south, range thirty-four; and section one, township nine south, range thirty-four, all in Bannock and Oneida counties, Idaho, be, and the same are hereby, reserved and withdrawn from entry and made a part of and included in the Pocatello National Forest.

Act Feb. 18, 1911, c. 115, 36 Stat. 919.

ACT FEB. 28, 1911, c. 181. [H. R. 32571.]

An Act to Consolidate Certain Forest Lands in the Kansas National Forest. (36 Stat. 960.)

Kansas National Forest; exchange of lands which are part of for privately owned lands within exterior limits.

Be it enacted, &c., That the Secretary of the Interior, for the purpose of consolidating the forest lands belonging to the United States within the Kansas National Forest, be, and he hereby is, authorized and empowered, upon the recommendation of the Secretary of Agriculture, to exchange lands belonging to the United States which are part of the Kansas National Forest for privately owned lands lying within the exterior limits of the said national forest: Provided, That the lands so exchanged shall be equal in area and substantially equal in value: And provided further, That upon the consummation of such exchange the land deeded to the United States thereunder shall become a part of the Kansas National Forest.

Act Feb. 28, 1911, c. 181, 36 Stat. 960.

ACT MARCH 1, 1911, c. 186. [H. R. 11798.]

An Act to Enable any State to Cooperate with Any Other State or States, or with the United States, for the Protection of the Watersheds of Navigable Streams, and to Appoint a Commission for the Acquisition of Lands for the Purpose of Conserving the Navigability of Navigable Rivers. (36 Stat. 961.)

Consent to agreement by States for conservation of forests and water supply.

Be it enacted, &c., That the consent of the Congress of the United States is hereby given to each of the several States of the Union to enter into any agreement or compact, not in conflict with any law of the United States, with any other State or States for the purpose of conserving the forests and the water supply of the States entering into such agreement or compact.

Act March 1, 1911, c. 186, § 1, 36 Stat. 961.

Appropriation for co-operation with States for protection from fire of forested watersheds of navigable streams; agreements with States for system of fire protection; State law required; limitation of expenditure.

Sec. 2. That the sum of two hundred thousand dollars is hereby appropriated and made available until expended, out of any moneys in the National Treasury not otherwise appropriated, to enable the Secretary of Agriculture to cooperate with any State or group of States, when requested to do so, in the protection from fire of the forested watersheds of navigable streams; and the Secretary of Agriculture is hereby authorized, and on such conditions as he deems wise, to stipulate and agree with any State or group of States to cooperate in the organization and maintenance of a system of fire protection on any private or state forest lands within such State or States and situated upon the watershed of a navigable river: Provided, That no such stipulation or agreement shall be made with any State which has not provided by law for a system of forest-fire protection: Provided further, That in no case shall the amount expended in any State exceed in any fiscal year the amount appropriated by that State for the same purpose during the same fiscal year.

Act March 1, 1911, c. 186, § 2, 36 Stat. 961.

Appropriations for examination, survey, and acquirement of lands on headwaters of navigable streams.

Sec. 3. That there is hereby appropriated, for the fiscal year ending June thirtieth, nineteen hundred and ten, the sum of one million dollars, and for each fiscal year thereafter a sum not to exceed two million dollars for use in the examination, survey, and acquirement of lands located on the headwaters of navigable streams or those which are being or which may be developed for navigable purposes: Provided, That the provisions of this section shall expire by limitation on the thirtieth day of June, nineteen hundred and fifteen.

Act March 1, 1911, c. 186, § 3, 36 Stat. 961.

National Forest Reservation Commission; creation and composition; authority as to purchases of lands under act; service of members; vacancies.

Sec. 4. That a commission, to be known as the National Forest Reservation Commission, consisting of the Secretary of War, the

Secretary of the Interior, the Secretary of Agriculture, and two members of the Senate, to be selected by the President of the Senate, and two members of the House of Representatives, to be selected by the Speaker, is hereby created and authorized to consider and pass upon such lands as may be recommended for purchase as provided in section six of this Act, and to fix the price or prices at which such lands may be purchased, and no purchases shall be made of any lands until such lands have been duly approved for purchase by said commission: Provided, That the members of the commission herein created shall serve as such only during their incumbency in their respective official positions, and any vacancy on the commission shall be filled in the manner as the original appointment.

Act March 1, 1911, c. 186, § 4, 36 Stat. 962.

Annual reports of Commission.

Sec. 5. That the commission hereby appointed shall, through its president, annually report to Congress, not later than the first Monday in December, the operations and expenditures of the commission, in detail, during the preceding fiscal year.

Act March 1, 1911, c. 186, § 5, 36 Stat. 962.

Examination, etc., of lands for purchase and report by Secretary of Agriculture; examination and report by Geological Survey.

Sec. 6. That the Secretary of Agriculture is hereby authorized and directed to examine, locate, and recommend for purchase such lands as in his judgment may be necessary to the regulation of the flow of navigable streams, and to report to the National Forest Reservation Commission the results of such examinations: Provided, That before any lands are purchased by the National Forest Reservation Commission said lands shall be examined by the Geological Survey and a report made to the Secretary of Agriculture, showing that the control of such lands will promote or protect the navigation of streams on whose watersheds they lie.

Act March 1, 1911, c. 186, § 6, 36 Stat. 962.

Purchase of lands approved by Commission; consent of State.

Sec. 7. That the Secretary of Agriculture is hereby authorized to purchase, in the name of the United States, such lands as have been approved for purchase by the National Forest Reservation Commission at the price or prices fixed by said commission: Provided, That no deed or other instrument of conveyance shall be accepted or approved by the Secretary of Agriculture under this Act until the legislature of the State in which the land lies shall have consented to the acquisition of such land by the United States for the purpose of preserving the navigability of navigable streams.

Act March 1, 1911, c. 186, § 7, 36 Stat. 962.

Title to lands to be acquired.

Sec. 8. That the Secretary of Agriculture may do all things necessary to secure the safe title in the United States to the lands to be acquired under this Act, but no payment shall be made for any such lands until the title shall be satisfactory to the Attorney-General and shall be vested in the United States.

Act March 1, 1911, c. 186, § 8, 36 Stat. 962.

Reservation to owner of lands acquired of minerals and timber; regulations for removal thereof to be expressed in conveyance.

Sec. 9. That such acquisition may in any case be conditioned upon the exception and reservation to the owner from whom title passes to the United States of the minerals and of the merchantable timber, or either or any part of them, within or upon such lands at the date of the conveyance, but in every case such exception and reservation and the time within which such timber shall be removed and the rules and regulations under which the cutting and removal of such timber and the mining and removal of such minerals shall be done shall be expressed in the written instrument of conveyance, and thereafter the mining, cutting, and removal of the minerals and timber so excepted and reserved shall be done only under and in obedience to the rules and regulations so expressed.

Act March 1, 1911, c. 186, § 9, 36 Stat. 962.

Agricultural lands included in tracts acquired; sale as homesteads; jurisdiction of lands sold to revert to state; no rights, etc., to lands acquired, waters thereon, etc., except as provided in this section.

Sec. 10. That inasmuch as small areas of land chiefly valuable for agriculture may of necessity or by inadvertence be included in tracts acquired under this Act, the Secretary of Agriculture may, in his discretion, and he is hereby authorized, upon application or otherwise, to examine and ascertain the location and extent of such areas as in his opinion may be occupied for agricultural purposes without injury to the forests or to stream flow and which are not needed for public purposes, and may list and describe the same by metes and bounds, or otherwise, and offer them for sale as homesteads at their true value, to be fixed by him, to actual settlers, in tracts not exceeding eighty acres in area, under such joint rules and regulations as the Secretary of Agriculture and the Secretary of the Interior may prescribe; and in case of such sale the jurisdiction over the lands sold shall, ipso facto, revert to the State in which the lands sold lie. And no right, title, interest, or claim in or to any lands acquired under this Act, or the waters thereon, or the products, resources, or use thereof after such lands shall have been so acquired, shall be initiated or perfected, except as in this section provided.

Act March 1, 1911, c. 186, § 10, 36 Stat. 962.

Lands acquired to be reserved, etc., as national forest lands; division into and designation, as specific national forests.

Sec. 11. That, subject to the provisions of the last preceding section, the lands acquired under this Act shall be permanently reserved, held, and administered as national forest lands under the provisions of section twenty-four of the Act approved March third, eighteen hundred and ninety-one (volume twenty-six, Statutes at Large, page eleven hundred and three), and Acts supplemental to and amendatory thereof. And the Secretary of Agriculture may from time to time divide the lands acquired under this Act into such specific national forests and so designate the same as he may deem best for administrative purposes.

Act March 1, 1911, c. 186, § 11, 36 Stat. 963.

Act March 3, 1891, c. 561, § 24, and acts supplemental thereto and amendatory thereof, are set forth in Comp. St. 1901, pp. 1537–1547, and ante, under this subchapter.

State jurisdiction over persons on lands acquired not affected, except as to punishment of offenses against United States.

Sec. 12. That the jurisdiction, both civil and criminal, over persons upon the lands acquired under this Act shall not be affected or changed by their permanent reservation and administration as national forest lands, except so far as the punishment of offenses against the United States is concerned, the intent and meaning of this section being that the State wherein such land is situated shall not, by reason of such reservation and administration, lose its jurisdiction nor the inhabitants thereof their rights and privileges as citizens or be absolved from their duties as citizens of the State.

Act March 1, 1911, c. 186, § 12, 36 Stat. 963.

Payment of 5 per cent. of receipts from each national forest to State for benefit of county public schools and roads; limitation of payment for any one county.

Sec. 13. That five per centum of all moneys received during any fiscal year from each national forest into which the lands acquired under this Act may from time to time be divided shall be paid, at the end of such year, by the Secretary of the Treasury to the State in which such national forest is situated, to be expended as the state legislature may prescribe for the benefit of the public schools and public roads of the county or counties in which such national forest is situated: Provided, That when any national forest is in more than one State or county the distributive share to each from the proceeds of such forest shall be proportional to its area therein: Provided further, That there shall not be paid to any State for any county an amount equal to more than forty per centum of the total income of such county from all other sources.

Act March 1, 1911, c. 186, § 13, 36 Stat. 963.

Appropriation for expenses of Commission; payments.

Sec. 14. That a sum sufficient to pay the necessary expenses of the commission and its members, not to exceed an annual expenditure of twenty-five thousand dollars, is hereby appropriated out of any money in the Treasury not otherwise appropriated. Said appropriation shall be immediately available, and shall be paid out on the audit and order of the president of the said commission, which audit and order shall be conclusive and binding upon all departments as to the correctness of the accounts of said commission.

Act March 1, 1911, c. 186, § 14, 36 Stat. 963.

ACT MARCH 3, 1911, c. 225. [H. R. 26290.]

An Act Providing for the Validation of Certain Homestead Entries. (36 Stat. 1084.)

Reinstatement of entries canceled or relinquished because of erroneous allowance after withdrawal of land for national forest purposes.

Be it enacted, &c., That all homestead entries which have been canceled or relinquished, or are invalid solely because of the erroneous allowance of such entries after the withdrawal of lands for national forest purposes, may be reinstated or allowed to remain intact, but in the case of entries heretofore canceled applications for reinstate-

ment must be filed in the proper local land office prior to July first, nineteen hundred and twelve.

Act March 3, 1911, c. 225, § 1, 36 Stat. 1084.

Contestants prior to withdrawal of land for national forest purposes authorized to exercise preference right to enter.

Sec. 2. That in all cases where contests were initiated under the provisions of the Act of May fourteenth, eighteen hundred and eighty, prior to the withdrawal of the land for national forest purposes, the qualified successful contestants may exercise their preference right to enter the land within six months after the passage of this Act.

Act March 3, 1911, c. 225, § 2, 36 Stat. 1084.

Act May 14, 1880, c. 89, mentioned in this section, is set forth in Comp. St. 1901, p. 1392.

ACT MARCH 4, 1911, c. 238. [H. R. 31596.]

Investigations and report on forestry, national forests, etc.; permission to remove timber, etc., from national forests; restrictions on expenditure of appropriation.

General expenses, Forest Service: To enable the Secretary of Agriculture to experiment and to make and continue investigations and report on forestry, national forests, forest fires, and lumbering, but no part of this appropriation shall be used for any experiment or test made outside the jurisdiction of the United States; to advise the owners of woodlands as to the proper care of the same; to investigate and test American timber and timber trees and their uses, and methods for the preservative treatment of timber; to seek, through investigations and the planting of native and foreign species, suitable trees for the treeless regions; to erect necessary buildings: Provided, That the cost of any building erected shall not exceed six hundred and fifty dollars; to pay all expenses necessary to protect, administer, and improve the national forests; to ascertain the natural conditions upon and utilize the national forests; and the Secretary of Agriculture may, in his discretion, permit timber and other forest products cut or removed from the national forests, except the Black Hills National Forest in South Dakota, to be exported from the State, Territory, or the District of Alaska in which said forests are respectively situated: Provided, That the exportation of dead and insect-infested timber only from said Black Hills National Forest shall be allowed until such time as the Forester shall certify that the ravages of the destructive insects in said forests are practically checked, but in no case after July first, nineteen hundred and twelve; to transport and care for fish and game supplied to stock the national forests or the waters therein; to employ agents, clerks, assistants, and other labor required in practical forestry and in the administration of national forests, in the City of Washington and elsewhere; to collate, digest, report, and illustrate the results of experiments and investigations made by the Forest Service; to purchase law books to an amount not exceeding five hundred dollars, necessary supplies, apparatus, and office fixtures, and technical books and technical journals for officers of the Forest Service stationed outside of Washington; to pay freight, express, telephone, and telegraph charges; for electric light and power, fuel, gas, ice, washing towels, and official traveling and other necessary

expenses, including traveling expenses for legal and fiscal officers while performing Forest Service work; and for rent in the city of Washington and elsewhere, as follows: * *

Provided, That no part of the money herein appropriated shall be used to pay the transportation or traveling expenses of any forest officer or agent except he be traveling on business directly connected with the Forest Service and in furtherance of the works, aims, and objects specified and authorized in and by this appropriation: Provided further, That no part of this appropriation shall be paid or used for the purpose of paying for, in whole or in part, the preparation or publication of any newspaper or magazine article, but this shall not prevent the giving out to all persons without discrimination, including newspaper and magazine writers and publishers, of any facts or official information of value to the public: * *

Act March 4, 1911, c. 238, 36 Stat. 1246.

These are provisions of the agricultural appropriation act for the fiscal year ending June 30, 1912, cited above.

Provisions similar, to some extent, were contained in previous similar appropriation acts.

The export from Alaska of pulp wood or wood pulp manufactured from timber in the district is permitted by Act Feb. 1, 1905, c. 281, § 2, set forth ante, under this chapter, subchapter "Protection of Timber; Depredations."

Nebraska National Forest; furnishing young trees to residents of arid region.

Nebraska National Forest, Nebraska, * * Provided, That from the nurseries on said forest the Secretary of Agriculture, under such rules and regulations as he may prescribe, may furnish young trees free so far as they may be spared, to residents of the territory covered by "An Act increasing the area of homesteads in a portion of Nebraska," approved April twenty-eighth, nineteen hundred and four;

Act March 4, 1911, c. 238, 36 Stat. 1250.

This is a proviso annexed to the appropriation for the Nebraska National Forest in the agricultural appropriation act for the fiscal year ending June 30, 1912, cited above.

Amendment of Act March 4, 1907, c. 2907; refund of moneys erroneously collected for use, etc., of lands within but not part of national forests; report of amounts.

* * Provided further, That so much of an Act entitled "An Act making appropriations for the Department of Agriculture for the fiscal year ending June thirtieth, nineteen hundred and eight," approved March fourth, nineteen hundred and seven (Thirty-fourth Statutes at Large, pages twelve hundred and fifty-six and twelve hundred and seventy), which provides for refunds by the Secretary of Agriculture to depositors of moneys to secure the purchase price of timber or the use of lands or resources of the national forests such sums as may be found to be in excess of the amounts found actually due the United States, be, and is hereby, amended hereafter to appropriate and to include so much as may be necessary to refund or pay over to the rightful claimants such sums as may be found by the Secretary of Agriculture to have been erroneously collected for the use of any lands, or for timber or other resources sold from lands located within, but not a part of, the national forests, or for alleged illegal acts done upon

such lands, which acts are subsequently found to have been proper and legal; and the Secretary of Agriculture shall make annual report to Congress of the amounts refunded hereunder;

Act March 4, 1911, c. 238, 36 Stat. 1253.

This is a proviso annexed to the appropriations for general expenses, Forest Service, in the agricultural appropriation act for the fiscal year ending June 30, 1912, cited above.

The provision of Act March 4, 1907, c. 2907, mentioned in and amended by this provision, is set forth above.

ACT MARCH 4, 1911, c. 273. [H. R. 30280.]

An Act Authorizing the Secretary of the Interior to Exchange Certain Desert Lands for Lands within National Forests in Oregon. (36 Stat. 1357.)

Relinquishment by Oregon of selections under Carey Act of certain lands, and patents therefor in exchange for reconveyance of certain lands within national forests, to become parts of national forests.

Be it enacted, &c., That the State of Oregon is hereby authorized to relinquish its selection heretofore made under the terms of the Act of August eighteenth, eighteen hundred and ninety-four (Twenty-eighth Statutes, page three hundred and seventy-two), and Acts amendatory and supplemental thereto of the following lands:

Section three; east half, east half of west half, southwest quarter of southwest quarter of section four; southwest quarter, west half of southeast quarter, southeast quarter of southeast quarter of section five; south half of section six; all of sections seven, eight, nine, ten, fifteen, seventeen, eighteen, nineteen, twenty, twenty-one, and twenty-two of township twenty-four south, range thirty-three east, Willamette meridian, containing eight thousand seven hundred and ninety-three and forty-seven one-hundredths acres; and the Secretary of the Interior, upon recommendation of the Secretary of Agriculture, may issue patent to said lands in exchange for and upon reconveyance to the United States of the following lands within national forests in the State of Oregon:

All of fractional section thirty-six, township twenty-one south, range twelve east; all of section sixteen, township twenty-one south, range twelve east; the southeast quarter of section thirty-six, township twenty south, range fourteen east; all of section sixteen, township twenty-three south, range sixteen east; the south half of northwest quarter, the northwest quarter of northwest quarter, the northeast quarter of northeast quarter, the south half of section sixteen, township twenty-eight south, range ten east; south half of north half of section sixteen, township fifteen south, range thirty-one east; northwest quarter of northwest quarter of section sixteen, township seventeen south, range thirty-two east; all of section thirty-six, township three south, range forty-seven east; all of section sixteen, township nineteen south, range thirty-one east; southeast quarter of southeast quarter of section sixteen, east half of northeast quarter, west half of northwest quarter of section thirty-six, township twenty south, range thirty-three east; all of section sixteen, township three south, range forty-one east; south half and northwest quarter of section thirty-six, township nineteen south, range thirty-two east; north half of section sixteen, township fourteen south, range thirty-three east; all of sec-

tions sixteen and thirty-six, township seven south, range thirty-four east; section sixteen, township eight south, range thirty-two east; all of section thirty-six, township fourteen south, range thirty-five and a half east; all of section thirty-six, township two south, range forty east, Willamette meridian.

Provided, That the timber or undergrowth shall not have been removed from said forest lands: Provided further, That upon reconveyance to the United States the lands shall become parts of the national forests in which they are situated.

Act March 4, 1911, c. 273, 36 Stat. 1357.

Act Aug. 18, 1894, c. 301, § 24, mentioned in this act, is set forth in Comp. St. 1901, p. 1554.

[SALINE LANDS.]

ACT JAN. 12, 1877, c. 18, § 1.

Sale of saline lands.

Saline Islands in New Mexico are reserved from entry, location, etc., until Congress shall provide for their disposition, by Act June 20, 1910, c. 310, § 18, set forth below.

ACT JUNE 20, 1910, c. 310, § 18. [H. R. 18166.]

Saline lands in New Mexico reserved.

Sec. 18. That all saline lands in the proposed State of New Mexico are hereby reserved from entry, location, selection, or settlement until such time as Congress shall hereafter provide for their disposition.

Act June 20, 1910, c. 310, § 18, 36 Stat. 568.

This section is part of the act for the admission of the States of New Mexico and Arizona to the Union, cited above.

[DESERT LANDS.]

ACT MARCH 3, 1877, c. 107. [*As amended* 1891.]

Sale of desert lands.

The right to make entry of desert lands under this act as amended, set forth in Comp. St. 1901, p. 1548, is restricted to surveyed public lands of the character contemplated thereby, assignments of such entries are restricted, and the time to complete the irrigating works and make final proofs thereunder is extended, by Act March 28, 1908, c. 112, set forth below.

Second desert-land entries, by persons whose former entries had been lost, forfeited, or abandoned, are provided for by Act March 26, 1908, c. 103, set forth below, and Act Feb. 3, 1911, c. 34, set forth ante, in chapter 5 of this Title, "Homesteads," under Rev. St. § 2298.

ACT MARCH 26, 1908, c. 103. [H. R. 16078.]

An Act Providing for Second Desert-Land Entries. (35 Stat. 48.)

Desert-land entry after former entry lost, forfeited, or abandoned.

Be it enacted, &c., That any person who prior to the passage of this Act has made entry under the desert-land laws, but from any cause has lost, forfeited, or abandoned the same, shall be entitled to the benefits of the desert-land law as though such former entry had not been made, and any person applying for a second desert-land entry under this Act shall furnish the description and date of his former entry: Provided, That the provisions of this Act shall not apply to any person whose former entry was assigned in whole or in part or

canceled for fraud, or who relinquished the former entry for a valuable consideration.

Act March 26, 1908, c. 103, 35 Stat. 48.

Previous provisions for entry of desert lands are contained in Act March 3, 1877, c. 107, as amended by Act March 3, 1891, c. 561, § 2, set forth in Comp. St. 1901, pp. 1548–1551.

Subsequent provisions, similar to those of this act, for second homestead and desert-land entries, are contained in Act Feb. 3, 1911, c. 34, set forth ante, in chapter 5 of this Title, "Homesteads," under Rev. St. § 2298.

ACT MARCH 28, 1908, c. 112. [H. R. 16493.]

An Act Limiting and Restricting the Right of Entry and Assignment under the Desert-Land Law and Authorizing an Extension of Time within Which to Make Final Proof. (35 Stat. 52.)

Desert-land entries restricted to surveyed lands; preference of persons in possession of lands prior to survey.

Be it enacted, &c., That from and after the passage of this Act the right to make entry of desert lands under the provisions of the Act approved March third, eighteen hundred and seventy-seven, entitled "An Act to provide for the sale of desert lands in certain States and Territories," as amended by the Act approved March third, eighteen hundred and ninety-one, entitled "An Act to repeal timber-culture laws, and for other purposes," shall be restricted to surveyed public lands of the character contemplated by said Acts, and no such entries of unsurveyed lands shall be allowed or made of record: Provided, however, That any individual qualified to make entry of desert lands under said Acts who has, prior to survey, taken possession of a tract of unsurveyed desert land not exceeding in area three hundred and twenty acres in compact form, and has reclaimed or has in good faith commenced the work of reclaiming the same, shall have the preference right to make entry of such tract under said Acts, in conformity with the public land surveys, within ninety days after the filing of the approved plat of survey in the district land office.

Act March 28, 1908, c. 112, § 1, 35 Stat. 52.

Act March 3, 1877, c. 107, as amended by Act March 3, 1891, c. 561, § 2, mentioned in this section, is set forth in Comp. St. 1901, pp. 1548–1551.

Assignments of desert-land entries restricted.

Sec. 2. That from and after the date of the passage of this Act no assignment of an entry made under said Acts shall be allowed or recognized, except it be to an individual who is shown to be qualified to make entry under said Acts of the land covered by the assigned entry, and such assignments may include all or part of an entry; but no assignment to or for the benefit of any corporation or association shall be authorized or recognized.

Act March 28, 1908, c. 112, § 2, 35 Stat. 52.

Provisions applicable to Imperial County, California, only, authorizing completion of desert-land entries by assignees in good faith, and by holders in good faith of second desert-land entries, are contained in Act June 25, 1910, c. 437, 36 Stat. 867.

Time to complete irrigation works and make final proofs under desert-land entries extended.

Sec. 3. That any entrymen under the above Acts who shall show to the satisfaction of the Commissioner of the General Land Office

that he has in good faith complied with the terms, requirements, and provisions of said Acts, but that because of some unavoidable delay in the construction of the irrigating works, intended to convey water to the said lands, he is, without fault on his part, unable to make proof of the reclamation and cultivation of said land, as required by said Acts, shall, upon filing his corroborated affidavit with the land office in which said land is located, setting forth said facts, be allowed an additional period of not to exceed three years, within the discretion of the Commissioner of the General Land Office, within which to furnish proof as required by said Acts of the completion of said work.

Act March 28, 1908, c. 112, § 3, 35 Stat. 52.

Previous provisions for extension of time for making final proofs under entries of desert lands in certain cases were contained in Act Aug. 4, 1894, c. 208, set forth in Comp. St. 1901, p. 1552.

A further extension of time to make final proof on desert-land entries in the counties of Benton, Yakima, and Klickitat, in the State of Washington, is authorized by Act Feb. 28, 1911, c. 180, 36 Stat. 960.

[IRRIGATION IN ARID REGIONS; GRANTS OF DESERT LANDS TO STATES FOR RECLAMATION.]

ACT OCT. 2, 1888, c. 1069.

Investigation of arid regions by Geological Survey; reservations for reservoir sites, etc.; opening lands to homestead entries.

The provisions of this act, and subsequent provisions amendatory thereof and supplementary thereto, of Act March 2, 1889, c. 411, § 1, Act Aug. 30, 1890, c. 837, § 1, and Act March 3, 1891, c. 561, § 17, set forth in Comp. St. 1901, pp. 1552–1554, are to a great extent superseded by the provisions, relating to the same subjects, of Act June 17, 1902, c. 1093, set forth below.

ACT MARCH 2, 1889, c. 411, § 1.

Report of expenditures for investigation of arid regions.

The provision of this act, set forth in Comp. St. 1901, p. 1553, requiring a report to Congress by the Director of the Geological Survey, under supervision of the Secretary of the Interior, is superseded by the requirement of a similar report by the Secretary, by Act June 17, 1902, c. 1093, § 2, set forth below.

ACT AUG. 30, 1890, c. 837, § 1.

Repeal in part of Act Oct. 2, 1888, c. 1069; entries on arid lands; reservation of reservoir sites.

The provisions of this act, set forth in Comp. St. 1901, p. 1553, as well as those of Act Oct. 2, 1888, c. 1069, repealed in part thereby, relating to the withdrawal from entry of public lands, are superseded by the provisions, relating to the same subject, of Act June 17, 1902, c. 1093, §§ 3, 4, set forth below.

ACT AUG. 18, 1894, c. 301, § 4. [*As amended* 1896, 1901.]

Contracts by United States with public-land States for donation of arid lands.

The provisions of this section and the amendments thereto, set forth in Comp. St. 1901, pp. 1554–1557, are extended to the Territories of New Mexico and Arizona, by Act Feb. 18, 1909, set forth below.

Subsequent provisions make subject to the terms of this section and amendments thereto an additional one million acres of arid lands, in each of several states, as follows:

In the State of Idaho. Res. May 25, 1908, No. 28, set forth below.

In each of the States of Idaho and Wyoming. Act May 27, 1908, c. 200, § 1, set forth below.

In the State of Nevada. Act March 4, 1911, c. 285, § 1, set forth below.

In the State of Colorado. Res. Aug. 21, 1911, No. 7, set forth below.

The provisions of this section and amendments thereof are extended

over and apply to desert lands within a portion of the former Ute Indian reservation in the State of Colorado, by Act Feb. 24, 1909, c. 178, set forth below.

The provisions of this section are made applicable to the lands in the former Fort Bridger Military Reservation, [illegible] County, Wyoming, by Act Feb. 19, 1911, c. 90, set forth post, under this chapter, subc. "Abandoned Military and Naval Reservations."

Temporary withdrawal from settlement or entry of lands for which a state proposes to make application under this section is authorized by Act March 15, 1910, c. [illegible], set forth below.

State laws relating to irrigation and vested rights acquired thereunder, and rights of any State or of the Federal government, or of any landowner, proprietor, or user of water, in waters of interstate streams, are not affected by Act June 17, 1902, c. 1093, by section 8 of that act, set forth below.

An appropriation for examination of desert lands selected by the States under the provisions of this section and of Act May 27, 1908, c. 200, § 1, set forth below, is made in the recent sundry civil appropriation acts. The appropriation for the fiscal year ending June 30, 1912, is by Act March 4, 1911, c. 285, § 1, 36 Stat. 1415.

ACT JUNE 11, 1896, c. 420, § 1.

Liens for expenses of reclamation of arid lands.

See note under Act Aug. 18, 1894, c. 301, § 4, above.

ACT JUNE 17, 1902, c. 1093.

An Act Appropriating the Receipts from the Sale and Disposal of Public Lands in Certain States and Territories to the Construction of Irrigation Works for the Reclamation of Arid Lands. (32 Stat. 388.)

Receipts from public lands in certain States and Territories appropriated as reclamation fund; insufficiency of proceeds of other public lands for support of agricultural colleges to be supplied from other moneys.

Be it enacted, &c., That all moneys received from the sale and disposal of public lands in Arizona, California, Colorado, Idaho, Kansas, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Utah, Washington, and Wyoming, beginning with the fiscal year ending June thirtieth, nineteen hundred and one, including the surplus of fees and commissions in excess of allowances to registers and receivers, and excepting the five per centum of the proceeds of the sales of public lands in the above States set aside by law for educational and other purposes, shall be, and the same are hereby, reserved, set aside, and appropriated as a special fund in the Treasury to be known as the "reclamation fund," to be used in the examination and survey for and the construction and maintenance of irrigation works for the storage, diversion, and development of waters for the reclamation of arid and semiarid lands in the said States and Territories, and for the payment of all other expenditures provided for in this Act: Provided, That in case the receipts from the sale and disposal of public lands other than those realized from the sale and disposal of lands referred to in this section are insufficient to meet the requirements for the support of agricultural colleges in the several States and Territories, under the Act of August thirtieth, eighteen hundred and ninety, entitled "An Act to apply a portion of the proceeds of the public lands to the more complete endowment and support of the colleges for the benefit of agriculture and the mechanic arts, established under the provisions of an Act

of Congress approved July second, eighteen hundred and sixty-two," the deficiency, if any, in the sum necessary for the support of the said colleges shall be provided for from any moneys in the Treasury not otherwise appropriated.

Act June 17, 1902, c. 1093, § 1, 32 Stat. 388.

This act supersedes to a great extent the previous provisions relating to irrigation of arid lands, contained in Act Oct. 2, 1888, c. 1069, and subsequent amendatory and supplementary provisions, set forth in Comp. St. 1901, pp. 1552-1554.

The provisions of this act are extended to the state of Texas, by Act June 12, 1906, c. 3288, set forth below.

The act for the admission to the Union of the States of New Mexico and Arizona reserves to the United States all rights and powers for carrying out the provisions of this act and acts amendatory thereof or supplementary thereto, to the same extent as if each of said States had remained a Territory. Act June 20, 1910, c. 310, § 2, subsec. 7, and § 20, subsec. 7, 36 Stat. 558, 569.

Appropriations for the construction and maintenance of irrigation works for Indian reservations and allotments are made in the annual Indian appropriation acts. The provisions for the fiscal year ending June 30, 1912, are contained in Act March 3, 1911, c. 210, 36 Stat. 1058.

The return to the reclamation fund of the cost of construction of works for irrigation, from charges on the lands irrigated, and the purposes for which the fund may be used, are provided for by sections 4–7 of this act, set forth below.

Proceeds of sales of material utilized for temporary work and structures in connection with the operations under this act, as well as of sales of other condemned property purchased under its provisions, and any moneys refunded in connection with operations under it, are to be covered into the reclamation fund, by Act March 3, 1905, c. 1459, set forth below.

Moneys derived from the sale of lands acquired under this act, but not needed for the purposes thereof, are to be covered into the reclamation fund, by Act Feb. 2, 1911, c. 32, § 3, set forth below.

Moneys received under contracts for impounding, storage, and carriage of water, with irrigation systems operating under the Carey Act, authorized by Act Feb. 21, 1911, c. 141, set forth below, are to be covered into the reclamation fund, by section 3 of said act.

Provisions for advances from the Treasury to the reclamation fund, and for the issue of certificates of indebtedness to provide funds therefor, to be repaid out of the annual receipts of the reclamation fund, are contained in Act June 25, 1910, c. 407, amended by Act Feb. 18, 1911, c. 111, set forth below.

Surveys for and location and construction of irrigation works; reports to Congress.

Sec. 2. That the Secretary of the Interior is hereby authorized and directed to make examinations and surveys for, and to locate and construct, as herein provided, irrigation works for the storage, diversion, and development of waters, including artesian wells, and to report to Congress at the beginning of each regular session as to the results of such examinations and surveys, giving estimates of cost of all contemplated works, the quantity and location of the lands which can be irrigated therefrom, and all facts relative to the practicability of each irrigation project; also the cost of works in process of construction as well as of those which have been completed.

Act June 17, 1902, c. 1093, § 2, 32 Stat. 388.

This section supersedes the previous similar provisions for investigations and surveys by the Geological Survey and for reports thereof by the Director of the Geological Survey, contained in Act Oct. 2, 1888, c. 1069, and Act March 2, 1889, c. 411, § 1, Comp. St. 1901, pp. 1552, 1553.

The purchase of books, periodicals, and other publications needed in

carrying out the surveys and examinations authorized by this act is authorized by a provision of Act May 27, 1908, c. 200, § 1, set forth below.

Assignments of pay by employés of the Reclamation Service are authorized by a further provision of Act May 27, 1908, c. 200, § 1, set forth below.

Withdrawal from entry of lands required for works and lands susceptible of irrigation; lands to be irrigated subject to entry under homestead laws; commutation provisions not applicable.

Sec. 3. That the Secretary of the Interior shall, before giving the public notice provided for in section four of this Act, withdraw from public entry the lands required for any irrigation works contemplated under the provisions of this Act, and shall restore to public entry any of the lands so withdrawn when, in his judgment, such lands are not required for the purposes of this Act; and the Secretary of the Interior is hereby authorized, at or immediately prior to the time of beginning the surveys for any contemplated irrigation works, to withdraw from entry, except under the homestead laws, any public lands believed to be susceptible of irrigation from said works: Provided, That all lands entered and entries made under the homestead laws within areas so withdrawn during such withdrawal shall be subject to all the provisions, limitations, charges, terms, and conditions of this Act; that said surveys shall be prosecuted diligently to completion, and upon the completion thereof, and of the necessary maps, plans, and estimates of cost, the Secretary of the Interior shall determine whether or not said project is practicable and advisable, and if determined to be impracticable or unadvisable he shall thereupon restore said lands to entry; that public lands which it is proposed to irrigate by means of any contemplated works shall be subject to entry only under the provisions of the homestead laws in tracts of not less than forty nor more than one hundred and sixty acres, and shall be subject to the limitations, charges, terms, and conditions herein provided: Provided, That the commutation provisions of the homestead laws shall not apply to entries made under this Act.

Act June 17, 1902, c. 1093, § 3, 32 Stat. 388.

Lands needed for town-site purposes in connection with irrigation projects may be withdrawn from public entry, and surveyed and subdivided and sold as town lots, by Act April 16, 1906, c. 1631, set forth below.

Further provisions relating to the subdivision of lands to be irrigated are contained in Act June 27, 1906, c. 3559, also set forth below.

Certain public lands in California are withdrawn from settlement and entry and reserved for the purpose of aiding in the conservation of the waters of the San Bernardino Valley, by Act Feb. 20, 1909, c. 165, set forth below.

Requirements to be performed by the entryman of lands to be irrigated, in addition to compliance with the homestead laws, are contained in section 5 of this act, set forth below.

Assignments of homestead entries of lands within reclamation projects are authorized by Act June 23, 1910, c. 357, set forth below.

Leaves of absence to homesteaders upon lands proposed to be irrigated under this act, where water is not available for irrigation, is authorized by Act June 25, 1910, c. 432, set forth below.

Contracts for irrigation works; public notice of lands irrigable, limit of entry, charges, etc.; eight hours to be a day's work; no Mongolian labor to be employed.

Sec. 4. That upon the determination by the Secretary of the Interior that any irrigation project is practicable, he may cause to be let contracts for the construction of the same, in such portions or sec-

tions as it may be practicable to construct and complete as parts of the whole project, providing the necessary funds for such portions or sections are available in the reclamation fund, and thereupon he shall give public notice of the lands irrigable under such project, and limit of area per entry, which limit shall represent the acreage which, in the opinion of the Secretary, may be reasonably required for the support of a family upon the lands in question; also of the charges which shall be made per acre upon the said entries, and upon lands in private ownership which may be irrigated by the waters of the said irrigation project, and the number of annual installments, not exceeding ten, in which such charges shall be paid and the time when such payments shall commence. The said charges shall be determined with a view of returning to the reclamation fund the estimated cost of construction of the project, and shall be apportioned equitably: Provided, That in all construction work eight hours shall constitute a day's work, and no Mongolian labor shall be employed thereon.

Act June 17, 1902, c. 1093, § 4, 32 Stat. 389.

The use of earth, stone, and timber from the public lands and from the forest reserves in the construction of irrigation works is authorized by Act Feb. 8, 1905, c. 552, set forth below.

Changes of the levels of certain lakes, etc., in Oregon and California, in carrying out irrigation projects under this act, are authorized by Act Feb. 9, 1905, c. 567, set forth below.

The construction of dams in or across Yellowstone River in Montana, in carrying out irrigation projects under this act, is authorized by Act March 3, 1905, c. 1476, set forth below.

The Secretary of the Interior is authorized to withdraw any notice issued under this section, and to agree to the modification of water-right applications or contracts, or to consent to the abrogation of such applications or contracts, by Act Feb. 13, 1911, c. 49, set forth below.

Requirements to be performed by entryman; sale of water rights to landowners; payments, and forfeiture for nonpayment; disposition of receipts; commissions of registers and receivers.

Sec. 5. That the entryman upon lands to be irrigated by such works shall, in addition to compliance with the homestead laws, reclaim at least one-half of the total irrigable area of his entry for agricultural purposes, and before receiving patent for the lands covered by his entry shall pay to the Government the charges apportioned against such tract, as provided in section four. No right to the use of water for land in private ownership shall be sold for a tract exceeding one hundred and sixty acres to any one landowner, and no such sale shall be made to any landowner unless he be an actual bona fide resident on such land, or occupant thereof residing in the neighborhood of said land, and no such right shall permanently attach until all payments therefor are made. The annual installments shall be paid to the receiver of the local land office of the district in which the land is situated, and a failure to make any two payments when due shall render the entry subject to cancellation, with the forfeiture of all rights under this Act, as well as of any moneys already paid thereon. All moneys received from the above sources shall be paid into the reclamation fund. Registers and receivers shall be allowed the usual commissions on all moneys paid for lands entered under this Act.

Act June 17, 1902, c. 1093, § 5, 32 Stat. 389.

Provisions relating to water rights for towns established on town-sites in connection with irrigation projects are contained in Act April 16, 1906, c. 1631, § 4, set forth below.

The time for the establishment of residence by homestead entrymen on

lands within the Huntley irrigation project in the State of Montana is extended by Act March 16, 1908, c. 89, 35 Stat. 44.

Use of reclamation fund for reservoirs and irrigation works; transfer of management of irrigation works to landowners; title to and management of reservoirs, etc.

Sec. 6. That the Secretary of the Interior is hereby authorized and directed to use the reclamation fund for the operation and maintenance of all reservoirs and irrigation works constructed under the provisions of this Act: Provided, That when the payments required by this Act are made for the major portion of the lands irrigated from the waters of any of the works herein provided for, then the management and operation of such irrigation works shall pass to the owners of the lands irrigated thereby, to be maintained at their expense under such form of organization and under such rules and regulations as may be acceptable to the Secretary of the Interior: Provided, That the title to and the management and operation of the reservoirs and the works necessary for their protection and operation shall remain in the Government until otherwise provided by Congress.

Act June 17, 1902, c. 1093, § 6, 32 Stat. 389.

Payment from the reclamation fund of rent of office accommodations in Washington, D. C., for the Reclamation Service, is authorized by a provision of Act June 30, 1906, c. 3912, § 1, set forth below.

The title to and management of works constructed in co-operation with irrigation districts, etc., or water users, authorized by Act Feb. 21, 1911, c. 141, § 2, set forth below, are subject to the provisions of this section, by a proviso annexed to said section.

Acquisition of rights or property for purposes of act; condemnation proceedings.

Sec. 7. That where in carrying out the provisions of this Act it becomes necessary to acquire any rights or property, the Secretary of the Interior is hereby authorized to acquire the same for the United States by purchase or by condemnation under judicial process, and to pay from the reclamation fund the sums which may be needed for that purpose, and it shall be the duty of the Attorney-General of the United States upon every application of the Secretary of the Interior, under this Act, to cause proceedings to be commenced for condemnation within thirty days from the receipt of the application at the Department of Justice.

Act June 17, 1902, c. 1093, § 7, 32 Stat. 389.

Provisions applicable generally to proceedings to acquire real estate for public uses by condemnation are contained in Act Aug. 1, 1888, c. 728, Comp. St. 1901, pp. 2516, 2517.

Provisions for the sale of lands acquired under this or other acts for irrigation works, and which are not needed for such purposes, are contained in Act Feb. 2, 1911, c. 32, set forth below.

Irrigation laws of States and Territories, and rights to waters of interstate streams, not affected by act; extent of right to use of water acquired under act.

Sec. 8. That nothing in this Act shall be construed as affecting or intended to affect or to in any way interfere with the laws of any State or Territory relating to the control, appropriation, use, or distribution of water used in irrigation, or any vested right acquired thereunder, and the Secretary of the Interior, in carrying out the provisions of this Act, shall proceed in conformity with such laws, and nothing herein shall in any way affect any right of any State or of the Federal Government or of any landowner, appropriator, or

user of water in, to, or from any interstate stream or the waters thereof: Provided, That the right to the use of water acquired under the provisions of this Act shall be appurtenant to the land irrigated, and beneficial use shall be the basis, the measure, and the limit of the right.

Act June 17, 1902, c. 1093, § 8, 32 Stat. 390.

Sec. 9. [Repealed. Act June 25, 1910, c. 407, § 6.]

This section, which required the major portion of the funds arising from the sale of public lands within each state to be expended for the benefit of arid and semi-arid lands within the state, is expressly repealed by Act June 25, 1910, c. 407, § 6, set forth below.

Execution of provisions of act and regulations therefor.

Sec. 10. That the Secretary of the Interior is hereby authorized to perform any and all acts and to make such rules and regulations as may be necessary and proper for the purpose of carrying the provisions of this Act into full force and effect.

Act June 17, 1902, c. 1093, § 10, 32 Stat. 390.

ACT FEB. 8, 1905, c. 552. [H. R. 14710.]

An Act Authorizing the Use of Earth, Stone, and Timber on the Public Lands and Forest Reserves of the United States in the Construction of Works under the National Irrigation Law. (33 Stat. 706.)

Use of earth, stone, and timber from public lands and forest reserves for construction of irrigation works.

Be it enacted, &c., That in carrying out the provisions of the national irrigation law, approved June seventeenth, nineteen hundred and two, and in constructing works thereunder, the Secretary of the Interior is hereby authorized to use and to permit the use by those engaged in the construction of works under said law, under rules and regulations to be prescribed by him, such earth, stone, and timber from the public lands of the United States as may be required in the construction of such works, and the Secretary of Agriculture is hereby authorized to permit the use of earth, stone, and timber from the forest reserves of the United States for the same purpose, under rules and regulations to be prescribed by him.

Act Feb. 8, 1905, c. 552, 33 Stat. 706.

ACT FEB. 9, 1905, c. 567. [S. 6312.]

An Act Authorizing the Changing of the Levels of Certain Lakes and the Disposal of Certain Lands under the Terms of the National Reclamation Act. (33 Stat. 714.)

Change of levels of lakes, etc., in Oregon and California, in carrying out irrigation projects; disposition of lands acquired.

Be it enacted, &c., That the Secretary of the Interior is hereby authorized in carrying out any irrigation project that may be undertaken by him under the terms and conditions of the national reclamation Act and which may involve the changing of the levels of Lower or Little Klamath Lake, Tule or Rhett Lake, and Goose Lake, or any river or other body of water connected therewith, in the States of Oregon and California, to raise or lower the level of said lakes as may be necessary and to dispose of any lands which may come into the possession of the

United States as a result thereof by cession of any State or otherwise under the terms and conditions of the national reclamation Act.

Act Feb. 9, 1905, c. 567, 33 Stat. 714.

ACT MARCH 3, 1905, c. 1459. [H. R. 18528.]

An Act to Provide for the Covering into the Reclamation Fund Certain Proceeds of Sales of Property Purchased by the Reclamation Fund. (33 Stat. 1032.)

Disposition of proceeds of sales of material used and other property, and of moneys refunded in connection with operations.

Be it enacted, &c., That there shall be covered into the reclamation fund established under the Act of June seventeenth, nineteen hundred and two, known as the reclamation Act, the proceeds of the sales of material utilized for temporary work and structures in connection with the operations under the said Act, as well as of the sales of all other condemned property which had been purchased under the provisions thereof, and also any moneys refunded in connection with the operations under said reclamation Act.

Act March 3, 1905, c. 1459, 33 Stat. 1032.

ACT MARCH 3, 1905, c. 1476. [H. R. 19118.]

An Act to Authorize the Secretary of the Interior to Construct Dams across the Yellowstone River in Montana in Connection with Irrigation Works. (33 Stat. 1045.)

Construction of dams in or across Yellowstone River in Montana in carrying out irrigation projects.

Be it enacted, &c., That where, in carrying out projects under the provisions of the national reclamation Act, it shall be necessary to construct dams in or across the Yellowstone River in the State of Montana, the Secretary of the Interior is hereby authorized to construct and use and operate the same in the manner and for the purposes contemplated by said reclamation Act.

Act March 3, 1905, c. 1476, 33 Stat. 1045.

ACT APRIL 16, 1906, c. 1631. [S. 87.] [*As amended* 1911. S. 10574.]

An Act Providing for the Withdrawal from Public Entry of Lands Needed for Town-Site Purposes in Connection with Irrigation Projects under the Reclamation Act of June Seventeenth, Nineteen hundred and two, and for other purposes. (34 Stat. 116.)

Withdrawal from entry of town-sites under irrigation projects; survey and subdivision.

Be it enacted, &c., That the Secretary of the Interior may withdraw from public entry any lands needed for town-site purposes in connection with irrigation projects under the reclamation Act of June seventeenth, nineteen hundred and two, not exceeding one hundred and sixty acres in each case, and survey and subdivide the same into town lots, with appropriate reservations for public purposes.

Act April 16, 1906, c. 1631, § 1, 34 Stat. 116.

Act June 17, 1902, c. 1093, mentioned in this section, is set forth above.

Town-sites in excess of 160 acres may be withdrawn and disposed of under the provisions of this act, when advisable for the public interest, by Act June 27, 1906, c. 3559, § 4, set forth below.

Appraisement and sale of lots; expenses, and disposition of proceeds.

Sec. 2. That the lots so surveyed shall be appraised under the direction of the Secretary of the Interior and sold under his direction at not less than their appraised value at public auction to the highest bidders, from time to time, for cash, and the lots offered for sale and not disposed of may afterwards be sold at not less than the appraised value under such regulations as the Secretary of the Interior may prescribe. Reclamation funds may be used to defray the necessary expenses of appraisement and sale, and the proceeds of such sales shall be covered into the reclamation fund.

Act April 16, 1906, c. 1631, § 2, 34 Stat. 116.

Town-sites previously set apart or established under Rev. St. §§ 2380, 2381, Comp. St. 1901, p. 1455, within or in the vicinity of any reclamation project, may be appraised and disposed of in accordance with the provisions of this act, by Act June 27, 1906, c. 3559, § 3, set forth below.

Provisions for reappraisement of unsold lots appraised under the provisions of this act and said Act June 27, 1906, c. 3559, and for the manner of payment for lots sold, are contained in Act June 11, 1910, c. 284, set forth below.

Public reservations in town-sites.

Sec. 3. That the public reservations in such town sites shall be improved and maintained by the town authorities at the expense of the town; and upon the organization thereof as municipal corporations the said reservations shall be conveyed to such corporations by the Secretary of the Interior, subject to the condition that they shall be used forever for public purposes.

Act April 16, 1906, c. 1631, § 3, 34 Stat. 116.

Water rights for towns and cities; charges for water supply.

Sec. 4. That the Secretary of the Interior shall, in accordance with the provisions of the reclamation Act, provide for water rights in amount he may deem necessary for the towns established as herein provided, and may enter into contract with the proper authorities of such towns, and other towns or cities on or in the immediate vicinity of irrigation projects, which shall have a water right from the same source as that of said project for the delivery of such water supply to some convenient point, and for the payment into the reclamation fund of charges for the same to be paid by such towns or cities, which charges shall not be less nor upon terms more favorable than those fixed by the Secretary of the Interior for the irrigation project from which the water is taken.

Act April 16, 1906, c. 1631, § 4, 34 Stat. 116.

Lease of surplus water power; disposition of proceeds; longer term of lease in connection with Rio Grande project.

Sec. 5. That whenever a development of power is necessary for the irrigation of lands, under any project undertaken under the said reclamation Act, or an opportunity is afforded for the development of power under any such project, the Secretary of the Interior is authorized to lease for a period not exceeding ten years, giving preference to municipal purposes, any surplus power or power privilege, and the moneys derived from such leases shall be covered into the reclamation fund and be placed to the credit of the project from which such power is

derived: Provided, That no lease shall be made of such surplus power or power privileges as will impair the efficiency of the irrigation project: Provided further, That the Secretary of the Interior is authorized, in his discretion, to make such a lease in connection with Rio Grande project in Texas and New Mexico for a longer period not exceeding fifty years, with the approval of the water users' association or associations under any such project, organized in conformity with the rules and regulations prescribed by the Secretary of the Interior in pursuance of section six of the reclamation Act approved June seventeenth, nineteen hundred and two.

Act April 16, 1906, c. 1631, § 5, 34 Stat. 117. Act Feb. 24, 1911, c. 155, 36 Stat. 930.

The amendment of this section by Act Feb. 24, 1911, c. 155, cited above, consists chiefly in the addition of the further proviso at the end of the section as set forth here.

ACT JUNE 12, 1906, c. 3288. [H. R. 14184.]

An Act to Extend the Irrigation Act to the State of Texas. (34 Stat. 259.)

Provisions of Reclamation Act extended to State of Texas.

Be it enacted, &c., That the provisions of the Act entitled "An Act appropriating the receipts from the sale and disposal of public lands in certain States and Territories to the construction of irrigation works for the reclamation of arid lands," approved June seventeenth, nineteen hundred and two, be, and the same are hereby, extended so as to include and apply to the State of Texas.

Act June 12, 1906, c. 3288, 34 Stat. 259.

Act June 17, 1902, c. 1093, mentioned in this act. is set forth above. The States originally included therein are mentioned in section 1 thereof.

ACT JUNE 27, 1906, c. 3559. [H. R. 18536.]

An Act Providing for the Subdivision of Lands Entered under the Reclamation Act, and for Other Purposes. (34 Stat. 519.)

Subdivision of lands to be irrigated into lesser areas than forty acres; farm units; survey and entry of subdivisions.

Be it enacted, &c., That whenever, in the opinion of the Secretary of the Interior, by reason of market conditions and the special fitness of the soil and climate for the growth of fruit and garden produce, a lesser area than forty acres may be sufficient for the support of a family on lands to be irrigated under the provisions of the Act of June seventeenth, nineteen hundred and two, known as the reclamation Act, he may fix a lesser area than forty acres as the minimum entry and may establish farm units of not less than ten nor more than one hundred and sixty acres. That wherever it may be necessary, for the purpose of accurate description, to further subdivide lands to be irrigated under the provisions of said reclamation Act, the Secretary of the Interior may cause subdivision surveys to be made by the officers of the reclamation service, which subdivisions shall be rectangular in form, except in cases where irregular subdivisions may be necessary in order to provide for practicable and economical irrigation. Such subdivision surveys shall be noted upon the tract books in the General Land Office, and they shall be paid for from the reclamation fund: Provided, That

an entryman may elect to enter under said reclamation Act a lesser area than the minimum limit in any State or Territory.

Act June 27, 1906, c. 3559, § 1, 34 Stat. 519.

Lands to be irrigated were made subject to entry under the homestead laws in tracts of not less than 40 nor more than 160 acres by the provisions of the reclamation act, Act June 17, 1902, c. 1093, set forth above.

Other entry allowed, on relinquishment of former entry on lands acquired under Reclamation Act.

Sec. 2. That wherever the Secretary of the Interior, in carrying out the provisions of the reclamation Act, shall acquire by relinquishment lands covered by a bona fide unperfected entry under the land laws of the United States, the entryman upon such tract may make another and additional entry, as though the entry thus relinquished had not been made.

Act June 27, 1906, c. 3559, § 2, 34 Stat. 519.

The acquisition of rights or property for the purposes of the Reclamation Act is authorized by Act June 17, 1902, c. 1093, § 7, set forth above.

Disposal of town-sites previously set apart, within or in vicinity of reclamation project; expenses, and disposition of proceeds.

Sec. 3. That any town site heretofore set apart or established by proclamation of the President, under the provisions of sections twenty-three hundred and eighty and twenty-three hundred and eighty-one of the Revised Statutes of the United States, within or in the vicinity of any reclamation project, may be appraised and disposed of in accordance with the provisions of the Act of Congress approved April sixteenth, nineteen hundred and six, entitled "An Act providing for the withdrawal from public entry of lands needed for town-site purposes in connection with irrigation projects under the reclamation Act of June seventeenth, nineteen hundred and two, and for other purposes;" and all necessary expenses incurred in the appraisal and sale of lands embraced within any such town site shall be paid from the reclamation fund, and the proceeds of the sales of such lands shall be covered into the reclamation fund.

Act June 27, 1906. c. 3559, § 3, 34 Stat. 519.

Rev. St. §§ 2380, 2381, mentioned in this section, providing for the reservation of town-sites, are set forth in Comp. St. 1901, p. 1455.

Act April 16, 1906, c. 1631, also mentioned in this section, and made applicable by it to town-sites previously set apart, is set forth above.

Provisions for reappraisement of unsold lots appraised under the provisions of Act April 12, 1900, c. 1631, set forth above, and of this act, and for the manner of payment for lots sold, are contained in Act June 11, 1910, c. 284, set forth below.

Settlers previously allowed to establish themselves on certain town-sites to have right to purchase lots built upon; limitation on size of town-sites not to apply; withdrawal and disposal of larger town-sites authorized; expenses, and disposition of proceeds.

Sec. 4. That in the town sites of Heyburn and Rupert, in Idaho, created and surveyed by the Government, on which town sites settlers have been allowed to establish themselves, and had actually established themselves prior to March fifth, nineteen hundred and six, in permanent buildings not easily moved, the said settlers shall be given the right to purchase the lots so built upon at an appraised valuation for cash, such appraisement to be made under rules to be prescribed by

size of townsites contained in the Act of April sixteenth, nineteen hundred and six, entitled "An Act providing for the withdrawal from public entry of lands needed for townsite purposes in connection with irrigation projects under the reclamation Act of June seventeenth, nineteen hundred and two, and for other purposes," shall not apply to the townsites named in this section; and whenever, in the opinion of the Secretary of the Interior, it shall be advisable for the public interest, he may withdraw and dispose of townsites in excess of one hundred and sixty acres under the provisions of the aforesaid Act, approved April sixteenth, nineteen hundred and six, and reclamation funds shall be available for the payment of all expenses incurred in executing the provisions of this Act, and the aforesaid Act of April sixteenth, nineteen hundred and six, and the proceeds of all sales of townsites shall be covered into the reclamation fund.

Act June 27, 1906, c. 3559, § 4, 34 Stat. 520.

Act April 16, 1906, c. 1631, mentioned in this section, section 1 of which provides for the withdrawal from entry of lands needed for townsite purposes in connection with irrigation projects, not exceeding 160 acres in each case, is set forth above.

Desert land entries within exterior limits of land withdrawal or irrigation project; time allowed to make improvements or reclaim land; rights of entryman on abandonment or completion of irrigation project.

Sec. 5. That where any bona fide desert-land entry has been or may be embraced within the exterior limits of any land withdrawal or irrigation project under the Act entitled "An Act appropriating the receipts from the sale and disposal of public lands in certain States and Territories to the construction of irrigation works for the reclamation of arid lands," approved June seventeenth, nineteen hundred and two, and the desert-land entryman has been or may be directly or indirectly hindered, delayed, or prevented from making improvements or from reclaiming the land embraced in any such entry by reason of such land withdrawal or irrigation project, the time during which the desert-land entryman has been or may be so hindered, delayed, or prevented from complying with the desert-land law shall not be computed in determining the time within which such entryman has been or may be required to make improvements or reclaim the land embraced within any such desert-land entry: Provided, That if after investigation the irrigation project has been or may be abandoned by the Government, time for compliance with the desert-land law by any such entryman shall begin to run from the date of notice of such abandonment of the project and the restoration to the public domain of the lands withdrawn in connection therewith, and credit shall be allowed for all expenditures and improvements heretofore made on any such desert-land entry of which proof has been filed; but if the reclamation project is carried to completion so as to make available a water supply for the land embraced in any such desert-land entry, the entryman shall thereupon comply with all the provisions of the aforesaid Act of June seventeenth, nineteen hundred and two, and shall relinquish all land embraced within his desert-land entry in excess of one hundred and sixty acres, and as to such one hundred and sixty acres retained, he shall be entitled to make final proof and obtain patent upon compliance with the terms of payment prescribed in said Act of June seventeenth, nineteen hundred and two, and not otherwise. But nothing herein contained shall be held to

require a desert-land entryman who owns a water right and reclaims the land embraced in his entry to accept the conditions of said reclamation Act.

Act June 27, 1906, c. 3559, § 5, 34 Stat. 520.

Act June 17, 1902, c. 1093, mentioned in this section, is set forth above.

Provisions relating to the entry of desert lands for reclamation are contained in Act March 3, 1877, c. 107, and subsequent statutes set forth or referred to in Comp. St. 1901, pp. 1548–1552.

ACT JUNE 30, 1906, c. 3912, § 1. [H. R. 20403.]

Expenditure from reclamation fund for rent of offices for Reclamation Service.

The Secretary of the Interior may authorize such expenditure as may be necessary, not exceeding a total of eight thousand dollars annually, for rent of office accommodations in the city of Washington, District of Columbia, for the Reclamation Service, payable from the Reclamation fund, established by Act approved June seventeenth, nineteen hundred and two, entitled "An Act appropriating the receipts from the sale and disposal of public lands in certain States and Territories to the construction of irrigation works for the reclamation of arid lands.

Act June 30, 1906, c. 3912, § 1, 34 Stat. 663.

This is a provision of the deficiency appropriation act for the fiscal year ending June 30, 1906, cited above.

Act June 17, 1902, c. 1093, mentioned in this provision, which establishes and provides for the disposition of the reclamation fund, is set forth above.

RES. MAY 25, 1908, No. 28. [S. J. R. 51.]

Joint Resolution Providing for Additional Lands for Idaho under the Provisions of the Carey Act. (35 Stat. 577.)

Additional arid lands made available to state of Idaho for reclamation.

Resolved, &c., That an additional one million acres of arid lands within the State of Idaho be made available and subject to the terms of section four of an Act of Congress entitled "An Act making appropriations for sundry civil expenses of the Government for the fiscal year ending June thirtieth, eighteen hundred and ninety-five, and for other purposes," approved August eighteenth, eighteen hundred and ninety-four, and by amendments thereto, and that the State of Idaho be allowed, under the provisions of said Acts, said additional area, or so much thereof as may be necessary for the purposes and under the provisions of said Acts.

Res. May 25, 1908, No. 28, 35 Stat. 577.

Act Aug. 18, 1894, c. 301, § 4, and amendments thereto, mentioned in this act, are set forth in Comp. St. 1901, pp. 1554–1557.

An additional 1,000,000 acres within each of the states of Idaho and Wyoming are made available to those states respectively, in language similar to that of this joint resolution, by a provision of Act May 27, 1908, c. 200, § 1, set forth below.

ACT MAY 27, 1908, c. 200, § 1. [H. R. 21260.]

Additional arid lands made available to states of Idaho and Wyoming for reclamation.

Arid lands in Idaho, and Wyoming: That an additional one million acres of arid lands within each of the States of Idaho, and Wyo-

ming be made available and subject to the terms of section four of an Act of Congress entitled "An Act making appropriations for sundry civil expenses of the Government for the fiscal year ending June thirtieth, eighteen hundred and ninety-five, and for other purposes," approved August eighteenth, eighteen hundred and ninety-four, and by amendments thereto, and that the States of Idaho, and Wyoming be allowed under the provisions of said Acts said additional area or so much thereof as may be necessary for the purposes and under the provisions of said Acts.

Act May 27, 1908, c. 200, § 1, 35 Stat. 347.

Act Aug. 18, 1894, c. 301, § 4, and amendments thereto, mentioned in this act, are set forth in Comp. St. 1901, pp. 1554–1557.

A similar provision, making 1,000,000 acres available to the state of Idaho, is contained in Res. May 25, 1908, No. 28, set forth above.

Purchase of books, etc., needed in surveys and examinations for irrigation works.

The Secretary of the Interior may authorize the purchase of such law books, books of reference, periodicals, engineering and statistical publications as are needed in carrying out the surveys and examinations authorized by the Act of June seventeenth, nineteen hundred and two, entitled "An Act appropriating the receipts from the sale and disposal of public lands in certain States and Territories for the construction of irrigation works for the reclamation of arid lands."

Act May 27, 1908, c. 200, § 1, 35 Stat. 350.

This is a provision of the sundry civil appropriation act for the fiscal year ending June 30, 1909, cited above.

Assignments of pay by employés of Reclamation Service.

The Secretary of the Interior is hereby authorized to permit the employees of the Reclamation Service, while employed in the field, to make assignments of their pay under such regulations as he may prescribe.

Act May 27, 1908, c. 200, § 1, 35 Stat. 350.

This is a further provision of the sundry civil appropriation act for the fiscal year ending June 30, 1909, cited above.

ACT FEB. 18, 1909, c. 150. [H. R. 26216.]

An Act to Extend the Provisions of Section Four of an Act Entitled "An Act Making Appropriations for Sundry Civil Expenses of the Government for the Fiscal Year Ending June Thirtieth, Eighteen Hundred and Ninety-Five, and for Other Purposes," Approved August Eighteenth, Eighteen Hundred and Ninety-Four, to the Territories of New Mexico and Arizona. (35 Stat. 638.)

Provisions for grants of arid lands to states for reclamation extended to territories of New Mexico and Arizona.

Be it enacted, &c., That all the provisions of section four of the Act of Congress approved August eighteenth, eighteen hundred and ninety-four, being chapter three hundred and one to Supplement to Revised Statutes of the United States, entitled "An Act making appropriations for sundry civil expenses of the Government for the fiscal year ending June thirtieth, eighteen hundred and ninety-five, and for other purposes," and the amendments thereto be, and the same are hereby, extended to the Territories of New Mexico and Arizona, and that said Territories upon complying with the provisions of said Act shall be

entitled to have and receive all of the benefits therein conferred upon the States.

Act Feb. 18, 1909, c. 150, § 1, 35 Stat. 638.
Act Aug. 18, 1894, c. 301, § 4, and the amendments thereto, mentioned in this section, are set forth in Comp. St. 1901, pp. 1554–1557.

Time of taking effect of act.

Sec. 2. That this Act shall be in full force and effect from and after its passage.

Act Feb. 1909, c. 150, § 2, 35 Stat. 639.

ACT FEB. 20, 1909, c. 165. [S. 8048.]

An Act to Withdraw from Settlement and Entry Certain Lands in the State of California. (35 Stat. 641.)

Withdrawal from settlement and entry of certain public lands in California to aid conservation of waters of San Bernardino Valley.

Be it enacted, &c., That all of the public lands in section eight, township one south, range two west, and in sections two, four, eight, ten, and twelve, in township one south, range three west, San Bernardino base and meridian, in the State of California, are hereby withdrawn from settlement and entry and reserved for the purpose of aiding in the conservation of the waters of the San Bernardino Valley: Provided, That this Act shall not defeat any vested right which has attached under any pending entry or location.

Act Feb. 20, 1909, c. 165, § 1, 35 Stat. 641.

Use of flood or waste waters to increase supply of underground waters in San Bernardino Valley.

Sec. 2. That any individual or association of individuals or any company or corporation may have the right, under such rules and regulations as the Secretary of the Interior may prescribe, to conduct to said lands and to distribute over them any flood or waste waters not otherwise appropriated, and to build the necessary engineering works for this purpose, to the end that said flood or waste waters may sink into the sands and gravels of said lands, thereby increasing and replenishing the supply of underground waters in the San Bernardino Valley.

Act Feb. 20, 1909, c. 165, § 2, 35 Stat. 641.

ACT FEB. 24, 1909, c. 178. [H. R. 19606.]

An Act to Provide for the Granting and Patenting to the State of Colorado Desert Lands within the Former Ute Indian Reservation in Said State. (35 Stat. 644.)

Provisions for grants of arid lands to States for reclamation extended to desert lands within part of former Ute Indian Reservation in state of Colorado.

Be it enacted, &c., That the provision of section four of "An Act making appropriation for sundry civil expenses of the Government for the fiscal year ending June thirtieth, eighteen hundred and ninety-five, and for other purposes," approved August eighteenth, eighteen hundred and ninety-four, and the amendments thereof, approved June eleventh, eighteen hundred and ninety-six, and March third, nineteen hundred and one, respectively, be, and are hereby, extended over and shall apply to the desert lands within the limits of all that portion of the former Ute Indian Reservation, not included in any national forest,

in the State of Colorado, described and embraced in the Act entitled "An Act relating to lands in Colorado lately occupied by the Uncompahgre and White River Ute Indians," approved July twenty-eighth, eighteen hundred and eighty-two: Provided, That before a patent shall issue for any of the lands aforesaid under the terms of the Act approved August eighteenth, eighteen hundred and ninety-four, and amendments thereto, the State of Colorado shall pay into the Treasury of the United States the sum of one dollar and twenty-five cents per acre for the lands so patented, and the money so paid shall be subject to the provisions of section three of the Act of June fifteenth, eighteen hundred and eighty, entitled "An Act to accept and ratify the agreements submitted by the confederated bands of Ute Indians in Colorado for the sale of their reservation in said State, and for other purposes, and to make the necessary appropriation for carrying out same."

Act Feb. 24, 1909, c. 178, § 1, 35 Stat. 644.

Act Aug. 18, 1894, § 4, and the amendments thereto, mentioned in this section, are set forth in Comp. St. 1901, pp. 1554–1557.

Restriction of lands to be included under provisions of act.

Sec. 2. That no lands shall be included in any tract to be segregated under the provisions of this Act on which the United States Government has valuable improvements, or which have been reserved for any Indian schools or farm purposes.

Act Feb. 24, 1909, c. 178, § 2, 35 Stat. 645.

ACT MARCH 15, 1910, c. 96. [H. R. 21428.]

An Act Authorizing the Secretary of the Interior to Make Temporary Withdrawals of Public Lands for Certain Purposes. (36 Stat. 237.)

Temporary withdrawal from settlement or entry of lands for which application under Carey Act is proposed.

Be it enacted, &c., That to aid in carrying out the purposes of section four of the Act of August eighteenth, eighteen hundred and ninety-four, entitled "An Act making appropriations for sundry civil expenses of the Government for the fiscal year ending eighteen hundred and ninety-five, and for other purposes," it shall be lawful for the Secretary of the Interior, upon application by the proper officer of any State or Territory to which said section applies, to withdraw temporarily from settlement or entry areas embracing lands for which the State or Territory proposes to make application under said section, pending the investigation and survey preliminary to the filing of the maps and plats and application for segregation by the State or Territory: Provided, That if the State or Territory shall not present its application for segregation and maps and plats within one year after such temporary withdrawal the lands so withdrawn shall be restored to entry as though such withdrawal had not been made.

Act March 15, 1910, c. 96, 36 Stat. 237.

Act Aug. 18, 1894, c. 301, § 4, mentioned in this act, is set forth in Comp. St. 1901, p. 1554.

ACT JUNE 11, 1910, c. 284. [S. 5.]

An Act Providing for the Reappraisement of Unsold Lots in Town Sites on Reclamation Projects, and for Other Purposes. (36 Stat. 465.)

Reappraisement of unsold lots in town sites within reclamation projects.

Be it enacted, &c., That the Secretary of the Interior is hereby authorized, whenever he may deem it necessary, to reappraise all unsold lots within town sites on projects under the reclamation Act heretofore or hereafter appraised under the provisions of the Act approved April sixteenth, nineteen hundred and six, entitled "An Act providing for the withdrawal from public entry of lands needed for town-site purposes in connection with irrigation projects under the reclamation act of June seventeenth, nineteen hundred and two, and for other purposes," and the Act approved June twenty-seventh, nineteen hundred and six, entitled "An Act providing for the subdivision of lands entered under the reclamation Act, and for other purposes;" and thereafter to proceed with the sale of such town lots in accordance with said Acts.

Act June 11, 1910, c. 284, § 1, 36 Stat. 465.

Act April 16, 1906, c. 1631, and Act June 27, 1906, c. 3559, mentioned in this section, are set forth above.

Manner of payment for town lots sold.

Sec. 2. That in the sale of town lots under the provisions of the said Acts of April sixteenth and June twenty-seventh, nineteen hundred and six, the Secretary of the Interior may, in his discretion, require payment for such town lots in full at time of sale or in annual installments, not exceeding five, with interest at the rate of six per centum per annum on deferred payments.

Act June 11, 1910, c. 284, § 2, 36 Stat. 466.

ACT JUNE 23, 1910, c. 357. [S. 5048.]

An Act Providing that Entrymen for Homesteads within Reclamation Projects may Assign their Entries upon Satisfactory Proof of Residence, Improvement, and Cultivation for Five Years, the Same as though said Entry had been Made under the Original Homestead Act. (36 Stat. 592.)

Assignment of completed homestead entries within reclamation projects; patents to assignees.

Be it enacted, &c., That from and after the filing with the Commissioner of the General Land Office of satisfactory proof of residence, improvement, and cultivation for the five years required by law, persons who have, or shall make, homestead entries within reclamation projects under the provisions of the Act of June seventeenth, nineteen hundred and two, may assign such entries, or any part thereof, to other persons, and such assignees, upon submitting proof of the reclamation of the lands and upon payment of the charges apportioned against the same as provided in the said Act of June seventeenth, nineteen hundred and two, may receive from the United States a patent for the lands: Provided, That all assignments made under the provisions of this act shall be subject to the limitations, charges, terms, and conditions of the reclamation Act.

Act June 23, 1910, c. 357, 36 Stat. 592.

Provisions for homestead entries of lands within reclamation projects, contained in Act June 17, 1902, c. 1093, § 3, mentioned in this act, are set forth above.

ACT JUNE 25, 1910, c. 407. [H. R. 18398.] [*As amended.* S. 9405.]

An Act to Authorize Advances to the "Reclamation Fund," and for the Issue and Disposal of Certificates of Indebtedness in Reimbursement Therefor, and for Other Purposes. (36 Stat. 835.)

Advances to reclamation fund from Treasury; aggregate amount; limitation to payment for work performed; reimbursement; examination and approval of projects; no portion of appropriation to be expended on new projects.

Be it enacted, &c., That to enable the Secretary of the Interior to complete government reclamation projects heretofore begun, the Secretary of the Treasury is authorized, upon request of the Secretary of the Interior, to transfer from time to time to the credit of the reclamation fund created by the Act entitled "An act appropriating the receipts from the sale and disposal of public lands in certain States and Territories to the construction of irrigation works for the reclamation of arid lands," approved June seventeenth, nineteen hundred and two, such sum or sums, not exceeding in the aggregate twenty million dollars, as the Secretary of the Interior may deem necessary to complete the said reclamation projects, and such extensions thereof as he may deem proper and necessary to the successful and profitable operation and maintenance thereof or to protect water rights pertaining thereto claimed by the United States, provided the same shall be approved by the President of the United States; and such sum or sums as may be required to comply with the foregoing authority are hereby appropriated out of any money in the Treasury not otherwise appropriated: Provided, That the sums hereby authorized to be transferred to the reclamation fund shall be so transferred only as such sums shall be actually needed to meet payments for work performed under existing law: And provided further, That all sums so transferred shall be reimbursed to the Treasury from the reclamation fund, as hereinafter provided: And provided futher, That no part of this appropriation shall be expended upon any existing project until it shall have been examined and reported upon by a board of engineer officers of the Army, designated by the President of the United States, and until it shall be approved by the President as feasible and practicable and worthy of such expenditure; nor shall any portion of this appropriation be expended upon any new project.

Act June 25, 1910, c. 407, § 1, 36 Stat. 835.

The provisions creating the reclamation fund, contained in Act June 17, 1902, c. 1093, § 1, mentioned in this section, are set forth above.

Certificates of indebtedness to provide funds for advances; disposal; aggregate amount; exemption from taxation; appropriation for expenses.

Sec. 2. That for the purpose of providing the Treasury with funds for such advances to the reclamation fund, the Secretary of the Treasury is authorized to issue certificates of indebtedness of the United States in such form as he may prescribe and in denominations of fifty dollars, or multiples of that sum; said certificates to be redeemable at the option of the United States at any time after three years from the date of their issue and to be payable five years after such date, and to bear interest, payable semiannually, at not exceeding three per centum per annum; the principal and interest to be payable in gold coin of the United States. The certificates of indebtedness herein

authorized may be disposed of by the Secretary of the Treasury at not less than par, under such rules and regulations as he may prescribe, giving all citizens of the United States an equal opportunity to subscribe therefor, but no commission shall be allowed on the same; the aggregate issue of such certificates shall not exceed the amount of all advances made to said reclamation fund, and in no event shall the same exceed the sum of twenty million dollars. The certificates of indebtedness herein authorized shall be exempt from taxes or duties of the United States as well as from taxation in any form by or under state, municipal, or local authority; and a sum not exceeding one-tenth of one per centum of the amount of the certificates of indebtedness issued under this Act is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to pay the expense of preparing, advertising, and issuing the same.

Act June 25, 1910, c. 407, § 2, 36 Stat. 835.

Repayment of advances from annual receipts of reclamation fund.

Sec. 3. That beginning five years after the date of the first advance to the reclamation fund under this Act, fifty per centum of the annual receipts of the reclamation fund shall be paid into the general fund of the Treasury of the United States until payment so made shall equal the aggregate amount of advances made by the Treasury to said reclamation fund, together with interest paid on the certificates of indebtedness issued under this Act and any expense incident to preparing, advertising, and issuing the same.

Act June 25, 1910, c. 407, § 3, 36 Stat. 836.

Money advanced to reclamation fund to be devoted to completion of work on projects heretofore begun; no other projects to be begun until recommended by the Secretary of the Interior and approved by direct order of the President.

Sec. 4. That all money placed to the credit of the reclamation fund in pursuance of this Act shall be devoted exclusively to the completion of work on reclamation projects heretofore begun as hereinbefore provided, and the same shall be included with all other expenses in future estimates of construction, operation, or maintenance, and hereafter no irrigation project contemplated by said Act of June seventeenth, nineteen hundred and two, shall be begun unless and until the same shall have been recommended by the Secretary of the Interior and approved by the direct order of the President of the United States.

Act June 25, 1910, c. 407, § 4, 36 Stat. 836.

Entries of lands reserved for irrigation not to be made until unit of acreage and water charges and date when water can be applied are fixed; lands relinquished to be subject to homestead settlement and entry.

Sec. 5. That no entry shall be hereafter made and no entryman shall be permitted to go upon lands reserved for irrigation purposes until the Secretary of the Interior shall have established the unit of acreage and fixed the water charges and the date when the water can be applied and make public announcement of the same: Provided, That where entries made prior to June twenty-fifth, nineteen hundred and ten, have been or may be relinquished in whole or in part, the lands so relinquished shall be subject to settlement and entry under

the homestead law as amended by an Act entitled "An Act appropriating the receipts from the sale and disposal of the public lands in certain States and Territories to the construction of irrigation works for the reclamation of arid lands," approved June seventeenth, nineteen hundred and two (Thirty-second Statutes at Large, page three hundred and eighty-eight).

Act June 25, 1910, c. 407, § 5, 36 Stat. 836. Act Feb. 18, 1911, c. 111, 36 Stat. 917.

The amendment of this section by Act Feb. 18, 1911, c. 111, cited above, consists in the addition of the proviso relating to lands entries of which are relinquished, at the end of the section as set forth here.

Provisions for homestead entries of lands within reclamation projects, contained in Act June 17, 1902, c. 1093, § 3, mentioned in this act, are set forth above.

Sec. 6. [Repeals Act June 17, 1902, c. 1093, § 9.]

Section 9 of Act June 17, 1902, c. 1093, repealed by this section, required that the major portion of the funds arising from the sale of public lands within each State should be expended for the benefit of arid and semi-arid lands within the State.

ACT JUNE 25, 1910, c. 432. [S. 1874.]

An Act Granting Leaves of Absence to Homesteaders on Lands to be Irrigated under the Provisions of the Act of June Seventeenth, Nineteen hundred and two. (36 Stat. 864.)

Leaves of absence to homestead entrymen on lands proposed to be irrigated, until water is turned on.

Be it enacted, &c., That all qualified entrymen who have heretofore made bona fide entry upon lands proposed to be irrigated under the provisions of the Act of June seventeenth, nineteen hundred and two, known as the national irrigation Act, may, upon application and a showing that they have made substantial improvements, and that water is not available for the irrigation of their said lands, within the discretion of the Secretary of the Interior, obtain leave of absence from their entries, until water for irrigation is turned into the main irrigation canals from which the land is to be irrigated: Provided, That the period of actual absence under this Act shall not be deducted from the full time of residence required by law.

Act June 25, 1910, c. 432, 36 Stat. 864.

Provisions for homestead entries of lands within reclamation projects, contained in Act June 17, 1902, c. 1093, § 3, mentioned in this act, are set forth above.

ACT FEB. 2, 1911, c. 32. [H. R. 25235.]

An Act to Provide for the Sale of Lands Acquired under the Provisions of the Reclamation Act and Which are not Needed for the Purposes of that Act. (36 Stat. 895.)

Sale of lands acquired under reclamation acts; appraisement; notice of sale.

Be it enacted, &c., That whenever in the opinion of the Secretary of the Interior any lands which have been acquired under the provisions of the Act of June seventeenth, nineteen hundred and two (Thirty-second Statutes, page three hundred and eighty-eight), commonly called the "reclamation Act," or under the provisions of any Act amendatory thereof or supplementary thereto, for any irrigation

works contemplated by said reclamation Act are not needed for the purposes for which they were acquired, said Secretary of the Interior may cause said lands, together with the improvements thereon, to be appraised by three disinterested persons, to be appointed by him, and thereafter to sell the same for not less than the appraised value at public auction to the highest bidder, after giving public notice of the time and place of sale by posting upon the land and by publication for not less than thirty days in a newspaper of general circulation in the vicinity of the land.

Act Feb. 2, 1911, c. 32, § 1, 36 Stat. 895.

Act June 17, 1902, c. 1093, the reclamation act, and other acts amendatory thereof or supplementary thereto, mentioned in this section, are set forth above.

Conveyance to purchaser; limitation of amount.

Sec. 2. That upon payment of the purchase price, the Secretary of the Interior is authorized by appropriate deed to convey all the right, title, and interest of the United States of, in, and to said lands to the purchaser at said sale, subject, however, to such reservations, limitations, or conditions as said Secretary may deem proper: Provided, That not over one hundred and sixty acres shall be sold to any one person.

Act Feb. 11, 1911, c. 32, § 2, 36 Stat. 895.

Proceeds of sale to be covered into reclamation fund and credited to project for which land was acquired.

Sec. 3. That the moneys derived from the sale of such lands shall be covered into the reclamation fund and be placed to the credit of the project for which such lands had been acquired.

Act Feb. 2, 1911, c. 32, § 3, 36 Stat. 895.

ACT FEB. 13, 1911, c. 49. [S. 6842.]

An Act to Authorize the Secretary of the Interior to Withdraw Public Notices Issued under Section Four of the Reclamation Act, and for Other Purposes. (36 Stat. 902.)

Withdrawal of notices of lands irrigable under reclamation act, limit of acreage, charges, etc.; modification or abrogation of water-right applications or contracts.

Be it enacted, &c., That the Secretary of the Interior may, in his discretion, withdraw any public notice heretofore issued under section four of the reclamation Act of June seventeenth, nineteen hundred and two, and he may agree to such modification of water-right applications heretofore duly filed or contracts with water users' associations and others, entered into prior to the passage of this Act, as he may deem advisable, or he may consent to the abrogation of such water-right applications and contracts, and proceed in all respects as if no such notice had been given.

Act Feb. 13, 1911, c. 49, 36 Stat. 902.

Act June 17, 1902, c. 1093, § 4, mentioned in this act, is set forth above.

ACT FEB. 21, 1911, c. 141. [S. 6953.]

An Act to Authorize the Government to Contract for Impounding, Storing, and Carriage of Water, and to Cooperate in the Construction and Use of Reservoirs and Canals under Reclamation Projects, and for Other Purposes. (36 Stat. 925.)

Contracts for excess storage or carrying capacity provided under reclamation law, with irrigation systems under Carey Act, for distribution of water to individual users; restriction of use of water; charges.

Be it enacted, &c., That whenever in carrying out the provisions of the reclamation law, storage or carrying capacity has been or may be provided in excess of the requirements of the lands to be irrigated under any project, the Secretary of the Interior, preserving a first right to lands and entrymen under the project, is hereby authorized, upon such terms as he may determine to be just and equitable, to contract for the impounding, storage, and carriage of water to an extent not exceeding such excess capacity with irrigation systems operating under the Act of August eighteenth, eighteen hundred and ninety-four, known as the Carey Act, and individuals, corporations, associations, and irrigation districts organized for or engaged in furnishing or in distributing water for irrigation. Water so impounded, stored, or carried under any such contract shall be for the purpose of distribution to individual water users by the party with whom the contract is made: Provided, however, That water so impounded, stored, or carried shall not be used otherwise than as prescribed by law as to lands held in private ownership within Government reclamation projects. In fixing the charges under any such contract for impounding, storing, or carrying water for any irrigation system, corporation, association, district, or individual, as herein provided, the Secretary shall take into consideration the cost of construction and maintenance of the reservoir by which such water is to be impounded or stored and the canal by which it is to be carried, and such charges shall be just and equitable as to water users under the Government project. No irrigation system, district, association, corporation, or individual so contracting shall make any charge for the storage, carriage, or delivery of such water in excess of the charge paid to the United States except to such extent as may be reasonably necessary to cover cost of carriage and delivery of such water through their works.

Act Feb. 21, 1911, c. 141, § 1, 36 Stat. 925.
Act Aug. 18, 1894, c. 301, § 4, the Carey Act, mentioned in this section, is set forth in Comp. St. 1901, p. 1554.

Co-operation with irrigation districts, etc., or water users, for construction or use of reservoirs, canals, etc.; title to and management of works; limitation of water to be furnished; right to control waters of streams in States not affected.

Sec. 2. That in carrying out the provisions of said reclamation Act and Acts amendatory thereof or supplementary thereto, the Secretary of the Interior is authorized, upon such terms as may be agreed upon, to cooperate with irrigation districts, water users associations, corporations, entrymen or water users for the construction or use of such reservoirs, canals, or ditches as may be advantageously used by the Government and irrigation districts, water users associations, corporations, entrymen or water users for impounding, delivering and carrying water for irrigation purposes: Provided, That the title to and management of the works so constructed shall be subject to the provisions of section six of said Act: Provided further, That water shall not be furnished from any such reservoir or delivered through any such canal or ditch to any one landowner in excess of an amount sufficient to irrigate one hundred and sixty acres: Provided, That noth-

ing contained in this Act shall be held or construed as enlarging or attempting to enlarge the right of the United States, under existing law, to control the waters of any stream in any State.

Act Feb. 21, 1911, c. 141, § 2, 36 Stat. 926.

Act June 17, 1902, c. 1093, the reclamation act, and acts amendatory thereof or supplementary thereto, mentioned in this section, are set forth above.

Proceeds of contracts to be covered into reclamation fund.

Sec. 3. That the moneys received in pursuance of such contracts shall be covered into the reclamation fund and be available for use under the terms of the reclamation Act and the Acts amendatory thereof or supplementary thereto.

Act Feb. 21, 1911, c. 141, § 3, 36 Stat. 926.

ACT MARCH 4, 1911, c. 285, § 1. [H. R. 32909.]

Additional arid lands made available to State of Nevada for reclamation.

An additional one million acres of arid lands within the State of Nevada is hereby made available and subject to the terms of section four of an Act of Congress entitled "An Act making appropriations for sundry civil expenses of the Government for the fiscal year ending June thirtieth, eighteen hundred and ninety-five, and for other purposes," approved August eighteenth, eighteen hundred and ninety-four, and by amendments thereto, and the State of Nevada is allowed under the provisions of said Acts said additional area, or so much thereof as may be necessary for the purposes and under the provisions of said Acts.

Act March 4, 1911, c. 285, § 1, 36 Stat. 1417.

Act Aug. 18, 1894, c. 301, § 4, and amendments thereto, mentioned in this act, are set forth in Comp. St. 1901, pp. 1554–1557.

RES. AUG. 21, 1911, No. 7. [S. J. Res. 34.]

Joint Resolution Providing for Additional Lands for Colorado under the Provisions of the Carey Act. (37 Stat. 38.)

Additional arid lands made available to State of Colorado for reclamation.

Resolved, &c., That an additional one million acres of arid lands within the State of Colorado be made available and subject to the terms of section four of an Act of Congress entitled "An Act making appropriations for sundry civil expenses of the Government for the fiscal year ending June thirtieth, eighteen hundred and ninety-five, and for other purposes," approved August eighteenth, eighteen hundred and ninety-four, and by amendments thereto, and that the State of Colorado be allowed, under the provisions of said Acts, said additional area, or so much thereof as may be necessary for the purposes and under the provisions of said Acts.

Res. Aug. 21, 1911, No. 7, 37 Stat. 38.

Act Aug. 18, 1894, c. 301, § 4, and amendments thereto, mentioned in this act, are set forth in Comp. St. 1901, pp. 1554–1557.

[COPIES OF RECORDS; EVIDENCES OF TITLE.]

Sec. 2469.

Copies of records, etc., to be certified.

Besides the provisions for certifying records, books, and papers in the General Land Office, contained in Rev. St. § 891, Comp. St. 1901, p.

672, and in Rev. St. §§ 2469, 2470, Comp. St. 1901, p. 1557, subsequent provisions for authentication and certification of such copies by the Recorder as well as by the Commissioner of the General Land Office are contained in Act April 19, 1904, c. 1394, set forth ante, under Title XI, "The Department of the Interior," c. 3.

Provisions for transmission of original papers on file in the General Land Office for use as evidence are contained in Act April 19, 1904, c. 1396, set forth ante, under Title XIII, "The Judiciary," c. 17.

Provisions for admission in evidence of transcripts, certified by registers and receivers of land offices, of records in their offices, are contained in Act March 22, 1904, c. 748, set forth under chapter 2 of this Title.

[PARKS AND RESERVATIONS.]

Sec. 2475.

ACT DEC. 16, 1878, c. 5. [*As amended* 1904.]

An Act to Correct an Error of Enrollment in Bill Making Appropriations for Sundry Civil Expenses of the Government for the Fiscal Year Ending June Thirtieth, Eighteen hundred and seventy-nine, and for Other Purposes. (20 Stat. 258.)

Hot Springs reservation; establishment; leases of ground, bath houses, and supply of water; dedication of Hot Springs, with reservation and mountain, to United States, forever free from sale or alienation.

Be it enacted, &c., * * [Part of act omitted temporary, relating to proceedings for establishment of Hot Springs Reservation.] And the Secretary of the Interior is hereby directed to lease to the present proprietors of the Arlington Hotel or their assigns the grounds, not exceeding one acre, now occupied by them, for a period of ten years, unless otherwise provided by law, at an annual rental of one thousand dollars. And he is further directed to lease the bath houses of a permanent nature now upon the Hot Springs reservation to the owners of the same, and lease to any person or persons upon such terms as may be agreed on, sites for the building of other bath houses for the term of five years, unless otherwise provided by law, under such rules and regulations as he may prescribe; and the tax imposed shall not exceed fifteen dollars per tub per annum, including land rent: Provided, That said leases shall in no way prejudice any legal right that any person or persons may have acquired under the act hereby revived and continued, to any improvements on said ground: And provided further, That the Secretary of the Interior be, and he is hereby, authorized to grant to hotels having bath houses attached, and to bath houses situated on the Hot Springs Reservation, as well as in the city of Hot Springs, Arkansas, the right to install, maintain, and use, either in said bath houses or in connection with the rooms of said hotels or the bath houses attached to said hotels, as many bath tubs as in his discretion he may deem proper and necessary for the public service and the amount of hot water will justify. And provided further, That the superintendent shall provide and maintain a sufficient number of free baths for the use of the indigent, and the expense thereof shall be defrayed out of the rentals hereinbefore provided for.

In cases where fractions of lots are made by straightening, widening or laying out streets, the commissioners shall have power to determine the disposal of the same, giving the preference to the owners of abutting lots: Provided, That all titles given or to be given by the

United States shall explicitly exclude the right to the purchaser of the land, his heirs or assigns, from ever boring thereon for hot water; and the Hot Springs, with the reservation and mountain are hereby dedicated to the United States, and shall remain forever free from sale or alienation.

Act Dec. 16, 1878, c. 5, 20 Stat. 258. April 12, 1904, c. 1249, 33 Stat. 173.

The sundry civil appropriation act for the fiscal year ending June 30, 1879, Act June 20, 1878, c. 359, § 1, 20 Stat. 230, mentioned in the title of this act, contained a provision in the same words as that of this act for the lease of bath houses of a permanent nature, followed by the words, "Provided, That;" the substance of the proviso being omitted.

The second proviso of this act, as originally enacted, which limited the supply of water to not more than enough for 40 bath tubs of the usual size to a single establishment, is stricken out, and in lieu thereof the second proviso set forth here is inserted, by Act April 12, 1904, c. 1249, cited above.

The portion of this act omitted here made an appropriation for the expenses of the Hot Springs Commission, and provided for the appointment of a board of commissioners, conferring upon them the powers of the commissioners appointed under the previous Act March 3, 1877, c. 108, 19 Stat. 377, to lay out, etc., the Hot Springs Reservation, and revived and continued in force said preceding act, to enable the commissioners to perform the acts and duties authorized by it. These and other earlier provisions relating to the establishment and management of the reservation were temporary merely and have been executed.

The provisions of this act relating to leases of ground, bath houses, etc., were also in part temporary in nature, and appear to be superseded, to a great extent, by those of Act March 3, 1891, c. 533, set forth below; but this act is recognized by the subsequent amendment by Act April 12, 1904, c. 1249, mentioned above.

The cession by the State of Arkansas to the United States of exclusive jurisdiction over a part of the permanent Hot Springs Reservation is accepted, and the prosecution and punishment of offenses committed therein are provided for, by Act April 20, 1904, c. 1400, set forth below.

The boundary line of the Hot Springs Reservation is changed, and a tract of land excluded thereby is ceded to the city of Hot Springs for street purposes, by Act May 23, 1906, c. 2552, set forth below.

Certain lots situate on the Hot Springs Reservation are granted to the school district of Hot Springs by Act April 30, 1908, c. 154, set forth below.

Provisions for the reservation of certain lands at or in the vicinity of the village of Sulphur in the Chickasaw Nation, Indian Territory, embracing the natural springs and so much of certain creeks and the lands adjacent to said springs and creeks as necessary for the utilization and control of the waters, were made by Act July 1, 1902, c. 1362, par. 64, 32 Stat. 655, and Act April 21, 1904, c. 1402, § 18, 33 Stat. 220; but the provision first mentioned declared its intention to be "that in the future the lands and improvements herein mentioned shall be conveyed by the United States to such territorial or state organization as may exist at the time when such conveyance is made." By Res. June 29, 1906, No. 42, 34 Stat. 837, the Secretary of the Interior is directed "to change the name of the Sulphur Springs Reservation, an Indian reservation now in the State of Oklahoma, formerly in the Indian Territory, so that said Reservation shall be named and hereafter called the 'Platt National Park,'" in honor of the late Senator Platt, of Connecticut.

ACT JUNE 30, 1882, c. 254.

Army and Navy Hospital on Hot Springs Reservation.

* * Army and Navy hospital at Hot Springs, Arkansas, which shall be erected by and under the direction of the Secretary of War, in accordance with plans and specifications to be prepared and submit-

ted to the Secretary of War by the Surgeons-General of the Army and Navy; which hospital, when in a condition to receive patients, shall be subject to such rules, regulations, and restrictions as shall be provided by the President of the United States: Provided further, That such hospital shall be erected on the government reservation at or near Hot Springs, Arkansas.

Act June 30, 1882, c. 254, 22 Stat. 121.

These are provisos accompanying an appropriation for the erection of the hospital mentioned, in the Army appropriation act for the fiscal year ending June 30, 1883, cited above.

Patients in the hospital are subject to the rules and articles for the government of the armies, by a provision of Act March 3, 1909, c. 252, set forth below.

ACT SEPT. 25, 1890, c. 926.

An Act to Set Apart a Certain Tract of Land in the State of California as a Public Park. (26 Stat. 478.)

Preamble.

Whereas, the rapid destruction of timber and ornamental trees in various parts of the United States, some of which trees are the wonders of the world on account of their size and the limited number growing, makes it a matter of importance that at least some of said forests should be preserved: Therefore

Public park in California.

Be it enacted, &c., That the tract of land in the State of California known and described as township numbered eighteen south, of range numbered thirty east, also township eighteen south range thirty-one east; and sections thirty-one, thirty-two, thirty-three, and thirty-four, township seventeen, south range thirty east, all east of Mount Diablo meridian, is hereby reserved and withdrawn from settlement, occupancy, or sale under the laws of the United States, and dedicated and set apart as a public park, or pleasure ground, for the benefit and enjoyment of the people; and all persons who shall locate or settle upon, or occupy the same or any part thereof, except as hereinafter provided, shall be considered trespassers and removed therefrom.

Act Sept. 25, 1890, c. 926, § 1, 26 Stat. 478.

Other lands in California were set apart as forest reserves, and provisions similar to those of this act in regard to rules and regulations, leases of ground, preservation of fish and game, trespassers, etc., were made by Act Oct. 1, 1890, c. 1263, and Act Feb. 7, 1905, c. 547, set forth ante, under this chapter, subchapter "National Forests."

The forest lands set aside and reserved in said Act Feb. 7, 1905, c. 547, § 1, are to be known as the "Yosemite National Park," by a provision of said section, set forth ante, under this chapter, subchapter "National Forests."

On the acceptance of the recession by the State of California of the Yosemite Valley and the Mariposa Big Tree Grove, said tracts, with other lands, were set apart as reserved forest lands and made part of the Yosemite National Park, and the south and west boundary lines of the park were changed, and lands thereby excluded from the park were added to the Sierra Forest Reserve, by Res. June 11, 1906, No. 27, § 1, also set forth ante, under this chapter, subchapter "National Forests."

The detail of troops for the protection of the lands set apart by this act, included in the Sequoia National Park, and of the Yosemite National Park and the General Grant National Park, is authorized by a provision of Act June 6, 1900, c. 791, § 1, set forth in Comp. St. 1901, p. 1566.

Rules and regulations for park; leases of ground; preservation of fish and game; removal of trespassers.

Sec. 2. That said public park shall be under the exclusive control of the Secretary of the Interior, whose duty it shall be, as soon as practicable, to make and publish such rules and regulations as he may deem necessary or proper for the care and management of the same. Such regulations shall provide for the preservation from injury of all timber, mineral deposits, natural curiosities or wonders within said park, and their retention in their natural condition. The Secretary may, in his discretion, grant leases for building purposes for terms not exceeding ten years of small parcels of ground not exceeding five acres, at such places in said park as shall require the erection of buildings for the accommodation of visitors; all of the proceeds of said leases and other revenues that may be derived from any source connected with said park to be expended under his direction in the management of the same and the construction of roads and paths therein. He shall provide against the wanton destruction of the fish and game found within said park, and against their capture or destruction, for the purposes of merchandise or profit. He shall also cause all persons trespassing upon the same after the passage of this act to be removed therefrom, and, generally, shall be authorized to take all such measures as shall be necessary or proper to fully carry out the objects and purposes of this act.

Act Sept. 25, 1890, c. 926, § 2, 26 Stat. 478.

ACT MARCH 3, 1891, c. 533.

An Act to Regulate the Granting of Leases at Hot Springs, Arkansas, and for Other Purposes. (26 Stat. 842.)

Hot Springs Reservation; leases of bath houses and bath house sites; supply of water.

Be it enacted, &c., That the Secretary of the Interior is hereby authorized and empowered to execute leases to the bath-houses and bath-house sites on the permanent reservation at Hot Springs, Arkansas, for periods not exceeding twenty years, and at an annual rental of not less than thirty dollars per tub for each tub used in any bath-house. Said annual rental shall be payable quarterly in advance, at the office of the Government Superintendent of said property, in Hot Springs, Arkansas: Provided, That the same rate for water rent shall be charged for the water to all parties receiving the same, whether on or off the permanent reservation: Provided, That after the Army and Navy hospital bath-house, the public bath-house, the bath-houses which are now or may hereafter be authorized on the permanent reservation, the Arlington Hotel, and the bath-houses off the permanent reservation now authorized to be supplied with hot water, in the order herein named, if there shall still be a surplus of hot water the Secretary of the Interior may, in his discretion and under such regulations as he may prescribe, cause hot water to be furnished to bath-houses, hotels, and families off the permanent reservation: Provided, That such bath-houses, hotels, and families shall cause all connections for obtaining such hot water to be made at their own expense: Provided, That all water furnished to any hotel or family for other use than bathing shall be paid for at such reasonable price, as shall be fixed by the Secretary of the Interior: Provided further, That the Secretary of the Interior

shall at the expiration of each period of five years during the continuance of each lease made hereunder readjust the terms and amounts of payment provided for therein as may be just, but not less than the minimum herein provided.

Act March 3, 1891, c. 533, § 1, 26 Stat. 842.

Previous provisions relating to the subjects of this and other sections of this act, contained in Act Dec. 16, 1878, c. 5, are set forth above. An amendment incorporated therein, as stated in the note under that act, affecting the limitation thereby of the supply of water, was made subsequent to this act.

Lease of Arlington Hotel.

Sec. 2. That the Secretary of the Interior is hereby authorized to execute a lease of the Arlington Hotel site at Hot Springs, Arkansas, to the present lessees for a period of twenty years, and at an annual ground rent of two thousand five hundred dollars, for the first five years thereof, and at the end of said period of five years, and of each period of five years thereafter, he shall readjust and fix the compensation to be paid during the ensuing five years, but not less than that hereinbefore provided for.

Act March 3, 1891, c. 533, § 2, 26 Stat. 842.

Rules and regulations as to leases, privileges, supply and use of water, buildings, etc.

Sec. 3. That all power now possessed by the Secretary of the Interior for the regulating of leases of bath-houses, bath-house privileges, or hotel rights on the reservation, or as to supplying hot water to places off the reservation, is hereby retained and continued in him; and full power is vested in the Secretary of the Interior to provide, in all leases to be executed against any combination among lessees or their assigns, as to ownership, prices, or accommodations at any bath-house; full power is also vested in him to make all needful rules and regulations as to the use of the hot water, and to prevent its waste, including full power to authorize the superintendent of the reservation to make examination and inspection at any time of the manner of using the hot water at any bath-tub, that it may be used in proper quantity only, and to prevent its waste; and also full power to provide and fix reasonable maximum charges for all baths, or bathing privileges, or services of any person connected with any bath-house furnished to bathers; and for reasonable maximum charges to guests at the Arlington Hotel; and also, generally, the Secretary of the Interior may make all necessary rules and regulations as to said bath-houses and the service therein as shall be deemed best for the public interest, and to provide penalties for the violation of any regulation which may be enforced as though provided by act of Congress. All leases and grants of hot-water privileges shall be held to be subject to all regulations now in force or which may be hereafter adopted by the Secretary of the Interior, and for any violation of any regulation, known to the proprietor at the time of the offense, the lease or grant may be canceled by the Secretary of the Interior. It shall be expressly provided in all leases and grants of privilege for hot water that the bath-house for which provision is made shall not be owned or controlled by any person, company, or corporation which may be the owner of or interested (as stockholder or otherwise) in any other bath-house on or near the Hot Springs Reservation; that neither the hot-water privilege granted nor any in-

terest therein, nor the right to operate or control said bath-house, shall be assigned or transferred by the party of the second part without the approval of the Secretary of the Interior first obtained, in writing; and if the ownership or control of said bath-house be transferred to any person, company, or corporation owning or interested in any other bath-house on or near said reservation, the Secretary of the Interior may, for that cause, deprive the bath-house provided for of the hot water and cancel the lease or agreement. All buildings to be erected on the reservation shall be on plans first approved by the Secretary of the Interior, and shall be required to be fire proof, as nearly as practicable.

Act March 3, 1891, c. 533, § 3, 26 Stat. 843.

Investigation as to interest of applicant for lease, etc., in other bath house; refusal or forfeiture of lease or privilege where parties are otherwise interested.

Sec. 4. That the Secretary of the Interior, before executing any lease to bath-houses or bath-house sites on the permanent reservation or contracts for the use of hot water for bath-houses off the permanent reservation, may make due investigation to ascertain whether the person, persons, or corporation applying for such lease or contract are not, directly or indirectly, interested in any manner whatever in any other bath-house lease, interest, or privilege at or near Hot Springs, Arkansas, or whether he or they belong to any pool, combination, or association so interested, or whether he or they are members or stockholders in any corporation so interested, or, if a corporation, whether its members or any of them are members or stockholders of any other corporation or association interested in any other bath-house, lease, interest, or privilege as aforesaid, and in order to arrive at the facts in any such case he is authorized to send for persons and papers, administer oaths to witnesses, and require affidavits from applicants; and any such person making a false oath or affidavit in the premises shall be deemed guilty of perjury, and, upon conviction, subject to all the pains and penalties of perjury under the statutes of the United States; and whenever, either at the time of leasing or other time it appears to the satisfaction of the said Secretary that such interest in other bath-house, lease, interest, or privilege exists, or at any time any pool or combination exists between any two or more bath-houses or he deems it for the best interests of the management of the Hot Springs Reservation and waters, or for the public interest he may refuse such lease, license, permit or other privilege, or forfeit any lease or privilege wherein the parties interested have become otherwise interested as aforesaid.

Act March 3, 1891, c. 533, § 4, 26 Stat. 843.

This act is not to be so construed as to prevent the operation of a bath house in connection with a hotel as part thereof, by section 8 of the act, set forth below.

Taxation, under laws of State, of private property on reservation.

Sec. 5. That the consent of the United States is hereby given for the taxation, under the authority of the laws of the State of Arkansas applicable to the equal taxation of personal property in that State, as personal property of all structures and other property in private ownership on the Hot Springs Reservation.

Act March 3, 1891, c. 533, § 5, 26 Stat. 844.

Collection of water on reservation.

Sec. 6. That the authority heretofore conferred upon the Secretary of the Interior to collect the hot water upon said reservation shall be so construed as to require water to be collected only where such collection is necessary for its proper distribution, and not where by gravity the same can be properly utilized.

Act March 3, 1891, c. 533, § 6, 26 Stat. 844.

Sale of lots not permanently reserved.

Sec. 7. That the Secretary of the Interior may direct the public sale of all unsold Government lots on the Hot Springs Reservation, and not now permanently reserved at the city of Hot Springs, after having had the same reappraised, and also advertised as now required by law, and no lot shall be sold at less than the appraised price.

Act March 3, 1891, c. 533, § 7, 26 Stat. 844.

Act not to be construed to prevent operation of bath house in connection with hotel.

Sec. 8. Nothing in this act shall be so construed as to prevent the stockholders of any Hotel from operating a bath-house in connection with such Hotel as a part thereof.

Act March 3, 1891, c. 533, § 8, 26 Stat. 844.

ACT MAY 7, 1894, c. 72, § 5.

Commissioner for Yellowstone Park.

An appropriation for the salary of the commissioner in Yellowstone National Park is made each year in the legislative, executive, and judicial appropriation act, accompanied by a provision that Act May 28, 1896, c. 252, § 21, Comp. St. 1901, p. 652, which relates to fees of United States commissioners, shall not be construed as impairing the right of said commissioner to receive said salary. The provision for the fiscal year ending June 30, 1912, is by Act March 4, 1911, c. 237, § 1, 36 Stat. 1233.

ACT AUG. 3, 1894, c. 198.

Leases of lands in Yellowstone Park.

Provisions amending this act, set forth in Comp. St. 1901, p. 1565, relating to leases in Yellowstone National Park, are contained in Act June 4, 1906, c. 2570, and Act March 2, 1907, c. 2518, set forth below.

The use, by private parties doing business in the park, of electricity furnished by the electric plant of Fort Yellowstone and Mammoth Hot Springs may be permitted by a provision of Act March 3, 1903, c. 1007, § 1, set forth below.

ACT JUNE 6, 1900, c. 791, § 1.

Road extensions in Yellowstone Park.

Contracts for improvements in Yellowstone Park are authorized by provisions of Act June 28, 1902, c. 1301, § 1, post, under Title XLIII A, "Public Buildings and Works."

ACT MAY 22, 1902, c. 820.

An Act Reserving from the Public Lands in the State of Oregon, as a Public Park for the Benefit of the People of the United States, and for the Protection and Preservation of the Game, Fish, Timber, and All Other Natural Objects Therein, a Tract of Land Herein Described, and so Forth. (32 Stat. 202.)

Crater Lake National Park; establishment.

Be it enacted, &c., That the tract of land bounded north by the parallel forty-three degrees four minutes north latitude, south by forty-two degrees forty-eight minutes north latitude, east by the meridian one hundred and twenty-two degrees west longitude, and west

by the meridian one hundred and twenty-two degrees sixteen minutes west longitude, having an area of two hundred and forty-nine square miles, in the State of Oregon, and including Crater Lake, is hereby reserved and withdrawn from settlement, occupancy, or sale under the laws of the United States, and dedicated and set apart forever as a public park or pleasure ground for the benefit of the people of the United States, to be known as Crater Lake National Park.

Act May 22, 1902, c. 820, § 1, 32 Stat. 202.

Park under control of Secretary of the Interior; regulations.

Sec. 2. That the reservation established by this Act shall be under the control and custody of the Secretary of the Interior, whose duty it shall be to establish rules and regulations and cause adequate measures to be taken for the preservation of the natural objects within said park, and also for the protection of the timber from wanton depredation, the preservation of all kinds of game and fish, the punishment of trespassers, the removal of unlawful occupants and intruders, and the prevention and extinguishment of forest fires.

Act May 22, 1902, c. 820, § 2, 32 Stat. 202.

Settlement, residence, lumbering, etc., within park, punishable; admission of visitors; location and working of mining claims; places of entertainment.

Sec. 3. That it shall be unlawful for any person to establish any settlement or residence within said reserve, or to engage in any lumbering, or other enterprise or business occupation therein, or to enter therein for any speculative purpose whatever, and any person violating the provisions of this Act, or the rules and regulations established thereunder, shall be punished by a fine of not more than five hundred dollars, or by imprisonment for not more than one year, and shall further be liable for all destruction of timber or other property of the United States in consequence of any such unlawful act: Provided, That said reservation shall be open, under such regulations as the Secretary of the Interior may prescribe, to all scientists, excursionists, and pleasure seekers and to the location of mining claims and the working of the same: And provided further, That restaurant and hotel keepers, upon application to the Secretary of the Interior, may be permitted by him to establish places of entertainment within the Crater Lake National Park for the accommodation of visitors, at places and under regulations fixed by the Secretary of the Interior, and not otherwise.

Act May 22, 1902, c. 820, § 3, 32 Stat. 203.

ACT JAN. 9, 1903, c. 63.

An Act to Set Apart Certain Lands in the State of South Dakota as a Public Park, to be Known as the Wind Cave National Park. (32 Stat. 765.)

Wind Cave National Park; establishment.

Be it enacted, &c., That there are hereby reserved from settlement, entry, sale, or other disposal, and set apart as a public park, all those certain tracts, pieces, or parcels of land lying and being situate in the State of South Dakota and within the boundaries particularly described as follows: Beginning at the southeast corner of section thirteen, township six south, range five east, Black Hills meridian, South Dakota; thence westerly to the southwest corner of

the southeast quarter of section sixteen, said township; thence northerly along the quarter-section lines to the northwest corner of the northeast quarter of section four, said township; thence easterly to the southwest corner of section thirty-four, township five south, range five east; thence northerly to the northwest corner of said section; thence easterly to the northeast corner of section thirty-one, township five south, range six east; thence southerly along the section lines to the southeast corner of section seven, township six south, range six east; thence westerly to the southwest corner of said section; thence southerly to the southeast corner of section thirteen, township six south, range five east, the place of beginning: Provided, That nothing herein contained shall be construed to affect any valid rights acquired in connection with any of the lands embraced within the limits of said park.

Act Jan. 9, 1903, c. 63, § 1, 32 Stat. 765.

Park under control of Secretary of the Interior; regulations.

Sec. 2. That said park shall be known as the Wind Cave National Park and shall be under the exclusive control of the Secretary of the Interior, whose duty it shall be to prescribe such rules and regulations and establish such service as he may deem necessary for the care and management of the same.

Act Jan. 9, 1903, c. 63, § 2, 32 Stat. 765.

Leases of cavern and lands within park.

Sec. 3. That the Secretary of the Interior be, and is hereby, authorized, in the exercise of his discretion, to rent or lease, under rules and regulations to be made by him, the cavern underlying the above-described lands, and also pieces and parcels of ground within said park for the erection of such buildings as may be required for the accommodation of visitors.

Act Jan. 9, 1903, c. 63, § 3, 32 Stat. 765.

Use of funds arising from rentals or leases.

Sec. 4. That all funds arising from such rentals or leases shall be covered into the Treasury of the United States as a special fund to be expended in the care and improvement of said park.

Act Jan. 9, 1903, c. 63, § 4, 32 Stat. 765.

Relinquishment by settlers or owners of tracts within park in exchange for other land.

Sec. 5. That in cases in which a tract covered by an unperfected bona fide claim or by a patent is included within the limits of this park, the settler or owner thereof may, if he desires to do so, relinquish the tract to the Government and secure other land, outside of the park, in accordance with the provisions of the law relating to the subject of such relinquishment of lands in forest reserves in the State of South Dakota.

Act Jan. 9, 1903, c. 63, § 5, 32 Stat. 766.

Unlawful intrusion upon park, or unauthorized injury to property, or violation of regulations, punishable.

Sec. 6. That all persons who shall unlawfully intrude upon said park, or who shall without permission appropriate any object therein or commit unauthorized injury or waste in any form whatever upon the lands or other public property therein, or who shall violate any of the rules and regulations prescribed hereunder, shall upon convic-

tion be fined in a sum not more than one thousand dollars or be imprisoned for a period not more than twelve months, or shall suffer both fine and imprisonment, in the discretion of the court.

Act Jan. 9, 1903, c. 63, § 6, 32 Stat. 766.

ACT MARCH 3, 1903, c. 1007, § 1.

Use of electricity by private parties in Yellowstone Park.

Private parties or companies doing business in the Yellowstone National Park under authority from the Government may be permitted, in the discretion of the Secretary of War, to use electricity furnished by the electric lighting and power plant of Fort Yellowstone and Mammoth Hot Springs at actual cost to the Government for operation, maintenance, and depreciation of the plant and ten per centum additional, under such regulations as may be prescribed by the Secretary of War.

Act March 3, 1903, c. 1007, § 1, 32 Stat. 1130.

This is a provision of the sundry civil appropriation act for the fiscal year ending June 30, 1904, cited above.

Leases of lands in the park to private parties are authorized by Act Aug. 3, 1894, c. 198, Comp. St. 1901, p. 1565.

ACT APRIL 20, 1904, c. 1400. [H. R. 13350.] [*As amended* 1907. S. 6498, 1911. H. R. 31806.]

An Act Conferring Jurisdiction upon United States Commissioners over Offenses Committed in a Portion of the Permanent Hot Springs Mountain Reservation, Arkansas. (33 Stat. 187.)

Hot Springs Reservation; cession of jurisdiction by State of Arkansas accepted; operation of laws of United States and of Arkansas within reservation.

Be it enacted, &c., That the portion of the Hot Springs Mountain Reservation in the State of Arkansas situated and lying within boundaries defined as follows, "commencing at stone monument numbered seven, set upon the west line of Reserve avenue and marking the boundary line of Hot Springs Mountain, and running thence in a northwesterly direction to a point upon the south line of Fountain street to a stone monument numbered forty-two and marking the boundary line of Hot Springs Mountain; thence along the south line of Fountain street to its intersection with Central avenue or to stone monument numbered thirty-three; thence south along the east line of Central avenue to where the same is intersected by Reserve avenue at stone monument numbered thirty; thence along the north boundary line of Reserve avenue to stone monument numbered seven, the point of commencement; all in township two south, range nineteen west, in the county of Garland and State of Arkansas, being a part of the permanent United States Hot Springs Reservation," sole and exclusive jurisdiction over which was ceded to the United States by an act of the general assembly of the State of Arkansas, entitled "An act ceding jurisdiction to the United States over a part of the Hot Springs Mountain Reservation," approved February twenty-first, nineteen hundred and three, which cession is hereby accepted, or within such boundaries as may be defined hereafter, shall be under the sole and exclusive jurisdiction of the United States, and all laws applicable to places under such sole and exclusive jurisdiction shall have full force and effect therein: Provided, That nothing in this Act shall be so construed as to forbid the service within said boundaries of any civil or

criminal process of any court having jurisdiction in the State of Arkansas; that all fugitives from justice taking refuge within said boundaries shall, on due application to the executive of said State, whose warrant may lawfully run within said territory for said purpose, be subject to the laws which apply to fugitives from justice found in the State of Arkansas: And provided further, That this Act shall not be so construed as to interfere with the right to tax all structures and other property in private ownership within the boundaries above described, accorded to the State of Arkansas by section five of the Act of Congress approved March third, eighteen hundred and ninety-one, entitled "An Act to regulate the granting of leases at Hot Springs, Arkansas, and for other purposes."

Act April 20, 1904, c. 1400, § 1, 33 Stat. 187.

Act March 3, 1891, c. 533, § 5, mentioned in this section, which gives consent to taxation, under the laws of the State, of private property within the reservation, is set forth above.

The line of the reservation is changed, and the tract of land thereby excluded is ceded to the city of Hot Springs, to be used for street purposes only, by Act May 23, 1906, c. 2552, set forth below.

A strip of land described is ceded to the city of Hot Springs for use as a public street, by Act June 25, 1910, c. 417, 36 Stat. 844.

Reservation included in eastern judicial district of Arkansas; jurisdiction of offenses committed therein.

Sec. 2. That said above-described portion of said reservation shall constitute a part of the eastern United States judicial district of Arkansas, and the district and circuit courts of the United States in and for said district shall have jurisdiction of all offenses committed within said boundaries.

Act April 20, 1904, c. 1400, § 2, 33 Stat. 187.

Injuries to property punishable.

Sec. 3. That any person who shall, within the said above-mentioned tract, commit any damage, injury, or spoliation to or upon any building fence, hedge, gate, guidepost, tree, wood, underwood, timber, garden, crops, vegetables, plants, land, springs, mineral deposits, natural curiosities, or other matter or thing growing or being thereon, or situated therein, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be subject to a fine of not more than one hundred dollars and be adjudged to pay all costs of the proceedings.

Act April 20, 1904, c. 1400, § 3, 33 Stat. 187.

Taking or use of or bathing in water of springs in violation of rules and regulations or of restrictions imposed punishable.

Sec. 4. That any person who shall, except in compliance with such rules and regulations as the Secretary of the Interior may deem necessary, and which he is hereby authorized and directed to make, enter or attempt to enter upon said described tract, take, or attempt to take, use, or attempt to use, bathe in, or attempt to bathe in water of any spring located thereon, or without presenting satisfactory evidence that he or she (provided he or she is under medical treatment) is the patient of a physician duly registered at the office of the superintendent of the Hot Springs Reservation as one qualified, under such rules which the Secretary of the Interior may have made or shall make, to prescribe the waters of the Hot Springs, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be subject to a fine of not more than one hundred dollars, and be adjudged to pay all costs

of the proceedings: Provided, That no physician who shall engage in the solicitation of patronage through the medium of drummers, or otherwise, shall be or remain thus registered: And provided further, That if any person so bathing, or attempting to bathe, or so entering, or attempting to enter upon the described tract, shall have the permit of a physician, such physician shall be liable to the penalties of this section, unless he be regularly registered; and such person shall not be liable to the penalties of this section, unless it shall be made to appear that he knew, or had reason to believe, that the physician giving him such permit was not regularly registered.

Act April 20, 1904, c. 1400, § 4, 33 Stat. 188.

Offenses under ordinances of city of Hot Springs or laws of State of Arkansas punishable.

Sec. 5. That if any act shall be committed within said boundaries which would constitute an offense under the municipal ordinances of the city of Hot Springs or the laws of the State of Arkansas, but which is not prohibited or the punishment of which is not specially provided for by any law of the United States, regulation of the Secretary of the Interior, or by this Act, the offender shall be subject to the same punishment as the said municipal ordinances of the city of Hot Springs, or the laws of the State of Arkansas in force at the time of the commission of the offense, may provide for a like offense in the said State, and no subsequent repeal of any such law or ordinance shall affect any pending prosecution for an offense committed within said boundaries.

Act April 20, 1904, c. 1400, § 5, 33 Stat. 188.

Prosecutions for violations of rules and regulations or of provisions of act.

Sec. 6. That any United States commissioner duly appointed by the United States district court for the eastern district of Arkansas, and residing in said district, shall have power and jurisdiction to hear and act upon all complaints made of any and all violations of said Act of Congress approved April twentieth, nineteen hundred and four. That any of said commissioners shall have power, upon sworn complaint, to issue process in the name of the United States for the arrest of any person charged with the doing, otherwise than in compliance with the rules and regulations of the Secretary of the Interior, of any act with reference to the matters which the Secretary of the Interior in section four of this Act is authorized to regulate, or in violation of such rules and regulations, or in violation of any provision of this Act, or with any misdemeanor or other like offense the punishment provided for which does not exceed a fine of one hundred dollars to try the person thus charged, and if found guilty, to impose the penalty prescribed. In all cases of conviction an appeal shall lie from the judgment of any of said commissioners to the United States district court for the eastern district of Arkansas. The said United States district court shall prescribe rules of procedure and practice for any of said commissioners in the trial of cases and with reference to said appeals.

Act April 20, 1904, c. 1400, § 6, 33 Stat. 188. Act March 2, 1907, c. 2516, 34 Stat. 1218. Act March 3, 1911, c. 230, 36 Stat. 1086.

This section was amended by section 1 of Act March 2, 1907, c. 2516, cited above, by prefixing to the section as originally enacted, a pro-

vision which, as further amended by amendment of said section 1 by Act March 3, 1911, c. 230, cited above, is the first sentence of this section, as set forth here.

By further amendment of this act by section 2 of said Act March 2, 1907, c. 2516, the words "any of said commissioners" in this and subsequent sections were inserted in lieu of the words "commissioner," "such commissioner," "said commissioner," or "the commissioner," whenever they occur in said Act April 20, 1904, c. 1400, as originally enacted.

Prosecutions for other offenses.

Sec. 7. That any of said commissioners shall also have power to issue process as hereinbefore provided for the arrest of any person charged with the commission, within said boundaries, of any criminal offense not covered by the provisions of section six of this Act, to hear the evidence introduced, and if he is of opinion that probable cause is shown for holding the person so charged for trial, shall cause such person to be safely conveyed to a secure place for confinement, within the jurisdiction of the United States district court for the eastern district of Arkansas, and certify a transcript of the record of his proceedings and the testimony in the case to said court, which court shall have jurisdiction of the case: Provided, That any of said commissioners shall grant bail in all cases bailable under the laws of the United States or of the State of Arkansas or the ordinances of the city of Hot Springs.

Act April 20, 1904. c. 1400, § 7, 33 Stat. 188. Act March 2, 1907, c. 2516, § 2, 34 Stat. 1218.

See note under preceding section of this act.

Process to be directed to United States marshal; arrests by other officers or persons.

Sec. 8. That all process issued by any of said commissioners shall be directed to the marshal of the United States for the eastern district of Arkansas, but nothing herein contained shall be so construed as to prevent the arrest by any officer of the Government, police of said reservation, police officer of the city of Hot Springs, or employee of the United States within said boundaries, without process, of any person taken in the act of violating the law or this Act, or doing anything with reference to the matters which in section four of this Act the Secretary of the Interior is authorized to regulate, except in compliance with such rules and regulations, or committing any act in violation of such regulations.

Act April 20, 1904, c. 1400, § 8, 33 Stat. 189. Act March 2, 1907, c. 2516, § 2, 34 Stat. 1218.

See note under section 6 of this act.

Fees of commissioner and of marshal and deputies.

Sec. 9. That any of said commissioners referred to in this Act and the marshal of the United States and his deputies in the eastern district of Arkansas shall be paid the same fees and compensation as are now provided by law for like services in said district.

Act April 20, 1904, c. 1400, § 9, 33 Stat. 189. Act March 2, 1907, c. 2516, § 2, 34 Stat. 1218.

See note under section 6 of this act.

Fees chargeable to United States.

Sec. 10. That all fees, costs, and expenses arising in cases under this Act and properly chargeable to the United States shall be cer-

tified, approved, and paid as are like fees, costs, and expenses in the courts of the United States.

Act April 20, 1904, c. 1400, § 10, 33 Stat. 189.

Disposition of fines and costs.

Sec. 11. That all fines and costs imposed and collected shall be deposited by any of said commissioners of the United States or the marshal of the United States collecting the same with the clerk of the United States district court for the judicial district in which said reservation may be situated.

Act April 20, 1904, c. 1400, § 11, 33 Stat. 189. Act March 2, 1907, c. 2516, § 2, 34 Stat. 1218.

See note under section 6 of this act.

Imprisonment for nonpayment of fines or costs, or while awaiting trial without bail.

Sec. 12. That all persons who may be imprisoned for nonpayment of any fine, or costs, provided for by this Act, or awaiting trial without bail, shall be confined in the jail of Pulaski County, at Little Rock, Arkansas, or at such place as may be otherwise designated.

Act April 20, 1904, c. 1400, § 12, 33 Stat. 189.

Execution of sentence upon conviction.

Sec. 13. That upon the conviction of a party upon trial by any of said commissioners or by said district court, execution of sentence shall be in conformity with the laws of the United States, anything in the statutes of the State of Arkansas to the contrary notwithstanding.

Act April 20, 1904, c. 1400, § 13, 33 Stat. 189. Act March 2, 1907, c. 2516, § 2, 34 Stat. 1218.

See note under section 6 of this act.

ACT MARCH 22, 1906, c. 1127. [H. R. 15085.]

An Act to Set Apart Certain Lands in the State of South Dakota, to be Known as the Battle Mountain Sanitarium Reserve. (34 Stat. 83.)

Battle Mountain Sanitarium Reserve; establishment; rights acquired to lands, not affected.

Be it enacted, &c., That there are hereby reserved from settlement, entry, sale, or other disposal all those certain tracts, pieces, or parcels of land lying and being situate in the State of South Dakota and within the boundaries particularly described as follows: Beginning at the southwest corner of section eighteen, township seven south, range six east, Black Hills meridian; thence east to the southeast corner of said section eighteen; thence south to the southwest corner of the northwest quarter of section twenty; thence east to the southeast corner of the northeast quarter of section twenty-one; thence north to the northeast corner of the southeast quarter of section nine; thence west to the center of section seven; thence south to the southwest corner of the southeast quarter of section seven; thence west to the northwest corner of section eighteen; thence south to the place of beginning, all in township seven south, range six east, Black Hills meridian, in Fall River County, South Dakota: Provided, That nothing herein contained shall be construed to affect any valid rights acquired in connection with any of the lands embraced within the limits of said reserve.

Act March 22, 1906, c. 1127, § 1, 34 Stat. 83.

Name of reservation; control, rules and regulations.

Sec. 2. That said reserve shall be known as the Battle Mountain Sanitarium Reserve, and shall be under the exclusive control of the Board of Managers of the National Home for Disabled Volunteer Soldiers in connection with the Battle Mountain Sanitarium at Hot Springs, South Dakota, whose duty it shall be to prescribe such rules and regulations and establish such service as they may deem necessary for the care and management of the same.

Act March 22, 1906, c. 1127, § 2, 34 Stat. 83.

Violation of the rules and regulations prescribed is punishable, by section 4 of this act, set forth below.

Perfecting bona fide claims to lands; exchange of private lands; selection by State of land in lieu of portions of section 16 included.

Sec. 3. That in all cases of unperfected bona fide claims lying within the said boundaries of said reserve, which claims have been properly initiated prior to September second, nineteen hundred and two, said claims may be perfected upon compliance with the requirements of the laws respecting settlement, residence, improvements, and so forth, in the same manner in all respects as claims are perfected to other Government lands: Provided, That to the extent that the lands within said reserve are held in private ownership the Secretary of the Interior is hereby authorized in his discretion to exchange therefor public lands of like area and value, which are surveyed, vacant, unappropriated, not mineral, not timbered, and not required for reservoir sites or other public uses or purposes. The private owners must, at their expense and by appropriate instruments of conveyance, surrender to the Government a full and unencumbered right and title to the private lands included in any exchange before patents are issued for or any rights attached to the public lands included therein, and no charge of any kind shall be made for issuing such patents. Upon completion of any exchange the lands surrendered to the Government shall become a part of said reserve in a like manner as if they had been public lands at the time of the establishment of said reserve. Nothing herein contained shall be construed to authorize the issuance of any land scrip, and the State of South Dakota is granted the privilege of selecting from the public lands in said State an equal quantity of land in lieu of such portions of section sixteen included within said reserve as have not been sold or disposed of by said State and are not covered by an unperfected bona fide claim as above mentioned.

Act March 22, 1906, c. 1127, § 3, 34 Stat. 83.

Unlawful intrusion, etc., or violation of rules and regulations, punishable.

Sec. 4. That all persons who shall unlawfully intrude upon said reserve, or who shall without permission appropriate any object therein or commit unauthorized injury or waste in any form whatever upon the lands or other public property therein, or who shall violate any of the rules and regulations prescribed hereunder, shall, upon conviction, be fined in a sum not more than one thousand dollars, or be imprisoned for a period not more than twelve months, or shall suffer both fine and imprisonment, in the discretion of the court.

Act March 22, 1906, c. 1127, § 4, 34 Stat. 83.

ACT MAY 23, 1906, c. 2552. [H. R. 8976.]

An Act to Change the Line of the Reservation at Hot Springs, Arkansas, and of Reserve Avenue. (34 Stat. 198.)

Boundary line of Hot Springs Reservation changed; lands excluded ceded to city of Hot Springs for street purposes.

Be it enacted, &c., That the line of the Government reservation at Hot Springs, Arkansas, and of Reserve avenue, be changed so as to run from stone monument twenty-six to stone monument twenty-eight on a direct line, instead of running from twenty-six to twenty-seven and thence to twenty-eight, as it now does: Provided, That the tract of land thus excluded from the reservation by changing the lines as above, be ceded to the city of Hot Springs, to become a part of Reserve avenue and to be used for street purposes only; to be accepted by the city without change of the opposite (southerly) boundary line of said avenue.

Act May 23, 1906, c. 2552, 34 Stat. 198.

ACT JUNE 4, 1906, c. 2570. [H. R. 14410.]

An Act to Amend an Act Approved August Third, Eighteen hundred and ninety-four, Entitled "An Act Concerning Leases in the Yellowstone National Park." (34 Stat. 207.)

Leases of lands in Yellowstone National Park for hotel buildings, etc.; mortgages by lessees, subject to leases and contracts; provisions of existing law continued in force.

Be it enacted, &c., That the Secretary of the Interior is hereby authorized and empowered to lease for a period not exceeding ten years, at an annual rental to be determined by him, to any person, corporation, or company he may authorize to transact business in the Yellowstone National Park separate tracts of land, not exceeding twenty acres each, at such places not to exceed ten in number to any one person, corporation, or company, in said park as the comfort and convenience of visitors may require, for the construction and maintenance of substantial hotel buildings and buildings for the protection of stage, stock, and equipment.

Any person, corporation, or company holding a lease within said park for the purposes above described is hereby authorized, with the approval of the Secretary of the Interior, to execute mortgages upon his or its rights, properties, and franchises, including his or its contract or contracts with the Secretary of the Interior, and such mortgages, together with the approval of said Secretary of the Interior, may be filed for record in the office of the Secretary of the Interior, and when so recorded shall have all the effect of a public record.

Any mortgage, lien, or incumbrance created under the provisions hereof shall be subject to the rights of the Government to compel the enforcement of the terms of the lease or contract of the mortgagor, and any purchaser under a foreclosure of such incumbrance shall take subject to all the conditions assumed by the original lessee or contractor.

All provisions of existing law in relation to said park not in conflict herewith are hereby continued in full force and effect.

Act June 4, 1906, c. 2570, 34 Stat. 207.
Act Aug. 3, 1894, c. 198, mentioned in the title of this act as amended

thereby, which authorized the Secretary of the Interior to lease lands in Yellowstone National Park, is set forth in Comp. St. 1901, p. 1565.

This act is amended by authorizing leases, according to its other terms, for a period not exceeding twenty years, by Act March 2, 1907, c. 2518, set forth below.

ACT JUNE 29, 1906, c. 3607. [H. R. 5998.]

An Act Creating the Mesa Verde National Park. (34 Stat. 616.)

Mesa Verde National Park; establishment.

Be it enacted, &c., That there is hereby reserved from settlement, entry, sale, or other disposal, and set apart as a public reservation, all those certain tracts, pieces, and parcels of land lying and being situate in the State of Colorado, and within the boundaries particularly described as follows: Beginning at the northwest corner of section twenty-seven, township thirty-five north, range sixteen west, New Mexico principal meridian; thence easterly along the section lines to the southwest corner of the southeast quarter of section twenty, township thirty-five north, range fifteen west; thence northerly to the northwest corner of the southeast quarter of said section; thence easterly to the northeast corner of the southeast quarter of said section; thence northerly to the northwest corner of section twenty-one, said township; thence easterly to the northeast corner of the northwest quarter of said section; thence northerly to the northwest corner of the southeast quarter of section sixteen, said township; thence easterly to the northeast corner of the southeast quarter of section fifteen, said township; thence southerly to the southeast corner of said section; thence easterly to the southwest corner of section thirteen, said township; thence northerly to the northwest corner of the southwest quarter of said section; thence easterly to the northeast corner of the southwest quarter of said section; thence northerly to the northwest corner of the northeast quarter of said section; thence easterly to the northeast corner of said section; thence northerly to the northwest corner of the southwest quarter of section seven, township thirty-five north, range fourteen west; thence easterly to the northeast corner of the southwest quarter of said section; thence northerly to the northwest corner of the southeast quarter of section six, said township; thence easterly to the northeast corner of the southwest quarter of section four, said township; thence southerly to the northwest corner of the southeast quarter of section nine, said township; thence easterly to the northeast corner of the southeast quarter of said section; thence southerly to the northwest corner of section twenty-two, said township; thence easterly to the northeast corner of the northwest quarter of said section; thence southerly to the northwest corner of the southeast quarter of said section; thence easterly to the northeast corner of the southeast quarter of said section; thence southerly to the northwest quarter of section twenty-six, said township; thence easterly to the northeast corner of the northwest quarter of said section; thence southerly to the southeast corner of the southwest quarter of section thirty-five, said township; thence easterly to the northeast corner of section two, township thirty-four north, range fourteen west; thence southerly along the section line between sections one and two and between sections eleven and twelve to the northern boundary of the southern Ute Indian Reservation; thence westerly along the northern boundary of said reser-

vation to the center of section nine, township thirty-four north, range sixteen west; thence northerly along the quarter-section lines to the northwest corner of the southeast quarter of section twenty-eight, township thirty-five north, range sixteen west; thence easterly to the northeast corner of the southeast quarter of said section; thence northerly to the northwest corner of section twenty-seven, said township, the place of beginning.

Act June 29, 1906, c. 3607, § 1, 34 Stat. 616.

Park under control of Secretary of the Interior; regulations; prehistoric ruins near park.

Sec. 2. That said public park shall be known as the Mesa Verde National Park, and shall be under the exclusive control of the Secretary of the Interior, whose duty it shall be to prescribe such rules and regulations and establish such service as he may deem necessary for the care and management of the same. Such regulations shall provide specifically for the preservation from injury or spoliation of the ruins and other works and relics of prehistoric or primitive man within said park: Provided, That all prehistoric ruins that are situated within five miles of the boundaries of said park, as herein described, on Indian lands and not on lands alienated by patent from the ownership of the United States, are hereby placed under the custodianship of the Secretary of the Interior, and shall be administered by the same service that is established for the custodianship of the park.

Act June 29, 1906, c. 3607, § 2, 34 Stat. 617.

An appropriation for protection and improvement of the park, including the lands within five miles of the boundaries, to be administered by the same service under this act, is made in the subsequent sundry civil appropriation acts. The provision for the fiscal year ending June 30, 1912, is by Act March 4, 1911, c. 285, § 1, 36 Stat. 1421.

Leases and permits for the use of the land in the park or development of the resources thereof are authorized by a provision of Act June 25, 1910, c. 385, set forth below.

Examinations, excavations, and gathering of objects of interest within park.

Sec. 3. That the Secretary of the Interior be, and he is hereby, authorized to permit examinations, excavations, and other gathering of objects of interest within said park by any person or persons whom he may deem properly qualified to conduct such examinations, excavations, or gatherings, subject to such rules and regulations as he may prescribe: Provided always, That the examinations, excavations, and gatherings are undertaken only for the benefit of some reputable museum, university, college, or other recognized scientific or educational institution, with a view to increasing the knowledge of such objects and aiding the general advancement of archæological science.

Act June 29, 1906, c. 3607, § 3, 34 Stat. 617.

Removal, disturbance, destruction, etc., of ruins, mounds, buildings, graves, relics, etc., in park, punishable; penalty.

Sec. 4. That any person or persons who may otherwise in any manner willfully remove, disturb, destroy, or molest any of the ruins, mounds, buildings, graves, relics, or other evidences of an ancient civilization or other property from said park shall be deemed guilty of a misdemeanor, and upon conviction before any court having jurisdiction of such offenses shall be fined not more than one thousand

dollars or imprisoned not more than twelve months, or such person or persons may be fined and imprisoned, at the discretion of the judge, and shall be required to restore the property disturbed, if possible.

Act June 29, 1906, c. 3607, § 4, 34 Stat. 617.

ACT MARCH 2, 1907, c. 2518. [S. 8063.]

An Act to Amend an Act Entitled "An Act to Amend an Act Approved August Third, Eighteen hundred and ninety-four, Entitled 'An Act Concerning Leases in the Yellowstone National Park,'" Approved June Fourth, Nineteen hundred and six. (34 Stat. 1219.)

Amendment of Act June 4, 1906, c. 2570; leases of lands in Yellowstone National Park; period.

Be it enacted, &c., That the Act entitled "An Act to amend an Act approved August third, eighteen hundred and ninety-four, entitled 'An Act concerning leases in the Yellowstone National Park,'" approved June fourth, nineteen hundred and six, be, and the same is hereby, so amended that the Secretary of the Interior shall be authorized and empowered to lease, according to the other terms of said amended Act, for a period not exceeding twenty years.

Act March 2, 1907, c. 2518, 34 Stat. 1219.

Act June 4, 1906, c. 2570, mentioned in and amended by this act, is set forth above.

ACT APRIL 30, 1908, c. 154. [H. R. 15852.]

An Act to Confer Title in Fee and to Authorize the Disposition of Certain Lots Now Situate on Hot Springs Reservation, in the State of Arkansas, and for Other Purposes. (35 Stat. 98.)

Lots situate on Hot Springs Reservation granted to school district of Hot Springs.

Be it enacted, &c., That all the estate, right, title, and interest, and all right of reversion of the United States in and to lot numbered two, in block numbered seventy-two; lot numbered ten, in block numbered forty-eight; lot numbered eight, in block numbered one hundred and forty-six; lot numbered eighteen, in block numbered one hundred and thirty-five; and lot numbered twenty-one, in block numbered one hundred and thirty-eight, situate on the Hot Springs Reservation, in the school district of Hot Springs, in the State of Arkansas, be, and is, granted to and vested in the said school district of Hot Springs, with full power and authority of the officers of said school district to manage, control, sell, pledge, or dispose of the same, or any part thereof, at their discretion, for the use of said school district and the public schools thereof.

Act April 30, 1908, c. 154, § 1, 35 Stat. 98.

Repeal.

Sec. 2. That all laws and parts of laws in conflict with this Act be, and the same are hereby, repealed.

Act April 30, 1908, c. 154, § 2, 35 Stat. 98.

Time of taking effect of act.

Sec. 3. That this Act shall take effect and be in force from and after its passage.

Act April 30, 1908, c. 154, § 3, 35 Stat. 98.

ACT MAY 23, 1908, c. 192. [H. R. 19158.]

National Bison Range; establishment; care and maintenance of bison.

National Bison Range: The President is hereby directed to reserve and except from the unallotted lands now embraced within the Flathead Indian Reservation, in the State of Montana, not to exceed twelve thousand eight hundred acres of said lands, near the confluence of the Pend d'Oreille and Jocko rivers, for a permanent national bison range for the herd of bison to be presented by the American Bison Society. And there is hereby appropriated the sum of thirty thousand dollars, or so much thereof as may be necessary, to enable the Secretary of the Interior to pay the confederated tribes of the Flathead, Kootenai, and Upper Pend d'Oreille, and such other Indians and persons holding tribal relations or may rightfully belong on said Flathead Indian Reservation, the appraised value of said lands as shall be fixed and determined under the provisions of the Act of Congress approved April twenty-third, nineteen hundred and four, entitled "An Act for the survey and allotment of lands now embraced within the limits of the Flathead Indian Reservation, in the State of Montana, and the sale and disposal of all surplus lands after allotment." And the Secretary of Agriculture is hereby authorized and directed to inclose said lands with a good and substantial fence and to erect thereon the necessary sheds and buildings for the proper care and maintenance of the said bison; and there is hereby appropriated therefor the sum of ten thousand dollars or so much thereof as may be necessary; in all, forty thousand dollars.

Act May 23, 1908, c. 192, 35 Stat. 267.

These are provisions of the agricultural appropriation act for the fiscal year ending June 30, 1909, cited above.

ACT MAY 27, 1908, c. 200, § 1. [H. R. 21260.]

Mount Rainier National Park; location of mining claims within park prohibited.

Hereafter the location of mining claims under the mineral-land laws of the United States is prohibited within the area of the Mount Rainier National Park, in the State of Washington: Provided, however, That this provision shall not affect existing rights heretofore acquired in good faith under the mineral-land laws of the United States to any mining location or locations in said Mount Rainier National Park.

Act May 27, 1908, c. 200, § 1, 35 Stat. 365.

This is a provision of the sundry civil appropriation act for the fiscal year ending June 30, 1909, cited above.

ACT MARCH 3, 1909, c. 252. [H. R. 26915.]

Army and Navy Hospital at Hot Springs; patients subject to rules and articles for government of armies.

* * That hereafter all persons admitted to treatment in the Army and Navy General Hospital at Hot Springs, Arkansas, shall, while patients in said hospital, be subject to the rules and articles for the government of the armies of the United States; * *

Act March 3, 1909, c. 252, 35 Stat. 748.

This is a proviso annexed to an appropriation for the hospital in the Army appropriation act for the fiscal year ending June 30, 1910, cited above.

ACT MAY 11, 1910, c. 226. [S. 2777.]

An Act to Establish "The Glacier National Park" in the Rocky Mountains South of the International Boundary Line, in the State of Montana, and for Other Purposes. (36 Stat. 354.)

Glacier National Park; establishment; removal of trespassers; claims, etc., and rights under land laws not affected; rights of way for railways; reclamation projects; indemnity selections of lands not to be allowed to railroad, etc., corporations for loss of lands within park.

Be it enacted, &c., That the tract of land in the State of Montana particularly described by metes and bounds as follows, to wit: Commencing at a point on the international boundary between the United States and the Dominion of Canada at the middle of the Flathead River; thence following southerly along and with the middle of the Flathead River to its confluence with the Middle Fork of the Flathead River; thence following the north bank of said Middle Fork of the Flathead River to where it is crossed by the north boundary of the right of way of the Great Northern Railroad; thence following the said right of way to where it intersects the west boundary of the Blackfeet Indian Reservation; thence northerly along said west boundary to its intersection with the international boundary; thence along said international boundary to the place of beginning, is hereby reserved and withdrawn from settlement, occupancy, or disposal under the laws of the United States, and dedicated and set apart as a public park or pleasure ground for the benefit and enjoyment of the people of the United States under the name of "The Glacier National Park;" and all persons who shall locate or settle upon or occupy the same, or any part thereof, except as hereinafter provided, shall be considered trespassers and removed therefrom: Provided, That nothing herein contained shall affect any valid existing claim, location, or entry under the land laws of the United States or the rights of any such claimant, locator, or entryman to the full use and enjoyment of his land: Provided further, That rights of way through the valleys of the North and Middle forks of the Flathead River for steam or electric railways may be acquired within said Glacier National Park under filings or proceedings heretofore or hereafter made or instituted under the laws applicable to the acquisition of such rights over or upon the unappropriated public domain of the United States, and that the United States Reclamation Service may enter upon and utilize for flowage or other purposes any area within said park which may be necessary for the development and maintenance of a government reclamation project: And provided further, That no lands within the limits of said park hereby created belonging to or claimed by any railroad or other corporation now having or claiming the right of indemnity selection by virtue of any law or contract whatsoever shall be used as a basis for indemnity selection in any State or Territory whatsoever for any loss sustained by reason of the creation of said park.

Act May 11, 1910, c. 226, § 1, 36 Stat. 354.

Park under control of Secretary of Interior; regulations; leases for erection of buildings; sale and removal of matured or dead and down timber.

Sec. 2. That said park shall be under the exclusive control of the Secretary of the Interior, whose duty it shall be, as soon as practica-

ble, to make and publish such rules and regulations not inconsistent with the laws of the United States as he may deem necessary or proper for the care, protection, management, and improvement of the same, which regulations shall provide for the preservation of the park in a state of nature so far as is consistent with the purposes of this Act, and for the care and protection of the fish and game within the boundaries thereof. Said Secretary may, in his discretion, execute leases to parcels of ground not exceeding ten acres in extent at any one place to any one person or company, for not to exceed twenty years, when such ground is necessary for the erection of buildings for the accommodation of visitors, and to parcels of ground not exceeding one acre in extent and for not to exceed twenty years to persons who have heretofore erected or whom he may hereafter authorize to erect summer homes or cottages; he may also sell and permit the removal of such matured, or dead or down timber as he may deem necessary or advisable for the protection or improvement of the park.

Act May 11, 1910, c. 226, § 2, 36 Stat. 354.

The proceeds of leases and other revenues from sources connected with the park are to be expended in the administration and improvement thereof, by a provision of Act March 4, 1911, c. 285, § 1, set forth below.

ACT JUNE 25, 1910, c. 385. [H. R. 26730.]

Mesa Verde National Park; leases and permits for use of land, etc.; pre-historic ruins not to be included.

The Secretary of the Interior may, upon terms and conditions to be fixed by him, grant leases and permits for the use of the land or development of the resources thereof, in the Mesa Verde National Park, and the funds derived therefrom shall be covered into the Treasury of the United States: Provided, That such leases or grants shall not include any of the prehistoric ruins in said park or exclude the public from free or convenient access thereto; * *

Act June 25, 1910, c. 385, 36 Stat. 796.

This is a provision of the deficiency appropriation act for the fiscal year 1910, cited above.

ACT MARCH 2, 1911, c. 200. [H. R. 32082.]

An Act Limiting the Privileges of the Government Free Bathhouse on the Public Reservation at Hot Springs, Arkansas, to Persons Who Are Without and Unable to Obtain the Means to Pay for Baths. (36 Stat. 1015.)

Hot Springs Reservation; use of free bathhouses limited to persons unable to pay for baths; oath required as to lack of means; making of false oath a misdemeanor; punishment.

Be it enacted, &c., That only persons who are without and unable to obtain the means to pay for baths and are suffering from ailments for which bathing in the water of the Hot Springs Reservation will afford relief or effect a cure shall be permitted to bathe at the free bathhouse on the public reservation at Hot Springs, Arkansas, and before any person shall be permitted to bathe at the free bathhouse on the reservation he shall be required to make oath, before such officer duly authorized to administer oaths for general purposes as

the superintendent of the Hot Springs Reservation shall designate, that he is without and unable to obtain the means to pay for baths, and any person desiring to bathe at the free bathhouse on the Hot Springs Reservation making a false oath as to his financial condition shall be deemed guilty of a misdemeanor and upon conviction thereof shall be subject to a fine of not to exceed twenty-five dollars, or thirty days' imprisonment, or both.

Act March 2, 1911, c. 200, 36 Stat. 1015.

ACT MARCH 4, 1911, c. 285, § 1. [H. R. 32909.]

Glacier National Park; proceeds of leases and other revenues to be expended in administration and improvement of park.

Glacier National Park, Montana: * * All proceeds of leases and other revenues that may be derived from any source connected with said park shall be expended under the direction of the Secretary of the Interior in the administration and improvement of the park, and the construction of roads, trails, bridges, and so forth, therein.

Act March 4, 1911, c. 285, § 1, 36 Stat. 1421.

This is a provision accompanying an appropriation for administration and improvement of the park, in the sundry civil appropriation act for the fiscal year ending June 30, 1912, cited above.

[NAVIGABLE RIVERS, HIGHWAYS, AND RIGHTS OF WAY.]

Sec. 2477.

ACT MARCH 3, 1875, c. 152, §§ 1, 4.

Right of way through public lands, materials, grounds for stations, etc., granted to railroads.

Rights of way for railway, telegraph, and telephone lines in the Indian Territory, and in Indian reservations, etc., in Oklahoma, are granted to railway companies, by Act Feb. 28, 1902, c. 134, §§ 13–23, set forth below.

The rights of way, under this act and other acts, of railroads constructed and in operation in Oklahoma or Arizona, are confirmed by Act June 26, 1906, c. 3548, set forth below.

Grants of rights of way for electrical poles and lines for transmission, etc., of electrical power, and for telephone and telegraph purposes, over public lands, national forests, and reservations of the United States, are authorized by provisions of Act March 4, 1911, c. 238, set forth below.

Grants of rights of way for pipe lines for conveyance of oil and gas through Indian reservations and other Indian lands are authorized by Act March 11, 1904, c. 505, set forth below.

Right of way for pipe lines for oil or gas through public lands in the State of Arkansas is granted by Act April 12, 1910, c. 155, set forth below.

Map of road to be filed; forfeiture of rights granted.

The forfeiture of rights granted by this act, provided by section 4 thereof, set forth in Comp. St. 1901, p. 1569, where the railroad or any section thereof has not been constructed within five years after its location, is declared and enforced by Act June 26, 1906, c. 3550, and Act Feb. 25, 1909, c. 191, set forth below.

ACT MARCH 3, 1891, c. 561, § 18.

Right of way to canal and ditch companies for irrigation purposes.

Rights of way within and across forest reserves, for construction and maintenance of dams, reservoirs, water plants, ditches, etc., for municipal and mining purposes, and for milling and reduction of ores, are granted by Act Feb. 1, 1905, c. 281, § 4, set forth below.

ACT JAN. 21, 1895, c. 37, § 1. [*As amended* 1896, 1898.]

Right of way for tramroads, canals, or reservoirs for certain purposes.

Rights of way within and across forest reserves, for construction and maintenance of dams, reservoirs, water plants, ditches, etc., for municipal and mining purposes, and for milling and reduction of ores, are granted by Act Feb. 1, 1905, c. 281, § 4, set forth below.

ACT MAY 21, 1896, c. 212, § 1.

Right of way in Colorado and Wyoming to pipe-line companies.

Grants of rights of way for pipe lines for conveyance of oil and gas through Indian reservations and other Indian lands are authorized by Act March 11, 1904. c. 505, set forth below.

Right of way for pipe lines for oil or gas through public lands in the State of Arkansas is granted by Act April 12, 1910, c. 155, set forth below.

ACT MAY 14, 1898, c. 299, § 4.

Right of way on lands in Alaska for railroads; condemnation of land; preliminary surveys.

The time of the Western Alaska Construction Company to comply with the provisions of Act May 14, 1898, c. 299, §§ 4, 5, set forth in Comp. St. 1901, pp. 1577, 1578, relating to rights of way over public lands in Alaska for railroads, in acquiring and completing its railroad, is extended by Act April 9, 1904, c. 1165, 33 Stat. 165.

ACT MARCH 2, 1899, c. 374, §§ 1, 2.

Right of way through Indian reservations, etc., for railroads and telegraph and telephone lines.

This act, so far as it applies to the Indian Territory and Oklahoma Territory, is repealed by Act Feb. 28, 1902, c. 134, § 23, set forth below, with a proviso that such repeal shall not affect any railroad company whose railroad was actually being constructed, or any rights already accrued.

Section 1 of this act, set forth in Comp. St. 1901, p. 1581, is amended by Act June 25, 1910, § 16, set forth below.

Grants for railways in Indian reservations of lands for reservoirs, materials, etc., are authorized by provisions of Act March 3, 1909, c. 263, and Act May 6, 1910, c. 204, set forth below.

Grants of rights of way for pipe lines for conveyance of oil and gas through Indian reservations and other Indian lands are authorized by Act March 11, 1904, c. 505, set forth below.

Grants of rights of way for electrical poles and lines for transmission, etc., of electrical power, and for telephone and telegraph purposes, over public lands, national forests, and reservations of the United States, are authorized by provisions of Act March 4, 1911, c. 238, set forth below.

Sec. 2. [Amended. Act June 21, 1906, c. 3504.]

Section 2 of this act, set forth in Comp. St. 1901, p. 1582, is amended by a provision of Act June 21, 1906. c. 3504, set forth below.

ACT MARCH 3, 1909, c. 263. [H. R. 26916.]

Railways in Indian reservations; acquisition of lands for reservoirs, materials, or ballast pits, or for growing trees to protect lines; application and conveyance; restrictions; use of proceeds.

That when, in the judgment of the Secretary of the Interior, it is necessary for any railway company owning or operating a line of railway in any Indian reservation to acquire lands in such Indian reservation for reservoirs, material, or ballast pits for the construction, repair, and maintenance of its railway, or for the purpose of planting and growing thereon trees to protect its line of railway, the said Secretary be, and he is hereby, authorized to grant such lands to

any such railway company under such terms and conditions and such rules and regulations as may be prescribed by the said Secretary.

That when any railway company desiring to secure the benefits of this provision shall file with the Secretary of the Interior an application describing the lands which it desires to purchase, and upon the payment of the price agreed upon the said Secretary shall cause such lands to be conveyed to the railway company applying therefor upon such terms and conditions as he may deem proper: Provided, That no lands shall be acquired under the terms of this provision in greater quantities than forty acres for any one reservoir, and one hundred and sixty acres for any material or ballast pit, to the extent of not more than one reservoir and one material or gravel pit in any one section of ten miles of any such railway in any Indian reservation: And provided further, That the lands acquired for tree planting shall be taken only at such places along the line of the railway company applying therefor as in the judgment of the said Secretary may be necessary, and shall be taken in strips adjoining and parallel with the right of way of the railway company taking the same, and shall not exceed one hundred and fifty feet in width.

That all moneys paid for such lands shall be deposited in the Treasury of the United States to the credit of the tribe or tribes, and the moneys received by said Secretary as damages sustained by individual members of the Indian tribe, which damages shall be ascertained by the Secretary of the Interior and paid by the railway company taking such lands, shall be paid by said Secretary to the Indian or Indians sustaining such damages.

Act March 3, 1909, c. 263, 35 Stat. 781.

These are provisions of the Indian appropriation act for the fiscal year ending June 30, 1910, cited above.

These provisions are extended to lands allotted in severalty to individual Indians, by Act May 6, 1910, c. 204, set forth below.

ACT FEB. 15, 1901, c. 372.

Rights of way through public lands, forest and other reservations, etc., for electrical plants, etc.

Further provisions granting rights of way within and across forest reserves, for the construction and maintenance of dams, reservoirs, water plants, ditches, etc., for purposes similar to those specified in Act Feb. 15, 1901, c. 372, set forth in Comp. St. 1901, p. 1584, are contained in Act Feb. 1, 1905, c. 281, § 4, set forth below.

ACT FEB. 28, 1902, c. 134.

An Act to Grant the Right of Way through the Oklahoma Territory and the Indian Territory to the Enid and Anadarko Railway Company, and for Other Purposes. (32 Stat. 43.)

Secs. 1–12. [Relate to grant of right of way for railroad and telegraph and telephone line.]

These sections contain a grant to the Enid and Anadarko Railway Company of the right of way for a railway and telegraph and telephone line through the Territory of Oklahoma and the Indian Territory, with provisions for the construction and regulation thereof. They are omitted as special and local merely. The remaining sections of the act, being of general application, are set forth below.

Right of way for railway and telegraph and telephone lines in Indian Territory.

Sec. 13. That the right to locate, construct, own, equip, operate, use, and maintain a railway and telegraph and telephone line or lines

into, in, or through the Indian Territory, together with the right to take and condemn lands for right of way, depot grounds, terminals, and other railway purposes, in or through any lands held by any Indian tribe or nation, person, individual, or municipality in said Territory, or in or through any lands in said Territory which have been or may hereafter be allotted in severalty to any individual Indian or other person under any law or treaty, whether the same have or have not been conveyed to the allottee, with full power of alienation, is hereby granted to any railway company organized under the laws of the United States, or of any State or Territory, which shall comply with this Act.

Act Feb. 28, 1902, c. 134, § 13, 32 Stat. 47.

The provisions of this act apply also to Indian reservations and allotted Indian lands in the Territory of Oklahoma, by a proviso annexed to section 23 of the act, set forth below.

Width of right of way; grounds for stations, etc., yards, etc.; water supply; changes.

Sec. 14. That the right of way of any railway company shall not exceed one hundred feet in width except where there are heavy cuts and fills, when one hundred feet additional may be taken on each side of said right of way; but lands additional and adjacent to said right of way may be taken and condemned by any railway company for station grounds, buildings, depots, side tracks, turnouts, or other railroad purposes not exceeding two hundred feet in width by a length of two thousand feet. That additional lands not exceeding forty acres at any one place may be taken by any railway company when necessary for yards, roundhouses, turntables, machine shops, water stations, and other railroad purposes. And when necessary for a good and sufficient water supply in the operation of any railroad, any such railway company shall have the right to take and condemn additional lands for reservoirs for water stations, and for such purpose shall have the right to impound surface water or build dams across any creek, draw, canyon, or stream, and shall have the right to connect the same by pipe line with the railroad and take the necessary grounds for such purposes; and any railway company shall have the right to change or straighten its line, reduce its grades or curves, and locate new stations and to take the lands and right of way necessary therefor under the provisions of this Act.

Act Feb. 28, 1902, c. 134, § 14, 32 Stat. 47.

Compensation for right of way and damages; maps to be filed; appraisement of compensation, etc., award, appeal, fees, and costs.

Sec. 15. That before any railroad shall be constructed or any lands taken or condemned for any of the purposes set forth in the preceding section, full compensation for such right of way and all land taken and all damage done or to be done by the construction of the railroad, or the taking of any lands for railroad purposes, shall be made to the individual owner, occupant, or allottee of such lands, and to the tribe or nation through or in which the same is situated: Provided, That correct maps of the said line of railroad in sections of twenty-five miles each, and of any lands taken under this Act, shall be filed in the Department of the Interior, and shall also be filed with the United States Indian agent for Indian Territory, and with the principal chief or governor of any tribe or nation through which the lines of railroad may be located or in which said lines are situated.

In case of the failure of any railway company to make amicable settlement with any individual owner, occupant, allottee, tribe, or nation for any right of way or lands or improvements sought to be appropriated or condemned under this Act, all compensation and damages to be paid to the dissenting individual owner, occupant, allottee, tribe, or nation by reason of the appropriation and condemnation of said right of way, lands, or improvements shall be determined by the appraisement of three disinterested referees, to be appointed by the judge of the United States court, or other court of jurisdiction in the district where such lands are situated, on application of the corporation or other person or party in interest. Such referees, before entering upon the duties of their appointment, shall each take and subscribe, before competent authority, an oath that he will faithfully and impartially discharge the duties of his appointment, which oaths, duly certified, shall be returned with the award of the referees to the clerk of the court by which they were appointed. The referees shall also find in their report the names of the person and persons, tribe, or nation to whom the damages are payable and the interest of each person, tribe, or nation in the award of damages. Before such referees shall proceed with the assessment of damages for any right of way or other lands condemned under this Act, twenty days' notice of the time when the same shall be condemned shall be given to all persons interested, by publication in some newspaper in general circulation nearest said property in the district where said right of way or said lands are situated, or by ten days' personal notice to each person owning or having any interest in said lands or right of way: Provided, That such notice to any tribe or nation may be served on the principal chief or governor of the tribe. If the referees can not agree, then any two of them are authorized to and shall make the award. Any party to the proceedings who is dissatisfied with the award of the referees shall have the right, within ten days after the making of the award, to appeal, by original petition, to the United States court, or other court of competent jurisdiction, sitting at the place nearest and most convenient to the property sought to be taken, where the question of the damages occasioned by the taking of the lands in controversy shall be tried de novo, and the judgment rendered by the court shall be final and conclusive, subject, however, to appeal as in other cases.

When the award of damages is filed with the clerk of the court by the referees, the railway company shall deposit the amount of such award with the clerk of the court, to abide the judgment thereof, and shall then have the right to enter upon and take possession of the property sought to be condemned: Provided, That when the said railway company is not satisfied with the award, it shall have the right, before commencing construction, to abandon any portion of said right of way and adopt a new location, subject, however, as to such new location, to all the provisions of this Act. Each of the referees shall receive for his compensation the sum of four dollars per day while actually engaged in the appraisement of the property and the hearing of any matter submitted to them under this Act. Witnesses shall receive the fees and mileage allowed by law to witness in courts of record within the districts where such lands are located. Costs, including compensation of the referees, shall be made part of

the award or judgment and be paid by the railway company: Provided, That if any party or person other than the railway company shall appeal from any award, and the judgment of the court does not award such appealing party or person more than the referees awarded, all costs occasioned by such appeal shall be paid by such appealing party or person.

Act Feb. 28, 1902, c. 134, § 15, 32 Stat. 47.

Annual charge payable to tribe or nation owning or occupying lands; regulation of freight and other charges for transportation.

Sec. 16. That where a railroad is constructed under the provisions of this Act there shall be paid by the railway company to the Secretary of the Interior, for the benefit of the particular tribe or nation through whose lands any such railroad may be constructed, an annual charge of fifteen dollars per mile for each mile of road constructed, the same to be paid so long as said lands shall be owned and occupied by such nation or tribe, which payment shall be in addition to the compensation otherwise provided herein; and the grants herein are made upon the condition that Congress hereby reserves the right to regulate the charges for freight and passengers on said railways and messages on all telegraph and telephone lines until a State government or governments shall exist in said Territory within the limits of which any railway shall be located; and then such State government or governments shall be authorized to fix and regulate the cost of transportation of persons and freights within their respective limits by such railways; but Congress expressly reserves the right to fix and regulate at all times the cost of such transportation by said railways whenever such transportation shall extend from one State into another, or shall extend into more than one State; and that the railway companies shall carry the mail at such prices as Congress may by law provide; and until such rate is fixed by law the Postmaster-General may fix the rate of compensation.

Act Feb. 28, 1902, c. 134, § 16, 32 Stat. 48.

Crossings and connections; proceedings to acquire right, determination, and appeal; penalty for violation of provisions of section.

Sec. 17. That any railway company authorized to construct, own, or operate a railroad in said Territory desiring to cross or unite its tracks with any other railroad upon the grounds of such other railway company shall, after fifteen days' notice in writing to such other railroad company, make application in writing to the judge of the United States court for the district in which it is proposed to make such crossing or connection for the appointment of three disinterested referees to determine the necessity, place, manner, and time of such crossing or connection. The provisions of section three of this Act with respect to the condemnation of right of way through tribal or individual lands shall, except as in this section otherwise provided, apply to proceedings to acquire the right to cross or connect with another railroad. Upon the hearing of any such application to cross or connect with any other railroad, either party or the referees may call and examine witnesses in regard to the matter, and said referees shall have the same power to administer oaths to witnesses that is now possessed by United States commissioners in said Territory, and said referees shall, after such hearing and a personal examination of the locality where a crossing or connection is desired, determine

whether there is a necessity for such crossing or not, and if so, the place thereof, whether it shall be over or under the existing railroad, or at grade, and in other respects the manner of such crossing and the terms upon which the same shall be made and maintained: Provided, That no crossing shall be made through the yards or over the switches or side tracks of any existing railroad if a crossing can be effected at any other place that is practicable. If either party shall be dissatisfied with the terms of the order made by said referees it may appeal to the United States court of the Indian Territory for the district wherein such crossing or connection is sought to be made in the same manner as appeals are allowed from a judgment of a United States commissioner to said court, and said appeal and all subsequent proceedings shall only affect the amount of compensation, if any, and other terms of crossing fixed by said referees, but shall not delay the making of said crossing or connection: Provided, That the corporation desiring such crossing or connection shall deposit with the clerk of the court the amount of compensation, if any is fixed by said referees, and shall execute and file with said clerk a bond of sufficient security, to be approved by the court or a judge thereof in vacation, to pay all damages and comply with all terms that may be adjudged by the court. Any railway company which shall violate or evade any of the provisions of this section shall forfeit for every such offense, to the person, company, or corporation injured thereby, three times the actual damages sustained by the party aggrieved.

Act Feb. 28, 1902, c. 134, § 17, 32 Stat. 49.

The provisions of section 3 of this act, mentioned in this section, relate to the condemnation of the right of way of the Enid and Anadarko Railway Company through lands held by individuals according to the laws, etc., of any Indian nation or tribe, and differ from the provisions of section 15 of this act, set forth above. Section 3 is as follows:

"That before said railway shall be constructed through any lands held by individual occupants according to the laws, customs, and usages of any of the Indian nations or tribes through which it may be constructed, full compensation shall be made to such occupants for all property to be taken or damage done by reason of the construction of such railway. In case of failure to make amicable settlement with any occupant, such compensation shall be determined by the appraisement of three disinterested referees, to be appointed, one (who shall act as chairman) by the Secretary of the Interior, one by the chief of the nation to which said occupant belongs, and one by said railway company, who, before entering upon the duties of their appointment, shall take and subscribe before a district judge, clerk of a district court, or United States commissioner, an oath that they will faithfully and impartially discharge the duties of their appointment, which oath, duly certified, shall be returned with their award to and filed with the Secretary of the Interior within sixty days from the completion thereof; and a majority of said referees shall be competent to act in case of the absence of a member, after due notice. And upon the failure of either party to make such appointment within thirty days after the appointment made by the Secretary of the Interior, the vacancy shall be filled by a judge of the United States court for the Indian Territory upon the application of the other party. The chairman of said board shall appoint the time and place for all hearings within the nation to which such occupant belongs. Each of said referees shall receive for his services the sum of four dollars per day for each day they are engaged in the trial of any case submitted to them under this Act, with mileage at five cents per mile. Witnesses shall receive the usual fees allowed by the courts of said nations. Costs, including compensation of the referees, shall be made a part of the award, and be paid by such railway company. In case the referees can-

not agree, then any two of them are authorized to make the award. Either party being dissatisfied with the finding of the referees shall have the right, within ninety days after the making of the award and notice of the same, to appeal by original petition to the United States court for the Indian Territory, which court shall have jurisdiction to hear and determine the subject-matter of said petition, according to the laws of the Territory in which the same shall be heard provided for determining the damage when property is taken for railroad purposes. If upon the hearing of said appeal the judgment of the court shall be for a larger sum than the award of the referees, the cost of said appeal shall be adjudged against the railway company. If the judgment of the court shall be for the same sum as the award of the referees, then the costs shall be adjudged against the appellant. If the judgment of the court shall be for a smaller sum than the award of the referees, then the costs shall be adjudged against the party claiming damages. When proceedings have been commenced in court, the railway company shall pay double the amount of the award into court to abide the judgment thereof, and then have the right to enter upon the property sought to be condemned and proceed with the construction of the railway."

Interlocking or automatic signals at crossings.

Sec. 18. That when in any case two or more railroads crossing each other at a common grade shall, by a system of interlocking or automatic signals, or by any works or fixtures to be erected by them, render it safe for engines and trains to pass over such crossing without stopping, and such interlocking or automatic signals or works or fixtures shall be approved by the Interstate Commerce Commissioners, then, in that case, it is hereby made lawful for the engines and trains of such railroad or railroads to pass over such crossing without stopping, any law or the provisions of any law to the contrary notwithstanding; and when two or more railroads cross each other at a common grade, either of such roads may apply to the Interstate Commerce Commissioners for permission to introduce upon both of said railroads some system of interlocking or automatic signals or works or fixtures rendering it safe for engines and trains to pass over such crossings without stopping, and it shall be the duty of said Interstate Commerce Commissioners, if the system of works and fixtures which it is proposed to erect by said company are, in the opinion of the Commission, sufficient and proper, to grant such permission.

Act Feb. 28, 1902, c. 134, § 18, 32 Stat. 49.

Notice of erection of interlocking or automatic signals; division of cost.

Sec. 19. That any railroad company which has obtained permission to introduce a system of interlocking or automatic signals at its crossing at a common grade with any other railroad, as provided in the last section, may, after thirty days' notice, in writing, to such other railroad company, introduce and erect such interlocking or automatic signals or fixtures; and if such railroad company, after such notification, refuses to join with the railroad company giving such notice in the construction of such works or fixtures, it shall be lawful for said company to enter upon the right of way and tracks of such second company, in such manner as to not unnecessarily impede the operation of such road, and erect such works and fixtures, and may recover in any action at law from such second company one-half of the total cost of erecting and maintaining such interlocking or automatic signals or works or fixtures on both of said roads.

Act Feb. 28, 1902, c. 134, § 19, 32 Stat. 50.

Record of mortgages of railway.

Sec. 20. That all mortgages executed by any railway company conveying any portion of its railway, with its franchises, that may be constructed in said Indian Territory, shall be recorded in the Department of the Interior, and the record thereof shall be evidence and notice of their execution, and shall convey all rights, franchises, and property of said company as therein expressed.

Act Feb. 28, 1902, c. 134, § 20, 32 Stat. 50.

Reservation of right to alter, amend, or repeal act.

Sec. 21. That Congress hereby reserves the right at any time to alter, amend, or repeal this Act, or any portion thereof.

Act Feb. 28, 1902, c. 134, § 21, 32 Stat. 50.

Railway companies having rights of way under other acts may obtain benefits of act; extension of time limited for completion of such railroads.

Sec. 22. That any railway company which has heretofore acquired, or may hereafter acquire, under any other Act of Congress, a railroad right of way in Indian Territory may, in the manner herein prescribed, obtain any or all of the benefits and advantages of this Act, and in such event shall become subject to all the requirements and responsibilities imposed by this Act upon railroad companies acquiring a right of way hereunder. And where the time for the completion of a railroad in Indian Territory under any Act granting a right of way therefor has expired, or shall hereafter expire, in advance of the construction of such railroad, or of any part thereof, the Secretary of the Interior may, upon good cause shown, extend the time for the completion of such railroad, or of any part thereof, for a time not exceeding two years from the date of such extension.

Act Feb. 28, 1902, c. 134, § 22, 32 Stat. 50.

Repeal; saving as to railroads actually being constructed and accrued rights; extension of provisions of act to Indian reservations, etc., in Oklahoma.

Sec. 23. That an Act entitled "An Act to provide for the acquiring of rights of way by railroad companies through Indian reservations, Indian lands, and Indian allotments, and for other purposes," approved March second, eighteen hundred and ninety-nine, so far as it applies to the Indian Territory and Oklahoma Territory, and all other Acts or parts of Acts inconsistent with this Act are hereby repealed: Provided, That such repeal shall not affect any railroad company whose railroad is now actually being constructed, or any rights which have already accrued; but such railroads may be completed and such rights enforced in the manner provided by the laws under which such construction was commenced or under which such rights accrued: And provided further, That the provisions of this Act shall apply also to the Osages' Reservation and other Indian reservations and allotted Indian lands in the Territory of Oklahoma, and all judicial proceedings herein authorized, may be commenced and prosecuted in the courts of said Oklahoma Territory which may now or hereafter exercise jurisdiction within said reservations or allotted lands.

Act Feb. 28, 1902, c. 134, § 23, 32 Stat. 50.

Act March 2, 1899, c. 374, repealed in part by this section, is set forth in Comp. St. 1901, pp. 1581–1584.

ACT MARCH 11, 1904, c. 505. [S. 3317.]

An Act Authorizing the Secretary of the Interior to Grant Right of Way for Pipe Lines through Indian Lands. (33 Stat. 65.)

Right of way through Indian reservations or other Indian lands for pipe lines.

Be it enacted, &c., That the Secretary of the Interior is hereby authorized and empowered to grant a right of way in the nature of an easement for the construction, operation, and maintenance of pipe lines for the conveyance of oil and gas through any Indian reservation, through any lands held by an Indian tribe or nation in the Indian Territory, through any lands reserved for an Indian agency or Indian school, or for other purpose in connection with the Indian service, or through any lands which have been allotted in severalty to any individual Indian under any law or treaty, but which have not been conveyed to the allottee with full power of alienation, upon the terms and conditions herein expressed. No such lines shall be constructed across Indian lands, as above mentioned, until authority therefor has first been obtained from, and the maps of definite location of said lines approved by, the Secretary of the Interior: Provided, That the construction of lateral lines from the main pipe line establishing connection with oil and gas wells on the individual allotments of citizens may be constructed without securing authority from the Secretary of the Interior and without filing maps of definite location, when the consent of the allottee upon whose lands oil or gas wells may be located and of all other allottees through whose lands said lateral pipe lines may pass has been obtained by the pipe line company: Provided further, That in case it is desired to run a pipe line under the line of any railroad, and satisfactory arrangements can not be made with the railroad company, then the question shall be referred to the Secretary of the Interior, who shall prescribe the terms and conditions under which the pipe line company shall be permitted to lay its lines under said railroad. The compensation to be paid the tribes in their tribal capacity and the individual allottees for such right of way through their lands shall be determined in such manner as the Secretary of the Interior may direct, and shall be subject to his final approval. And where such lines are not subject to State or Territorial taxation the company or owner of the line shall pay to the Secretary of the Interior, for the use and benefit of the Indians, such annual tax as he may designate, not exceeding five dollars for each ten miles of line so constructed and maintained under such rules and regulations as said Secretary may prescribe. But nothing herein contained shall be so construed as to exempt the owners of such lines from the payment of any tax that may be lawfully assessed against them by either State, Territorial, or municipal authority. And incorporated cities and towns into and through which such pipe lines may be constructed shall have the power to regulate the manner of construction therein, and nothing herein contained shall be so construed as to deny the right of municipal taxation in such towns and cities, and nothing herein shall authorize the use of such right of way except for pipe line, and then only so far as may be necessary for its construction, maintenance, and care: Provided, That the rights herein granted shall not extend beyond a period of twenty

years: Provided further, That the Secretary of the Interior, at the expiration of said twenty years, may extend the right to maintain any pipe line constructed under this Act for another period not to exceed twenty years from the expiration of the first right, upon such terms and conditions as he may deem proper.

Act March 11, 1904, c. 505, § 1, 33 Stat. 65.

Previous provisions for grants of rights of way for pipe lines through public lands in Colorado and Wyoming are contained in Act May 21, 1896, c. 212, set forth in Comp. St. 1901, p. 1573.

Right to amend or repeal act.

Sec. 2. The right to alter, amend, or repeal this Act is expressly reserved.

Act March 11, 1904, c. 505, § 2, 33 Stat. 65.

ACT FEB. 1, 1905, c. 288, § 4.

Rights of way within and across forest reserves for dams, reservoirs, water plants, ditches, etc., for municipal and mining purposes and for milling and reduction of ores.

That rights of way for the construction and maintenance of dams, reservoirs, water plants, ditches, flumes, pipes, tunnels, and canals, within and across the forest reserves of the United States, are hereby granted to citizens and corporations of the United States for municipal or mining purposes, and for the purposes of the milling and reduction of ores, during the period of their beneficial use, under such rules and regulations as may be prescribed by the Secretary of the Interior, and subject to the laws of the State or Territory in which said reserves are respectively situated.

Act Feb. 1, 1905, c. 288, § 4, 33 Stat. 628.

This section is part of an act which transfers the execution of the laws relating to forest reserves from the Secretary of the Interior to the Secretary of Agriculture, other sections of which are set forth ante, under this chapter, subchapter "National Forests."

Previous provisions authorizing grants of rights of way through forest and other reservations and certain national parks for various works, including canals, ditches, etc., and water plants, dams, and reservoirs, etc., are contained in Act Feb. 15, 1901, c. 372, set forth in Comp. St. 1901, p. 1584.

ACT JUNE 21, 1906, c. 3504. [H. R. 15331.]

Amendment of Act March 2, 1899, c. 374, § 2; width of right of way; grounds for stations, etc.

That section two of an Act of Congress entitled "An Act to provide for the acquiring of rights of way of railroad companies through Indian reservations. Indian lands, and Indian allotments, and for other purposes," approved March second, eighteen hundred and ninety-nine, be, and the same hereby is, amended so as to read as follows:

"Sec. 2. That such right of way shall not exceed fifty feet in width on each side of the center line of the road, except where there are heavy cuts and fills, when it shall not exceed one hundred feet in width on each side of the road, and may include grounds adjacent thereto for station buildings, depots, machine shops, side tracks, turnouts, and water stations, not to exceed two hundred feet in width by a length of three thousand feet, and not more than one station to be located within any one continuous length of ten miles of road."

Act June 21, 1906, c. 3504, 34 Stat. 330.

Act March 2, 1899, c. 374, § 2, mentioned in and amended by this section, is set forth in Comp. St. 1901, p. 1582. The amendment consists

chiefly in an increase of the amount of land granted for station buildings, etc., and the omission of the proviso annexed to the section as originally enacted, relating to rights of way previously granted.

Provisions applicable to rights of way for railroads, grounds for stations, etc., in the Indian Territory, are contained in Act Feb. 28, 1902, c. 134, § 14, set forth above.

ACT JUNE 26, 1906, c. 3548. [S. 3743.]

An Act to Confirm the Right of Way of Railroads now Constructed and in Operation in the Territories of Oklahoma and Arizona. (34 Stat. 481.)

Rights of way of railroads in Oklahoma and Arizona; lands to be subject thereto.

Be it enacted, &c., That where, under the Act of Congress approved March third, eighteen hundred and seventy-five, entitled, "An Act granting to railroads the right of way through the public lands of the United States," or under special Acts of Congress, or under the laws of the Territories of Oklahoma and Arizona, railroads have been constructed and are now in operation in Oklahoma or Arizona which may pass through any of the lands heretofore reserved for said Territories, such lands shall be disposed of subject to such railroad right or easement, but only to the extent of the right of way conferred by the said Act of March third, eighteen hundred and seventy-five, for such railroad purposes.

Act June 26, 1906, c. 3548, 34 Stat. 481.

Act March 3, 1875, c. 152, mentioned in this act, is set forth in Comp. St. 1901, pp. 1568, 1569.

ACT JUNE 26, 1906, c. 3550. [H. R. 15513.]

An Act to Declare and Enforce the Forfeiture Provided by Section Four of the Act of Congress Approved March Third, Eighteen hundred and seventy-five, Entitled "An Act Granting to Railroads the Right of Way through the Public Lands of the United States." (34 Stat. 482.)

Forfeiture of rights granted where railroad or section thereof not constructed in five years after location.

Be it enacted, &c., That each and every grant of right of way and station grounds heretofore made to any railroad corporation under the Act of Congress approved March third, eighteen hundred and seventy-five, entitled "An Act granting to railroads the right of way through the public lands of the United States," where such railroad has not been constructed and the period of five years next following the location of said road, or any section thereof, has now expired, shall be, and hereby is, declared forfeited to the United States, to the extent of any portion of such located line now remaining unconstructed, and the United States hereby resumes the full title to the lands covered thereby freed and discharged from such easement, and the forfeiture hereby declared shall, without need of further assurance or conveyance, inure to the benefit of any owner or owners of land heretofore conveyed by the United States subject to any such grant of right of way or station grounds: Provided, That in any case under this Act where construction of the railroad is progressing in good faith at the date of the ap-

proval of this Act the forfeiture declared in this Act shall not take effect as to such line of railroad.

Act June 26, 1906, c. 3550, 34 Stat. 482.

Act March 3, 1875, c. 152, mentioned in this act, section 4 of which provides for forfeiture of the rights granted thereby, as declared by this act, is set forth in Comp. St. 1901, pp. 1568, 1569.

Subsequent provisions similar to those of this act are contained in Act Feb. 25, 1909, c. 191, set forth below.

ACT FEB. 25, 1909, c. 191. [H. R. 24883.]

An Act to Declare and Enforce the Forfeiture Provided by Section Four of the Act of Congress Approved March Third, Eighteen hundred and seventy-five, Entitled "An Act Granting to Railroads the Right of Way through the Public Lands of the United States." (35 Stat. 647.)

Forfeiture of rights granted where railroad or section thereof not constructed in five years after location.

Be it enacted, &c., That each and every grant of right of way and station grounds heretofore made to any railroad corporation under the Act of Congress approved March third, eighteen hundred and seventy-five, entitled "An Act granting to railroads the right of way through the public lands of the United States," where such railroad has not been constructed and the period of five years next following the location of said road, or any section thereof, has now expired, shall be, and hereby is, declared forfeited to the United States, to the extent of any portion of such located line now remaining unconstructed, and the United States hereby resumes the full title to the lands covered thereby free and discharged from such easement, and the forfeiture hereby declared shall, without need of further assurance or conveyance, inure to the benefit of any owner or owners of land heretofore conveyed by the United States subject to any such grant of right of way or station grounds: Provided, That no right of way on which construction is progressing in good faith at the time of the passage of this Act shall be in any wise affected, validated or invalidated, by the provisions of this Act.

Act Feb. 25, 1909, c. 191, 35 Stat. 647.

Act March 3, 1875, c. 152, mentioned in this act, is set forth in Comp. St. 1901, p. 1568.

Previous provisions similar to those of this act were contained in Act June 26, 1906, c. 3550, set forth above.

ACT APRIL 12, 1910, c. 155. [S. 3544.]

An Act to Grant Right of Way over the Public Domain in the State of Arkansas for Oil or Gas Pipe Lines. (36 Stat. 296.)

Right of way in Arkansas to pipe line companies.

Be it enacted, &c., That a right of way through the public lands of the United States in the State of Arkansas is hereby granted for pipe-line purposes to any citizen of the United States or any company or corporation authorized by its charter to transport oil, crude or refined, or natural gas which shall have filed or may hereafter file with the Secretary of the Interior a copy of its articles of incorporation, and due proof of organization under the same, to the extent of the

ground occupied by the said pipe line and ten feet on each side of the center line of same.

Act April 12, 1910, c. 155, § 1, 36 Stat. 296.

Similar provisions for grants of rights of way for pipe lines through public lands in Colorado and Wyoming are contained in Act May 21, 1896, c. 212, set forth in Comp. St. 1901, p. 1573.

Applications; approval.

Sec. 2. That any citizen of the United States, company, or corporation desiring to secure the benefits of this Act shall within twelve months after the location of ten miles of the pipe line, if the same be upon surveyed land, and if the same be upon unsurveyed lands within twelve months after the survey thereof by the United States, file with the register of the land office for the district where such land is located a map of its lines, and upon the approval thereof by the Secretary of the Interior, the same shall be noted upon the plats in said office, and thereafter all such land over which such line shall pass shall be disposed of subject to such right of way.

Act April 12, 1910, c. 155, § 2, 36 Stat. 296.

Use of right of way for pipe line only.

Sec. 3. That nothing in this Act shall authorize the use of such right of way except for the pipe line, and then only so far as may be necessary for its construction, maintenance, and care.

Act April 12, 1910, c. 155, § 3, 36 Stat. 296.

Forfeiture of right for nonuser, etc.

Sec. 4. That if any section of said pipe line shall not be completed within one year after the approval by the Secretary of the Interior of said section, or if any section of said pipe line shall be abandoned or shall not be used for a period of two years, the right of way herein granted as to any uncompleted, abandoned or unused section of said pipe line shall be forfeited to the extent that the same is not completed or is abandoned or unused at the date of the forfeiture, without further action or declaration on the part of the Government or any proceedings or judgment of any court.

Act April 12, 1910, c. 155, § 4, 36 Stat. 296.

Forfeiture of right for violation of anti-trust law.

Sec. 5. That if any citizen, company, or corporation taking advantage of the benefits of this Act, shall violate the Act of July second, eighteen hundred and ninety, entitled "An Act to protect trade and commerce against unlawful restraints and monopolies" (commonly known as the Sherman antitrust act), or any amendment thereof, the right of way herein granted shall be forfeited without further action or declaration on the part of the Government or any proceedings or judgment of any court.

Act April 12, 1910, c. 155, § 5, 36 Stat. 296.

ACT MAY 6, 1910, c. 204. [S. 6808.]

An Act Granting Lands for Reservoirs, and so forth. (36 Stat. 349.)

Railways in Indian reservations; acquisition of lands allotted in severalty to Indians, for reservoirs, materials, etc.

Be it enacted, &c., That the provisions of the Act entitled "An Act making appropriation for the current and contingent expenses of the

Indian Department, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June thirtieth, nineteen hundred and ten," approved March third, nineteen hundred and nine, which authorized the Secretary of the Interior to grant to railway companies lands in Indian reservations for reservoirs, material or ballast pits, or for the purpose of planting and growing trees to protect their lines of railway, be, and the same are hereby, extended and made applicable to any lands which have been allotted in severalty to any individual Indian under any law or treaty, but which have not been conveyed to the allottee with full power of alienation; that the damages and compensation to be paid to any Indian allottee shall be ascertained and fixed in such manner as the Secretary of the Interior may direct and shall be paid by the railway company to said Secretary; that the damages and compensation paid to the Secretary of the Interior by the railway company taking any such land shall be paid by said Secretary to the allottee sustaining such damages.

Act May 6, 1910, c. 204, 36 Stat. 349.
The provisions of Act March 3, 1909, c. 263, mentioned in this act, are set forth above.

ACT JUNE 25, 1910, c. 431, § 16. [H. R. 24992.]

Amendment of Act March 2, 1899, c. 374, § 1.

Sec. 16. That section one of the Act entitled "An Act to provide for the acquiring of rights of way by railroad companies through Indian reservations, Indian lands, and Indian allotments, and for other purposes," approved March second, eighteen hundred and ninety-nine, be, and the same hereby is, amended by adding thereto the following:

Rights of way through Indian reservations, etc., for railroads, etc.; stations for town sites.

"Provided also, That as a condition precedent to each and every grant of a right of way under authority of this Act, each and every railway company applying for such grant shall stipulate that it will construct and permanently maintain suitable passenger and freight stations for the convenience of each and every town site established by the Government along said right of way."

Act June 25, 1910, c. 431, § 16, 36 Stat. 859.
Act March 2, 1899, c. 374, § 1, amended by this section, is set forth in Comp. St. 1901, p. 1581.

ACT MARCH 4, 1911, c. 238. [H. R. 31596.]

Rights of way through public lands, national forests, and reservations, for electrical poles and lines; approval of chief officer of department; forfeiture for non-user; rights of holders of previous permits.

That the head of the department having jurisdiction over the lands be, and he hereby is, authorized and empowered, under general regulations to be fixed by him, to grant an easement for rights of way, for a period not exceeding fifty years from the date of the issuance of such grant, over, across, and upon the public lands, national forests, and reservations of the United States for electrical poles and lines for the transmission and distribution of electrical power, and for poles and lines for telephone and telegraph purposes, to the extent of twenty feet on each side of the center line of such electrical, telephone and

telegraph lines and poles, to any citizen, association, or corporation of the United States, where it is intended by such to exercise the right of way herein granted for any one or more of the purposes herein named: Provided, That such right of way shall be allowed within or through any national park, national forest, military, Indian, or any other reservation only upon the approval of the chief officer of the department under whose supervision or control such reservation falls, and upon a finding by him that the same is not incompatible with the public interest: Provided, That all or any part of such right of way may be forfeited and annulled by declaration of the head of the department having jurisdiction over the lands for nonuse for a period of two years or for abandonment.

That any citizen, association, or corporation of the United States to whom there has heretofore been issued a permit for any of the purposes specified herein under any existing law, may obtain the benefit of this Act upon the same terms and conditions as shall be required of citizens, associations, or corporations hereafter making application under the provisions of this statute.

Act March 4, 1911, c. 238, 36 Stat. 1253.

These are provisions of the agricultural appropriation act for the fiscal year ending June 30, 1912, cited above.

[SWAMP AND OVERFLOWED LANDS.]

Sec. 2479.

Grant of swamp and overflowed lands to certain States to aid in construction of levees, etc.

The act providing for the admission of the State of Oklahoma into the Union declares that the grant of swamp and overflowed lands made by Act Sept. 28, 1850, c. 84, and Rev. St. § 2479, is not extended to said State, and in lieu of any claim under those provisions, makes grants to said State for various purposes, as in the cases of other States previously admitted, mentioned in the note to this section in Comp. St. 1901, p. 1587. Act June 16, 1906, c. 3335, § 12, 34 Stat. 274.

Similar grants are made, by the act providing for the admission of the States of New Mexico and Arizona into the Union, to each of said States, for various purposes, in lieu of swamp-land grants and other grants not extended to said States. Act June 20, 1910, c. 310, §§ 7, 25, 36 Stat. 562, 573.

[DRAINAGE.]

ACT MAY 20, 1908, c. 181. [H. R. 19541.]

An Act to Authorize the Drainage of Certain Lands in the State of Minnesota. (35 Stat. 169.)

Public lands in Minnesota made subject to state laws for drainage of swamp or overflowed lands for agricultural purposes.

Be it enacted, &c., That all lands in the State of Minnesota, when subject to entry, and all entered lands for which no final certificates have issued, are hereby made and declared to be subject to all of the provisions of the laws of said State relating to the drainage of swamp or overflowed lands for agricultural purposes to the same extent and in the same manner in which lands of a like character held in private ownership are or may be subject to said laws: Provided, That the United States and all persons legally holding unpatented lands under

entries made under the public-land laws of the United States are accorded all the rights, privileges, and benefits given by said laws to persons holding lands of a like character in private ownership.

Act May 20, 1908, c. 181, § 1, 35 Stat. 169.

Apportionment of cost of drainage works; act not to create any obligation on the United States.

Sec. 2. That the cost of constructing canals, ditches, and other drainage works incurred in connection with any drainage project under said laws shall be equitably apportioned among all lands held in private ownership, all lands covered by unpatented entries, and all unentered public lands affected by such project; and officially certified lists showing the amount of the charges assessed against each smallest legal subdivision of such lands shall be furnished to the register and receiver of the land district in which the lands affected are located as soon as said charges are assessed, but nothing in this Act shall be construed as creating any obligation on the United States to pay any of said charges.

Act May 20, 1908, c. 181, § 2, 35 Stat. 169.

Sale of lands for enforcement of charges assessed.

Sec. 3. That all charges legally assessed may be enforced against any unentered lands, or against any lands covered by an unpatented entry, by the sale of such lands subject to the same manner and under the same proceedings under which such charges would be enforced against lands held in private ownership.

Act May 20, 1908, c. 181, § 3, 35 Stat. 170.

Statement of sale of land under act to be certified to register and receiver.

Sec. 4. That when any unentered lands, or any lands covered by an unpatented entry, have been sold in the manner mentioned in this Act, a statement of such sale showing the price at which each legal subdivision was sold shall be officially certified to the register and receiver immediately after the completion of such sale.

Act May 20, 1908, c. 181, § 4, 35 Stat. 170.

Patents to purchasers of unentered lands at sale under act; limitations; disposal of excess of purchase money over payments required and drainage charges.

Sec. 5. That at any time after any sale of unentered lands has been made in the manner and for the purposes mentioned in this Act patent shall issue to the purchaser thereof upon payment to the receiver of the minimum price of one dollar and twenty-five cents per acre, or such other price as may have been fixed by law for such lands, together with the usual fees and commissions charged in entry of like lands under the homestead laws. But purchasers at a sale of unentered lands shall have the qualification of homestead entrymen and not more than one hundred and sixty acres of such lands shall be sold to any one purchaser under the provisions of this Act. This limitation shall not apply to sales to the State but shall apply to purchases from the State of unentered lands bid in for the State. Any part of the purchase money arising from the sale of any lands in the manner and for the purposes provided in this Act which shall be in excess of the payments herein required and of the total drainage charges assessed against such lands shall also be paid to the receiver before patent is issued.

Act May 20, 1908, c. 181, § 5, 35 Stat. 170.

Patents to purchasers of unpatented lands at sale under act; disposal of excess of sum received over payments required and drainage charges; forfeiture of rights of purchasers on nonpayment, and subrogation thereto of person making payment; disposal of proceeds.

Sec. 6. That any unpatented lands sold in the manner and for the purposes mentioned in this Act may be patented to the purchaser thereof at any time after the expiration of the period of redemption provided for in the drainage laws under which it may be sold (there having been no redemption) upon the payment to the receiver of the fees and commissions and the price mentioned in the preceding section, or so much thereof as has not already been paid by the entryman; and if the sum received at any such sale shall be in excess of the payments herein required and of the drainage assessments and costs of the sale, such excess shall be paid to the proper county officer for the benefit of and payment to the entryman. That unless the purchasers of unentered lands shall within ninety days after the sale provided for in section three, pay to the proper receiver the fees, commissions and purchase price to which the United States may be entitled as provided in section five, and unless the purchasers of entered lands shall within ninety days after the right of redemption has expired make like payments as provided for in this section, any person having the qualifications of a homestead entryman may pay to the proper receiver for not more than one hundred and sixty acres of land for which such payment has not been made: First, the unpaid fees, commissions and purchase price to which the United States may then be entitled: and, second, the sum at which the land was sold at the sale for drainage charges, and in addition thereto, if bid in by the State, interest on the amount bid by the State at the rate of seven per centum per annum from the date of such sale, and thereupon the person making such payment shall become subrogated to the rights of such purchaser to receive a patent for said land. When any payment is made to effect such subrogation the receiver shall transmit to the treasurer of the county where the land is situated the amount at which the land was sold at the sale for drainage charges together with the interest paid thereon, if any, less any sum in excess of what may be due for such drainage charge, if the land when sold was unentered.

Act May 20, 1908, c. 181, § 6, 35 Stat. 170.

Notices required by drainage laws to be delivered to register and receiver and to entrymen of unpatented lands affected; rights of United States and of such entrymen to be heard, etc.

Sec. 7. That a copy of all notices required by the drainage laws mentioned in this Act to be given to the owners or occupants of lands held in private ownership shall, as soon as such notices issue, be delivered to the register and receiver of the proper district land office in cases where unentered lands are affected thereby and to the entrymen whose unpatented lands are included therein, and the United States and such entrymen shall be given the same rights to be heard by petition, answer, remonstrance, appeal, or otherwise as are given to persons holding lands in private ownership; and all entrymen shall be given the same rights of redemption as are given to the owners of lands held in private ownership.

Act May 20, 1908, c. 181, § 7, 35 Stat. 171.

Homestead entries and final proofs may be made on certain ceded Indian lands and patents may issue thereon, as in other homestead cases, on payment of price and addition to repay cost of drainage survey.

Sec. 8. That hereafter homestead entries and final proofs may be made upon all ceded Chippewa Indian lands in Minnesota embraced in the withdrawal under the Act of June twenty-first, nineteen hundred and six, entitled "An Act making appropriations for the current and contingent expenses of the Indian Department" (Thirty-fourth Statutes at Large, page three hundred and twenty-five), and patents may issue thereon as in other homestead cases, upon the payment by the entryman of the price prescribed by law for such land and on entries on the ceded Red Lake Reservation in addition thereto the sum of three cents per acre to repay the cost of the drainage survey thereof, which addition shall be disposed of the same as the other proceeds of said land.

Act May 20, 1908, c. 181, § 8, 35 Stat. 171.

[GRANTS FOR RAILROADS AND WAGON ROADS.]

ACT JUNE 22, 1874, c. 400.

Selection by railroads of lands in lieu of lands entered by settlers subsequent to accrual of rights of railroads; title of settlers.

The provisions of this act and all acts amendatory thereof and supplementary thereto apply to grants in aid of the construction of wagon roads, by Act July 1, 1902, c. 1386, set forth below.

Any homestead settler whose entry within the limits of the grant to the State of Alabama in aid of the construction of the Mobile & Girard Railroad, by Act June 3, 1856, 11 Stat. 18, has been canceled because of a superior claim to the land through purchase from the railroad company, is accorded the privilege of transferring his claim to other public land subject to homestead entry, or, should he elect to retain the tract embraced in his homestead entry, the holder of the patented title through the railroad grant may relinquish or reconvey the land included in such homestead entry, and thereupon shall be entitled to select and receive patent for an equal quantity of public lands subject to homestead entry, by Act Feb. 24, 1905, c. 779, 33 Stat. 813.

ACT JULY 1, 1902, c. 1386.

An Act for the Relief of Settlers on Lands Granted in Aid of the Construction of Wagon Roads. (32 Stat. 733.)

Provisions for relief of settlers on lands granted in aid of railroads, applicable to grants in aid of wagon roads.

Be it enacted, &c., That the provision of the Act of June twenty-second, eighteen hundred and seventy-four, entitled "An Act for the relief of settlers on railroad lands," and all Acts amendatory thereof or supplementary thereto, including the Act approved March third, eighteen hundred and eighty-seven, entitled "An Act to provide for the adjustment of land grants made by Congress to aid in the construction of railroads and for the forfeiture of unearned lands, and for other purposes," as modified or supplemented by the Act approved March second, eighteen hundred and ninety-six, entitled "An Act to provide for the extension of the time within which suits may be brought to vacate and annul land patents, and for other purposes," shall apply to grants of land in aid of the construction of wagon roads.

Act July 1, 1902, c. 1386, 32 Stat. 733.

Act July 22, 1874, c. 400, and other acts amendatory thereof or sup-

plementary thereto, including Act March 3, 1887, c. 376, and Act March 2, 1896, c. 39, mentioned in this act, are set forth in Comp. St. 1901, pp. 1593–1604.

ACT MARCH 3, 1887, c. 376. [*As amended* 1896.]

Adjustment of land grants to railroads by Secretary of Interior.

To enable the Secretary of the Interior to complete the adjustment of land grants to aid in the construction of railroads, any railroad corporation required by law to pay the costs of surveying, etc., unsurveyed lands granted to it, is required to deposit a sum sufficient to pay such cost, to be disbursed for the surveying, etc., and conveyance of such lands, by Act June 25, 1910, c. 406, set forth below.

ACT JUNE 25, 1910, c. 406. [H. R. 18176.]

An Act Making an Appropriation for the Survey of Public Lands Lying within the Limits of Land Grants, to Provide for the Forfeiture to the United States of Unsurveyed Land Grants to Railroads, and for Other Purposes. (36 Stat. 834.)

Deposits by railroad companies for costs of surveying, etc., and conveying unsurveyed lands granted to them; disbursement of deposits; repayment of excess.

Be it enacted, &c., That to enable the Secretary of the Interior to complete the adjustment of land grants made by Congress to aid in the construction of railroads, and to subject the lands granted to taxation by States, Territories, and municipal authorities, any railroad corporation required by law to pay the costs of surveying, selecting, or conveying any lands granted to such company or corporation, or for its use and benefit, by any Act of Congress, shall be, and is hereby, required, within ninety days from demand by the Secretary of the Interior, to deposit in a proper United States depository to the credit of the United States a sum sufficient to pay the cost of surveying, selecting, and conveying any of the unsurveyed lands granted to such company, or for its use and benefit, under any act of Congress: Provided further, That the Secretary of the Interior shall determine and specify in the notice or demand to such company the amount of the required deposit, and may, in his discretion, demand a sum sufficient to cover the cost of the survey, selection, and conveyance of the entire area granted to any company, or for its use and benefit, then unsurveyed, or for such townships or fractional townships as he may prescribe and designate in the notice or demand to such company, as aforesaid: And provided further, That the amount deposited shall, subject to the rules and regulations of the Department of the Interior, under the direction of the Commissioner of the General Land Office, be disbursed for the surveying, including office and field work, selection, and conveyance of the lands granted and designated in the notice of the Secretary of the Interior, as aforesaid: And provided further, That in the event the money deposited by any railroad corporation under the provisions of this act shall exceed the cost of said surveys, the said excess thereof shall be repaid to the corporations so depositing the same, or to its assigns.

Act June 25, 1910, c. 406, § 1, 36 Stat. 834.

Forfeiture of grant on failure to make deposit.

Sec. 2. That if any railroad corporation required by law to pay the costs of surveying, selecting, or conveying any lands granted to such corporation, or for its use and benefit, by any Act of Con-

gress, shall, for ninety days from notice or demand by the Secretary of the Interior, as provided in this Act, neglect or refuse to deposit an amount sufficient to meet the expense of surveying, selecting, and conveying the unsurveyed lands granted to such company, or for its use and benefit, by any Act of Congress, and designated in the notice or demand by the Secretary of the Interior, as aforesaid, the rights, title, and interests of such company, and all those claiming by, through, or under it, in and to the unsurveyed lands designated in the notice of the Secretary, as aforesaid, shall cease and forfeit to the United States; and the Secretary of the Interior shall notify the Attorney-General, who shall at once commence proceedings to declare the forfeiture and to restore the lands forfeited to the public domain.

Act June 25, 1910, c. 406, § 2, 36 Stat. 834.

Right to extend public surveys over lands granted, and other rights of United States, not affected by act; granted lands surveyed subject to taxation by State, etc.

Sec. 3. That this Act shall not affect the right of the Secretary of the Interior to cause the public surveys to be extended over any lands granted to any railroad or corporation by any Act of Congress in the manner now otherwise provided by law, nor shall any claim, right, interest, or demand of the Government of the United States be waived or annulled by the provisions hereof: Provided, That all granted lands surveyed under the provisions of this Act shall be subject to taxation by States, Territories, and municipal authorities, and the right of the Government to reimburse itself for the survey, selection, and conveyance of such lands otherwise provided by law shall remain in full force and effect.

Act June 25, 1910, c. 406, § 3, 36 Stat. 834.

Regulations for carrying out provisions of act.

Sec. 4. That the Secretary of the Interior shall prescribe such rules and regulations as will be necessary to the carrying out of the foregoing provisions.

Act June 25, 1910, c. 406, § 4, 36 Stat. 835.

[ABANDONED MILITARY AND NAVAL RESERVATIONS.]

ACT JULY 5, 1884, c. 214, §§ 1, 3.

Disposition of abandoned and useless military reservations.

The sale of the lands and improvements of the military posts or reservations at Indianapolis, Ind., Columbus, Ohio, and Buffalo, N. Y., and the purchase of new sites, are authorized by provisions of Act June 30, 1902, c. 1328, set forth below.

The reappraisement and sale of the undisposed-of lands within the Fort Walla Walla Military Reservation, Washington, are provided for by Act April 22, 1904, c. 1415, set forth below.

The disposal of unsold lots in the Fort Crawford military tract at Prairie du Chien, Wisconsin, is provided for by Act April 25, 1904, c. 1600, set forth below.

The disposal under the public land laws of lands in the Fort Shaw Military Reservation, Montana, is provided for by Act June 9, 1906, c. 3066, set forth below.

The public land laws are extended to lands within the Fort Crittenden Military Reservation, Utah, and the issue of patents on homestead entries on lands within the Fort Rice Military Reservation, North Dakota, is provided for by Act June 30, 1906, c. 3931, set forth below.

The sale of the lands, etc., of the old Fort Spokane Military Reser-

vation, Washington, used for Indian school purposes, the proceeds thereof to be used for new schools, etc., is authorized by provisions of Act March 3, 1911, c. 210, set forth below.

The provisions of Act Aug. 18, 1894, c. 301, § 4, the Carey Act, are made applicable to lands in the former Fort Bridger Military Reservation, Wyoming, by Act Feb. 16, 1911, set forth below.

An appropriation for expenses of survey, appraisal, and sale of abandoned military reservations, transferred to the control of the Secretary of the Interior under the provisions of Act July 5, 1884, c. 214, set forth in Comp. St. 1901, p. 1607, and any law prior thereto, is made by each of the recent sundry civil appropriation acts. The provision for the fiscal year ending June 30, 1912, is by Act March 4, 1911, c. 285, § 1, 36 Stat. 1417.

Appraisal and sale of buildings, etc., on reservations.

Certain lands of the abandoned Fort Sheridan and Fort McPherson Military Reservations, title to which remains in the government and which have become subject to homestead provisions, are exempted from payment of the appraised values imposed by this act, by Act May 29, 1908, c. 220, § 8, set forth below, at the end of this subchapter.

ACT AUG. 23, 1894, c. 314.

[Amended. Act April 23, 1904, c. 1496.]

This act, set forth in Comp. St. 1901, p. 1611, is amended by the addition thereto of a third section by Act April 23, 1904, c. 1496, set forth below.

ACT MARCH 3, 1901, c. 833.

Purchase by homesteaders on abandoned Fort Fetterman military reservation of pasture and grazing lands.

Provisions similar to those of this act, relating to other abandoned military reservations, are contained in Act May 31, 1902, c. 945, set forth below.

ACT MAY 31, 1902, c. 945.

An Act Granting Homesteaders on the Abandoned Fort Bridger, Fort Sanders, and Fort Laramie Military Reservations, and Fort Laramie Wood Reservation, in Wyoming, the Right to Purchase One Quarter Section of Public Land on Said Reservations as Pasture or Grazing Land, and for Other Purposes. (32 Stat. 283.)

Purchase by homesteaders on certain abandoned military reservations of pasture and grazing lands.

Be it enacted, &c., That each person who has or may hereafter exercise the right of homestead entry on the abandoned Fort Bridger Reservation, or on the Fort Sanders, or the Fort Laramie abandoned military reservations, or the abandoned Fort Laramie Wood Reservation, to which the homestead laws are hereby extended, in the State of Wyoming, and is residing on said reservations under the provisions and requirements of the homestead law, or who is a resident and the owner in fee of one hundred and sixty acres thereon by purchase, shall, upon proper proof of settlement, homestead, or other legal title upon said reservations, be entitled to the right to purchase, under such rules and regulations as the Secretary of the Interior may prescribe, at one dollar and twenty-five cents per acre, not exceeding one quarter section of the public lands on said reservations as pasture or grazing land not otherwise disposed of: Provided, That land so purchased be unfitted for cultivation and homestead entry by reason of

lack of water for irrigating purposes or otherwise: And provided further, That said purchase of pasture or grazing land shall not, with the land heretofore entered by the applicant, exceed in the aggregate three hundred and twenty acres.

Act May 31, 1902, c. 945, 32 Stat. 283.

Similar provisions relating to Fort Fetterman Reservation are contained in Act March 3, 1901, c. 833, Comp. St. 1901, p. 1614.

ACT JUNE 30, 1902, c. 1328.

Sale of lands and improvements at military posts or reservations at Indianapolis, Columbus, and Buffalo, and purchase of new sites.

* * And whenever in the opinion of the President the lands and improvements, or any portion of them, of the military posts or reservations at Indianapolis, Indiana, Columbus, Ohio, and Buffalo, New York, have become undesirable for military purposes he may, in his discretion, cause the same to be appraised and sold at public sale at not less than the appraised value, either as a whole or in subdivisions, under such regulations as to public notice and terms and conditions of sale as he may prescribe, and the proceeds to be deposited in the Treasury. And a sum of money not exceeding the proceeds of such sale or sales at each of such places respectively is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the purchase of such land at or in the vicinity of Indianapolis, Indiana, Columbus, Ohio, and Buffalo, New York, respectively, as may be required for military purposes, and for building barracks or quarters on such lands to be devoted to military purposes; and the Secretary of War is hereby authorized to make such purchases of lands for the establishment of military posts at or in the vicinity of such places, respectively: Provided, That no part of the moneys so appropriated shall be paid for commutation of fuel or for quarters to officers or enlisted men: * *

Act June 30, 1902, c. 1328, 32 Stat. 515.

These are provisions following an appropriation for barracks and quarters, etc., in the Army appropriation act for the fiscal year ending June 30, 1903, cited above.

ACT FEB. 11, 1903, c. 543.

An Act Adjusting Certain Conflicts Respecting State School Indemnity Selections in Lieu of School Sections in Abandoned Military Reservations. (32 Stat. 822.)

Selections by states in lieu of school sections in abandoned military reservations, confirmed; disposal of such school sections.

Be it enacted, &c., That all State school indemnity selections in lieu of what are known as school sections in abandoned military reservations made pursuant to the decision of the Secretary of the Interior dated January twenty-eighth, eighteen hundred and ninety-eight, and before notice of the withdrawal of that decision was received at the local land office at which the selections were made, and which are otherwise regular and free from any prior lawful claim, shall be confirmed by the Secretary of the Interior; and the lands in such school sections in lieu of which such confirmed selections were made shall be disposed of under the laws applicable to other lands in such abandoned military reservations, a preference right being accorded

to those who have made and maintained a bona fide settlement or entry pursuant to said decision of the Secretary of the Interior.

Act Feb. 11, 1903, c. 543, 32 Stat. 822.

General provisions for selections by States in lieu of school lands, to supply deficiencies thereof, are contained in Rev. St. §§ 2275, 2276, Comp. St. 1901, pp. 1381–1383.

ACT APRIL 22, 1904, c. 1415. [H. R. 12685.]

An Act For the Reappraisement and Sale of the Undisposed Lands within the Fort Walla Walla Military Reservation, in the State of Washington. (33 Stat. 243.)

Fort Walla Walla Military Reservation; reappraisement of lands undisposed of.

Be it enacted, &c., That the lands originally embraced within the Fort Walla Walla Military Reservation, in the State of Washington, remaining undisposed of shall be reappraised, under the direction of the Secretary of the Interior, by legal subdivisions, and the appraisers, in their report, shall note the character of each legal subdivision and state whether it is chiefly valuable for stone, mineral, timber, agricultural, or grazing purposes, and if any of the legal subdivisions of said land is improved the appraiser shall appraise separately the improvements on said land and the land independently of such improvements, and they shall describe generally the character of such improvements, and also report the names of the persons who made such improvements and the parties claiming to own the same.

[1] Act April 22, 1904, c. 1415, § 1, 33 Stat. 243.

Sale of land; deduction or payment for improvements.

Sec. 2. That upon the approval of such reappraisement by the Secretary of the Interior said lands shall be offered for sale to the highest bidder, for cash, at such times and under such regulations as the Secretary of the Interior may determine: Provided, That the land and improvements shall not be sold at less than the appraised value: Provided further, That if the highest bidder shall be the person who made the improvements upon such land, or his assigns, the appraised value of the improvements shall be deducted from his bid, and he shall be required to pay only the remainder to the United States, and if the highest bidder is some one other than the party who made such improvements, or his assigns, then the appraised value of the improvements shall be paid to such party, or his assigns, and the remainder to the United States, and the Secretary of the Interior must be satisfied that the improvements shall have been paid for, as herein provided, before patent is issued to the purchaser of any of said lands: Provided also, That this Act shall not affect the lands in the existing Fort Walla Walla Military Reservation, area six hundred and nineteen acres and fifty-seven one-hundreths of an acre.

Act April 22, 1904, c. 1415, § 2, 33 Stat. 243.

ACT APRIL 23, 1904, c. 1496. [H. R. 12687.]

An Act to Amend an Act Entitled "An Act to Provide for the Opening of Certain Abandoned Military Reservations, and for Other Purposes," Approved August Twenty-third, Eighteen hundred and ninety-four. (33 Stat. 306.)

Amendment of Act Aug. 23, 1894, c. 314.

Be it enacted, &c., That an Act entitled "An Act to provide for the opening of certain abandoned military reservations, and for other purposes," approved August twenty-third, eighteen hundred and ninety-four, be, and the same is hereby, amended by adding thereto section three, which said section shall read as follows:

Fort Abraham Lincoln Military Reservation; homestead entries.

"Sec. 3. That all persons now having, or who may hereafter file, homestead applications upon any of the lands situate within the abandoned Fort Abraham Lincoln Military Reservation, in Morton County, State of North Dakota, shall be entitled to a patent to the land filed upon by such person upon compliance with the provisions of the homestead law of the United States and proper proof thereof, and shall not be required to pay the appraised values of such lands in addition to such compliance with the said homestead law."

Act April 23, 1904, c. 1496, 33 Stat. 306.

Act Aug. 23, 1894, c. 314, amended by this act by adding thereto section 3, set forth here, is set forth in Comp. St. 1901, p. 1611.

ACT APRIL 25, 1904, c. 1600. [H. R. 14621.]

An Act for the Disposal of the Unsold Lots in the Fort Crawford Military Tract at Prairie du Chien, Crawford County, Wisconsin. (33 Stat. 306.)

Fort Crawford military tract; disposal of lots to occupants and settlers, and sale of lots not so disposed of.

Be it enacted, &c., That all lots in the Fort Crawford military tract at Prairie du Chien, Crawford County, Wisconsin, not heretofore sold under the Act entitled "An Act to provide for the disposal of certain lands therein named," approved March third, eighteen hundred and sixty-three, shall be disposed of and patented to the occupants and settlers thereon under bona fide title thereto who shall apply therefor within one year from the passage of this Act and furnish proof of such occupation and settlement under claim of title and pay therefor the appraised value heretofore placed thereon, together with interest on said appraised value at the rate of five per centum per annum from the date of said appraisement. All lots in said tract not so disposed of at the expiration of one year from the passage of this Act shall be subject to sale at private entry at not less than the said appraised price, with interest thereon at the rate of five per centum per annum from the date of said appraisement.

Act April 25, 1904, c. 1600, 33 Stat. 306.

ACT JUNE 9, 1906, c. 3066. [H. R. 17114.]

An Act to Provide for the Disposition under the Public Land Laws of the Lands in the Abandoned Fort Shaw Military Reservation, Montana. (34 Stat. 228.)

Fort Shaw Military Reservation; disposal of lands under public land laws.

Be it enacted, &c., That the Secretary of the Interior is hereby authorized to dispose of the lands in the abandoned Fort Shaw Military Reservation, in Montana, under the provisions of the public land laws, and the public land surveys shall be extended over the lands therein: Provided, That he may reserve for Indian school purposes the follow-

ing-described lands in township twenty north, range two west, Montana principal meridian, as determined by the extension of the public surveys: That portion of section two lying south of Sun River, all of sections eleven, fourteen, and twenty-three, and that portion of section twenty-six lying within the present reservation boundary: Provided further, That before opening the reservation to entry, the Secretary of the Interior may withdraw any other lands therein needed in connection with an irrigation project under the provisions of the Act of June seventeenth, nineteen hundred and two, known as the reclamation Act, for use or disposition thereunder.

Act June 9, 1906, c. 3066, 34 Stat. 228.

Act June 17, 1902, c. 1093, mentioned in this act, is set forth ante, under this chapter, subchapter "Irrigation in Arid Regions; Grants of Desert Lands to States for Reclamation."

ACT JUNE 30, 1906, c. 3931. [H. R. 12323.]

An Act to Extend the Public-Land Laws of the United States to the Lands Comprised within the Limits of the Abandoned Fort Crittenden Military Reservation in the State of Utah, and for Other Purposes. (34 Stat. 808.)

Fort Crittenden Military Reservation; public-land laws extended to lands.

Be it enacted, &c., That the general laws for the disposal of the public lands of the United States are hereby extended and made applicable to the lands comprised within the limits of the abandoned Fort Crittenden Military Reservation in the State of Utah.

Act June 30, 1906, c. 3931, § 1, 34 Stat. 808.

Fort Rice Military Reservation; homestead entries.

Sec. 2. That all persons now having or who may hereafter file homestead applications upon any of the lands situate within the abandoned Fort Rice Military Reservation, in the State of North Dakota, shall be entitled to a patent to the land filed upon by such person upon compliance with the provisions of the homestead law of the United States and proper proof thereof, and shall not be required to pay the appraised values of such lands in addition to such compliance with the said homestead law.

Act June 30, 1906, c. 3931, § 2, 34 Stat. 808.

ACT MAY 29, 1908, c. 220, § 8. [S. 6190.]

Fort Sheridan and Fort McPherson Military Reservations; portions of lands exempted from payment of appraised values.

Sec. 8. That such portions of the lands of the abandoned Fort Sheridan Military Reservation, and of the abandoned Fort McPherson Military Reservation which were added to the original Fort McPherson Military Reservation by Executive order dated April nineteenth, eighteen hundred and seventy-eight, title to which remains in the Government and have become subject to homestead entry, be, and the same are hereby, exempted from the payment of the appraised values imposed by the Act of Congress approved July fifth, eighteen hundred and eighty-four, and this provision shall include existing unperfected entries.

Act May 29, 1908, c. 220, § 8, 35 Stat. 467.

Act July 5, 1884, c. 214, § 3, mentioned in this section, requiring sales of lands, etc., of abandoned military reservations to be at not less than the appraised value, is set forth in Comp. St. 1901, p. 1609.

ACT FEB. 19, 1911, c. 90. [H. R. 23827.]

An Act Extending the Provisions of Section Four of the Act of August Eighteenth, Eighteen hundred and ninety-four, and Acts Amendatory Thereto, to the Fort Bridger Abandoned Military Reservation in Wyoming. (36 Stat. 913.)

Fort Bridger Military Reservation; provisions of Carey Act to be applicable to lands.

Be it enacted, &c., That the provisions of section four of the Act of August eighteenth, eighteen hundred and ninety-four, and Acts amendatory thereto, be, and the same are hereby, made applicable to the lands in the former Fort Bridger Military Reservation in Uinta County, Wyoming.

Act Feb. 19, 1911, c. 90, 36 Stat. 913.

Act Aug. 18, 1894, c. 310, § 4, the Carey Act, and acts amendatory thereto, mentioned in this act, are set forth in Comp. St. 1901, pp. 1554–1557.

ACT MARCH 3, 1911, c. 210. [H. R. 28406.]

Old Fort Spokane Military Reservation; sale of lands, etc.; use of proceeds; reservation of power sites, reservoir sites, and mineral lands.

The Secretary of the Interior is authorized to sell and convey the lands, buildings, and other appurtenances of the old Fort Spokane Military Reservation, now used for Indian school purposes, and adjoining the Colville Reservation, in the State of Washington, containing approximately six hundred and forty acres, and to use the proceeds thereof not to exceed thirty-five thousand dollars in the establishment and maintenance of such new schools and administration of affairs as may be required by the Colville and Spokane Indians in said State: Provided, That the Secretary of the Interior is authorized in his discretion to reserve from sale or other disposition any part of said reservation chiefly valuable for power sites and reservoir sites and land valuable for minerals: Provided further, That in the case of land reserved on account of minerals, the Secretary of the Interior may sell the surface under such regulations as he may prescribe: Provided further, That, in the discretion of the Secretary of the Interior, the surface of the lands may be sold separate from any minerals that may be found thereunder.

The Secretary of the Interior shall report to Congress at its next session his action in the premises.

Act March 3, 1911, c. 210, 36 Stat. 1075.

These are provisions of the Indian appropriation act for the fiscal year ending June 30, 1912, cited above.

[CEDED INDIAN RESERVATIONS AND LANDS.]

ACT MAY 2, 1890, c. 182, § 18.

Homestead entries on Indian lands in Oklahoma subsequently opened to settlement; payments; soldiers' and sailors' homesteads; reservation of school and missionary lands.

The provision of section 22 of this act, set forth in Comp. St. 1901, p. 1462, for commutation for town-site purposes of homestead entries in Oklahoma, is made applicable to lands in Oklahoma ceded by certain Indian bands and tribes, by Act March 11, 1902, c. 180, set forth below.

ACT MAY 17, 1900, c. 479, § 1.

Free homesteads to settlers on Indian lands acquired and opened to settlement; commutation rights; payments to Indians.

Homestead settlers who, prior to the passage of this act, had acquired title to the land by final entry by payment of the price provided in the law opening the land to settlement, and who would have been entitled to the provisions of the act had final entry not been made prior to its passage, are authorized to make another homestead entry, by Act May 22, 1902, c. 821, § 2, set forth below.

ACT JAN. 26, 1901, c. 180.

Commutation by settlers under free homestead law.

Homestead settlers on certain ceded Indian lands in South Dakota are entitled to the provisions of this act, by Act May 22, 1902, c. 821, § 1, set forth below.

ACT MARCH 11, 1902, c. 180.

An Act Providing for the Commutation for Town-Site Purposes of Homestead Entries in Certain Portions of Oklahoma. (32 Stat. 63.)

Commutation for town-site purposes of homestead entries on ceded Indian lands in Oklahoma.

Be it enacted, &c., That that portion of section twenty-two of the Act approved May second, eighteen hundred and ninety, entitled "An Act to provide a temporary government for the Territory of Oklahoma, to enlarge the jurisdiction of the United States court in the Indian Territory, and for other purposes," providing for the commutation for town-site purposes of homestead entries in certain instances, be, and the same is hereby, made applicable to the lands in the Territory of Oklahoma ceded to the United States by the Wichita and affiliated bands of Indians and the Comanche, Kiowa, and Apache tribes of Indians, under agreements, respectively, ratified by the Acts of Congress of March second, eighteen hundred and ninety-five, and June sixth, nineteen hundred.

Act March 11, 1902, c. 180, 32 Stat. 68.

Act May 2, 1890, c. 182, § 22, mentioned in this act, is set forth in Comp. St. 1901, p. 1462.

ACT MAY 22, 1902, c. 821.

An Act to Allow the Commutation of and Second Homestead Entries in Certain Cases. (32 Stat. 203.)

Commutation by settlers under free homestead law on certain ceded Indian lands in South Dakota.

Be it enacted, &c., That homestead settlers upon the ceded portion of the Sioux Indian Reservation in South Dakota who made entry subsequent to March third, eighteen hundred and ninety-nine, shall be entitled to the provisions of the Act entitled "An Act to allow commutation of homestead entries in certain cases," approved January twenty-sixth, nineteen hundred and one, and in commuting shall only be required to pay the price provided in the law under which original entry was made.

Act May 22, 1902, c. 821, § 1, 32 Stat. 203.

Act Jan. 26, 1901, c. 180, mentioned in this section, is set forth in Comp. St. 1901, p. 1620.

Second homestead entry by settlers on ceded Indian lands having made final entry by payment of price before passage of free homestead law.

Sec. 2. That any person who, prior to the passage of an Act entitled "An Act providing for free homesteads on the public lands for actual and bona fide settlers, and reserving the public lands for that purpose," approved May seventeenth, nineteen hundred, having made a homestead entry and perfected the same and acquired title to the land by final entry by having paid the price provided in the law opening the land to settlement, and who would have been entitled to the provisions of the Act before cited had final entry not been made prior to the passage of said Act, may make another homestead entry of not exceeding one hundred and sixty acres of any of the public lands in any State or Territory subject to homestead entry: Provided, That any person desiring to make another entry under this Act will be required to make affidavit, to be transmitted with the other filing papers now required by law, giving the description of the tract formerly entered, date and number of entry, and name of the land office where made, or other sufficient data to admit of readily identifying it on the official records: And provided further, That said person has all the other proper qualifications of a homestead entryman: And provided also, That commutation under section twenty-three hundred and one of the Revised Statutes, or any amendment thereto, or any similar statute, shall not be permitted of an entry made under this Act, excepting where the final proof, submitted on the former entry hereinbefore described, shows a residence upon the land covered thereby for the full period of five years, or such term of residence thereon as added to any properly credited military or naval service shall equal such period of five years.

Act May 22, 1902, c. 821, § 2, 32 Stat. 203.

Act May 17, 1900, c. 479, mentioned in this section, is set forth in Comp. St. 1901, p. 1618.

ACT FEB. 9, 1903, c. 531.

An Act to Extend the Provisions of Chapter Eight, Title Thirty-Two, of the Revised Statutes of the United States, Entitled "Reservation and Sale of Town Sites on the Public Lands," to the Ceded Indian Lands in the State of Minnesota. (32 Stat. 820.)

Town-site laws extended to ceded Indian lands in Minnesota.

Be it enacted, &c., That chapter eight, title thirty-two, of the Revised Statutes of the United States, entitled "Reservation and sale of town sites on the public lands," be, and is hereby, extended to and declared to be applicable to ceded Indian lands within the State of Minnesota. This act shall take effect and be in force from and after its passage.

Act Feb. 9, 1903, c. 531, 32 Stat. 820.

Chapter 8 of this Title of the Revised Statutes, mentioned in this act, is set forth in Comp. St. 1901, pp. 1454–1460.

Homestead settlers on ceded Indian reservations in Minnesota are granted an extension of time to make payments for the lands purchased by them, by a provision of Act June 21, 1906, c. 3504, set forth below.

ACT JUNE 21, 1906, c. 3504. [H. R. 15331.]

Extension of time for payments by homestead settlers on ceded Indian reservations in Minnesota.

That the homestead settlers on all ceded Indian reservations in Minnesota who purchased the lands occupied by them as homesteads

be, and they hereby are, granted an extension of one year's time in which to make the payments now provided by law.

Act June 21, 1906, c. 3504, 34 Stat. 326.

Special provisions for opening to settlement relinquished lands of the Walker River Reservation in Nevada are contained in Act May 27, 1902, c. 888, 32 Stat. 261.

Special provisions extending the homestead laws to lands included within the former Ute Indian Reservation in Colorado are contained in Act June 13, 1902, c. 1080, 32 Stat. 384.

Provisions for opening to homestead entry agricultural lands of the Chippewa Indian Reservation in Minnesota, after the removal of the merchantable pine timber therefrom, are contained in Act June 27, 1902, c. 1157, 32 Stat. 403. Subsequent provisions for offering for sale and disposing of the unsold timber on lands classified as "pine lands," and for opening to homestead settlement such lands on which there is unsold pine timber after such re-offering, are contained in Act June 25, 1910, c. 431, § 27, 36 Stat. 862.

Provisions for the sale, subject to the homestead laws, of part of the Red Lake Reservation in Minnesota, are contained in Act Feb. 20, 1904, c. 161, 33 Stat. 46, and the time for payments by homestead settlers thereon is extended by Act March 26, 1910, c. 129, § 1, 36 Stat. 265. Subsequent provisions relating to homestead entries on such lands are contained in Act Feb. 16, 1911, c. 91, 36 Stat. 913.

Provisions for patents to settlers under the homestead laws on agricultural public lands in the north one-half of the Colville Indian Reservation in Washington are contained in Act Feb. 7, 1903, c. 514, 32 Stat. 803. And the sale and disposition of surplus or unallotted lands in the diminished Colville Reservation is provided for by Act March 22, 1906, c. 1126, 34 Stat. 80.

Provisions making all lands of the former Fort Hall Indian Reservation in Idaho, offered for sale in accordance with Act June 6, 1900, c. 813, 31 Stat. 672, and remaining unsold, subject to entry in accordance with the provisions of section 5 of that act, are contained in Act March 30, 1904, c. 854, 33 Stat. 153.

The right is given to the State of South Dakota to select school indemnity or other lands granted to the State in the ceded portion of the Great Sioux Reservation in South Dakota, and the general laws for the disposal of the public lands are extended to and made applicable to said ceded portion of that reservation, by Act March 30, 1904, c. 855, 33 Stat. 154.

Provisions for the survey and allotment of lands within the limits of the Flathead Indian Reservation in Montana, and the sale and disposal of all surplus lands after allotment, are contained in Act April 23, 1904, c. 1495, 33 Stat. 302, amended by Act May 29, 1908, c. 216, § 15, 35 Stat. 448, and Act April 12, 1910, c. 156, 36 Stat. 296, and in Act June 25, 1910, c. 431, § 29, 36 Stat. 863.

Provisions for the sale and disposal of surplus or unallotted lands of the Yakima Indian Reservation in Washington are contained in Act Dec. 21, 1904, c. 22, 33 Stat. 595, amended by Act May 6, 1910, c. 203, 36 Stat. 348, and in Res. Jan. 29, 1907, No. 9, 34 Stat. 1420.

The time within which homestead settlers may establish their residence upon certain lands formerly part of the Rosebud Indian Reservation in South Dakota or of the Devils Lake Indian Reservation in North Dakota, is extended by Act Feb. 7, 1905, c. 545, 33 Stat. 700.

Provisions for appraisement and opening to homestead settlement and entry of relinquished and undisposed-of portions of Round Valley Indian Reservation in California are contained in Act Feb. 8, 1905, c. 553, 33 Stat. 706.

Provisions for the disposal, under the homestead, town-site, coal, and mineral land laws, of ceded lands of the Shoshone or Wind River Reservation in Wyoming are contained in Act March 3, 1905, c. 1452, § 2, 33 Stat. 1021, Res. March 28, 1906, No. 12, 34 Stat. 825, and Act Feb. 25, 1909, c. 197, 35 Stat. 650.

Provisions for the sale and disposal under the homestead laws of a por-

tion of the Lower Brule Indian Reservation in South Dakota are contained in Act April 21, 1906, c. 1645, 34 Stat. 124.

Provisions for the disposal, under the homestead, mineral and townsite laws, of lands, not allotted or reserved or otherwise disposed of, of the Blackfeet Indian Reservation in Montana, are contained in Act March 1, 1907, c. 2285, 34 Stat. 1035–1039.

Provisions for the sale and disposal, under the homestead and townsite laws, of a portion of the surplus or unallotted lands of the Rosebud Indian Reservation in South Dakota, are contained in Act March 2, 1907, c. 2536, 34 Stat. 1230, and the time for payments by homestead settlers thereon is extended by Act March 26, 1910, c. 129, § 2, 36 Stat. 265, and Act Aug. 17, 1911, c. 22, 37 Stat. 21.

Land in any of several Indian reservations in Minnesota, not included in the National Forest created in that state, classified as agricultural land, is declared open to homestead settlement, and said land classified as timber land is to be open to homestead settlement as soon as the timber is removed therefrom, by Act May 23, 1908, c. 193, § 4, 35 Stat. 272.

Provisions for the sale of certain lands reserved for agency and school purposes in the former Cheyenne and Arapahoe Indian Reservation in Oklahoma are contained in Act May 29, 1908, c. 216, § 12, 35 Stat. 447, amended by Act Jan. 31, 1910, c. 21, 36 Stat. 190. Provisions for opening to entry under the homestead laws lands so reserved are contained in Act June 17, 1910, c. 299, 36 Stat. 533, and the time for payment therefor is extended by Act Aug. 22, 1911, c. 44, 37 Stat. 33.

Provisions for the sale and disposal of surplus unallotted agricultural lands of the Spokane Indian Reservation in Washington, are contained in Act May 29, 1908, c. 217, 35 Stat. 458.

Provisions for the sale and disposal, under the homestead and townsite laws, of a portion of the surplus and unallotted lands in the Cheyenne River and Standing Rock Indian Reservations in South Dakota and North Dakota, are contained in Act May 29, 1908, c. 218, 35 Stat. 460, amended by Act Feb. 17, 1910, c. 40, 36 Stat. 196, and Act March 26, 1910, c. 129, § 4, 36 Stat. 266.

Provisions for the survey and allotment of lands within the limits of the Fort Peck Indian Reservation in Montana and the sale and disposal of the surplus lands after allotment, are contained in Act May 30, 1908, c. 237, 35 Stat. 558.

The time fixed for opening to public entry unallotted lands in the Uintah Reservation in Utah, previously extended by several preceding acts, was further extended by a provision of Act March 3, 1905, c. 1479, 33 Stat. 1069. Provisions for commutation of homestead entries on said lands are contained in Act March 3, 1911, c. 210, 36 Stat. 1074.

The public-land laws are extended to certain territory ten miles square ceded by the Shoshone and Arapaho Indians, by Act March 19, 1906, c. 961, 34 Stat. 78.

The establishment of town-sites and the sale of lots within the common lands of the Kiowa, Comanche, and Apache Indians in Oklahoma, are authorized by Act March 20, 1906, c. 1125, 34 Stat. 80. And the opening to settlement and disposal of certain lands, previously set apart as grazing land and as a wood reservation, in the Kiowa, Comanche, and Apache Indian reservations in Oklahoma, is provided for by Act June 5, 1906, c. 2580, 34 Stat. 213, and Act June 18, 1906, c. 3581, 34 Stat. 550.

The time within which payments were required by those acts was extended one year by Act March 11, 1908, c. 79, 35 Stat. 41, and further extended by Act March 26, 1910, c. 129, § 3, 36 Stat. 266. And the sale of tracts of land remaining unsold under said Act June 5, 1906, and also under Act June 6, 1900, c. 813, § 6, 31 Stat. 676, is provided for by Act May 29, 1908, c. 216, § 24, 35 Stat. 456.

Provisions for the sale of lands in the Siletz Reservation in Oregon are contained in Act May 13, 1910, c. 233, 36 Stat. 367. And provisions for the issue of patents on certain pending homestead entries within said Reservation are contained in Act March 4, 1911, c. 272, 36 Stat. 1356.

Provisions for the sale and disposal of surplus and unallotted lands in that portion of the Pine Ridge Indian Reservation in Bennett coun-

ty, South Dakota, are contained in Act May 27, 1910, c. 257, 36 Stat. 440.

Provisions for the sale and disposal of surplus and unallotted lands in that portion of the Rosebud Indian Reservation in Mellette and Washabaugh Counties, South Dakota, are contained in Act May 30, 1910, c. 260, 36 Stat. 448.

Provisions for the survey and allotment of lands within the limits of the Fort Berthold Indian Reservation in North Dakota, and the sale and disposal of the surplus lands after allotment, are contained in Act June 1, 1910, c. 264, 36 Stat. 455.

The sale for town site purposes of certain portions of the surplus and unallotted lands in the Cheyenne River Indian Reservation in South Dakota is authorized by Act June 23, 1910, c. 369, 36 Stat. 602.

Section 3 of Act May 1, 1888, c. 213, 25 Stat. 133, providing that certain lands of the Gros Ventre, Piegan, Blood, Blackfoot, and River Crow Reservation, in Montana, to which the Indian title was extinguished, should be restored to the public domain, and be open to entry under the homestead laws except Rev. St. § 2301, authorizing commutation, and under other laws specified, is amended, to provide that said lands shall be open to the operation of laws regulating the entry, sale, or disposal of the public lands, and previous entries under any of such laws are confirmed, by Act March 3, 1911, c. 218, 36 Stat. 1080.

TITLE XXXIII.

DUTIES UPON IMPORTS.

Secs. 2491–2516.

ACT JULY 24, 1897, c. 11.

[Repealed in part and superseded. Act Aug. 5, 1909, c. 6.]

Sections 1–4 of Act July 24, 1897, c. 11, containing the schedules of rates of duty and the free list of the Tariff Act of 1897, and provisions relating to the operation and effect of reciprocity treaties for reduction of duties, which are set forth in Comp. St. 1901, pp. 1626–1693, are expressly repealed by section 41 of the Tariff Act of 1909, Act Aug. 5, 1909, c. 6, set forth below.

The other sections of said Act July 24, 1897, c. 11, which are set forth in Comp. St. 1901, pp. 1693–1702, are superseded by provisions relating to the same subjects in said Tariff Act of 1909, or in other acts, particularly referred to below.

Section 5 of said Act July 24, 1897, c. 11, set forth in Comp. St. 1901, p. 1693, is superseded by the similar provisions of Act Aug. 5, 1909, c. 6, § 6, set forth below.

Sections 6, 7, of said Act July 24, 1897, c. 11, set forth in Comp. St. 1901, p. 1693, are superseded by the more comprehensive provisions of Act Aug. 5, 1909, c. 6, § 1, pars. 480, 481, at the end of the "Dutiable List" in said section 1, set forth below.

Section 8 of said Act July 24, 1897, c. 11, set forth in Comp. St. 1901, p. 1694, is superseded by the more comprehensive provisions of Act Aug. 5, 1909, c. 6, §§ 7, 8, set forth below.

Section 11 of said Act July 24, 1897, c. 11, set forth in Comp. St. 1901, p. 1694, is superseded by the more comprehensive provisions of Act Feb. 20, 1905, c. 502, § 27, set forth post, under Title LX, "Patents, Trade-Marks, and Copyrights," c. 2.

Sections 12, 13, of said Act July 24, 1897, c. 11, set forth in Comp. St. 1901, p. 1695, are superseded by the similar provisions of Act Aug. 5, 1909, c. 6, §§ 19, 20, set forth below.

Sections 16–18 of said Act July 24, 1897, c. 11, set forth in Comp. St. 1901, pp. 1696, 1697, are superseded by the similar provisions of Act Aug. 5, 1909, c. 6, §§ 9–11, set forth below.

The provisions of said section 17, with those, in substantially the same language, of Rev. St. § 1785, set forth in Comp. St. 1901, p. 1214, were incorporated in the act to codify, etc., the penal laws, Act March 4, 1909, c. 321, in chapter 5, § 102, thereof, and were expressly repealed by chapter 15, § 341, of said act, set forth post, under Title LXIX A, "The Criminal Code," and are re-enacted in Act Aug. 5, 1909, c. 6, § 10, as stated in the preceding note.

Section 19 of said Act July 24, 1897, c. 11, set forth in Comp. St. 1901, p. 1697, is superseded by the similar provisions of Act Aug. 5, 1909, c. 6, § 19, set forth below.

Sections 20, 21, of said Act July 24, 1897, c. 11, set forth in Comp. St. 1901, pp. 1697, 1698, are superseded by similar provisions, limited to a period of two years, of Act Aug. 5, 1909, c. 6, § 27, set forth below.

Section 22 of said Act July 24, 1897, c. 11, set forth in Comp. St. 1901, p. 1698, is superseded by the similar provisions of Act Aug. 5, 1909, c. 6, § 15, set forth below.

Sections 23, 24, of said act July 24, 1897, c. 11, set forth in Comp. St. 1901, pp. 1698, 1699, are superseded by the similar provisions of Act Aug. 5, 1909, c. 6, §§ 16, 17, set forth below.

Sections 25, 26, of said Act July 24, 1897, c. 11, set forth in Comp. St.

1901, pp. 1699, 1700, are superseded by the similar provisions of Act Aug. 5, 1909, c. 6, §§ 12, 13, set forth below.

Section 27 of said Act July 24, 1897, c. 11, set forth in Comp. St. 1901, p. 1700, is superseded by the similar provisions of Act Aug. 5, 1909, c. 6, § 26, set forth below.

Section 28 of said Act July 24, 1897, c. 11, set forth in Comp. St. 1901, p. 1700, is superseded by the similar provisions of Act Aug. 5, 1909, c. 6, § 22, set forth below.

Section 31 of said Act July 24, 1897, c. 11, set forth in Comp. St. 1901, p. 1701, is superseded by the similar provisions of Act Aug. 5, 1909, c. 6, § 14, set forth below.

Section 33 of said Act July 24, 1897, c. 11, set forth in Comp. St. 1901, p. 1701, is superseded by the similar provisions of Act Aug. 5, 1909, c. 6, § 29, set forth below.

Section 34 of said Act July 24, 1897, c. 11, set forth in Comp. St. 1901, p. 1701, which relates to repeals of previous acts and parts of acts, is superseded by the provisions of Act Aug. 5, 1909, c. 6, § 41, set forth below, relating to repeals thereby.

ACT JUNE 13, 1898, c. 448, § 50.

[Repealed. Act April 12, 1902, c. 500, § 10.]

This section, set forth in Comp. St. 1901, p. 1703, which imposed a duty on tea, was repealed by Act April 12, 1902, c. 500, § 10, 32 Stat. 99, and tea is included in the Free List in Act Aug. 5, 1909, c. 6, § 1, par. 691, set forth below.

ACT DEC. 17, 1903, c. 1. [H. R. 1921.]

An Act to Carry into Effect a Convention between the United States and the Republic of Cuba, Signed on the Eleventh Day of December, in the Year Nineteen hundred and two. (33 Stat. 3.)

Reduction of duties on products of Cuba authorized; limitation of reduction of duties on sugar; construction of act as to origin of acts changing customs duties.

Be it enacted, &c., That whenever the President of the United States shall receive satisfactory evidence that the Republic of Cuba has made provision to give full effect to the articles of the convention between the United States and the Republic of Cuba, signed on the eleventh day of December, in the year nineteen hundred and two, he is hereby authorized to issue his proclamation declaring that he has received such evidence, and thereupon on the tenth day after exchange of ratifications of such convention between the United States and the Republic of Cuba, and so long as the said convention shall remain in force, all articles of merchandise being the product of the soil or industry of the Republic of Cuba, which are now imported into the United States free of duty, shall continue to be so admitted free of duty, and all other articles of merchandise being the product of the soil or industry of the Republic of Cuba imported into the United States shall be admitted at a reduction of twenty per centum of the rates of duty thereon, as provided by the tariff Act of the United States, approved July twenty-fourth, eighteen hundred and ninety-seven, or as may be provided by any tariff law of the United States subsequently enacted. The rates of duty herein granted by the United States to the Republic of Cuba are and shall continue during the term of said convention preferential in respect to all like imports from other countries: Provided, That while said convention is in force no sugar imported from the Republic of Cuba, and being the product of the soil or industry of the Republic of Cuba, shall be admitted into the United States at a reduction of duty greater than twenty per centum

of the rates of duty thereon, as provided by the tariff Act of the United States, approved July twenty-fourth, eighteen hundred and ninety-seven, and no sugar the product of any other foreign country shall be admitted by treaty or convention into the United States while this convention is in force at a lower rate of duty than that provided by the tariff Act of the United States approved July twenty-fourth, eighteen hundred and ninety-seven: And provided further, That nothing herein contained shall be held or construed as an admission on the part of the House of Representatives that customs duties can be changed otherwise than by an Act of Congress, originating in said House.

Act Dec. 17, 1903, c. 1, § 1, 33 Stat. 3.

Nothing in the Tariff Act of 1909 is to be construed to abrogate or impair or affect the provisions of the treaty mentioned in this act or the provisions of this act, by section 3 of said Tariff Act, Act Aug. 5, 1909, c. 6, § 3, set forth below.

No additional fees or charges on products of Cuba to be imposed; equal treatment of imports by both countries; taxes and charges on imports subsequent to importation to be without discrimination.

Sec. 2. That so long as said convention shall remain in force, the laws and regulations adopted, or that may be adopted by the United States to protect the revenues and prevent fraud in the declarations and proofs, that the articles of merchandise to which said convention may apply are the product or manufacture of the Republic of Cuba, shall not impose any additional charge or fees therefor on the articles imported, excepting the consular fees established, or which may be established, by the United States for issuing shipping documents, which fees shall not be higher than those charged on the shipments of similar merchandise from any other nation whatsoever; that articles of the Republic of Cuba shall receive, on their importation into the ports of the United States, treatment equal to that which similar articles of the United States shall receive on their importation into the ports of the Republic of Cuba; that any tax or charge that may be imposed by the national or local authorities of the United States upon the articles of merchandise of the Republic of Cuba, embraced in the provisions of said convention, subsequent to importation and prior to their entering into consumption into the United States, shall be imposed and collected without discrimination upon like articles whencesoever imported.

Act Dec. 17, 1903, c. 1, § 2, 33 Stat. 4.

See note under preceding section of this act.

ACT MARCH 2, 1905, c. 1311. [H. R. 18285.]

An Act Fixing the Status of Merchandise Coming into the United States from the Canal Zone, Isthmus of Panama. (33 Stat. 843.)

Laws affecting imports and entry of persons into United States to apply to articles, goods, etc., and persons coming from Canal Zone, Isthmus of Panama.

Be it enacted, &c., That all laws affecting imports of articles, goods, wares, and merchandise and entry of persons into the United States from foreign countries shall apply to articles, goods, wares, and merchandise and persons coming from the Canal Zone, Isthmus of Panama, and seeking entry into any State or Territory of the United States or the District of Columbia.

Act March 2, 1905, c. 1311, 33 Stat. 843.

ACT FEB. 9, 1909, c. 100. [H. R. 27427.]

An Act to Prohibit the Importation and Use of Opium for Other than Medicinal Purposes. (35 Stat. 614.)

Importation of opium or any preparation or derivative thereof, except for medicinal purposes, unlawful; duties.

Be it enacted, &c., That after the first day of April, nineteen hundred and nine, it shall be unlawful to import into the United States opium in any form or any preparation or derivative thereof: Provided, That opium and preparations and derivatives thereof, other than smoking opium or opium prepared for smoking, may be imported for medicinal purposes only, under regulations which the Secretary of the Treasury is hereby authorized to prescribe, and when so imported shall be subject to the duties which are now or may hereafter be imposed by law.

Act Feb. 9, 1909, c. 100, § 1, 35 Stat. 614.

Nothing in the Tariff Act of 1909, par. 41, relating to duty on opium, is to be construed to repeal or impair or affect the provisions of this act, by a proviso annexed to said paragraph. Act Aug. 5, 1909, c. 6, § 1, set forth below.

Unlawful importation; forfeiture; punishment; possession as evidence.

Sec. 2. That if any person shall fraudulently or knowingly import or bring into the United States, or assist in so doing, any opium or any preparation or derivative thereof contrary to law, or shall receive, conceal, buy, sell, or in any manner facilitate the transportation, concealment, or sale of such opium or preparation or derivative thereof after importation, knowing the same to have been imported contrary to law, such opium or preparation or derivative thereof shall be forfeited and shall be destroyed, and the offender shall be fined in any sum not exceeding five thousand dollars nor less than fifty dollars, or by imprisonment for any time not exceeding two years, or both. Whenever, on trial for a violation of this section, the defendant is shown to have, or to have had, possession of such opium or preparation or derivative thereof, such possession shall be deemed sufficient evidence to authorize conviction unless the defendant shall explain the possession to the satisfaction of the jury.

Act Feb. 9, 1909, c. 100, § 2, 35 Stat. 614.

See note under preceding section of this act.

ACT AUG. 5, 1909, c. 6. [H. R. 1438.] [*As amended* 1911. H. R. 12312.]

An Act to Provide Revenue, Equalize Duties and Encourage the Industries of the United States, and for Other Purposes. (36 Stat. 11.)

Schedules of rates of duty, and Free List; minimum tariff.

Be it enacted, &c., That on and after the day following the passage of this Act, except as otherwise specially provided for in the second section of this Act, there shall be levied, collected, and paid upon all articles when imported from any foreign country into the United States or into any of its possessions (except the Philippine Islands and the islands of Guam and Tutuila) the rates of duty which are by the schedules and paragraphs of the dutiable list of this section prescribed, namely:

DUTIABLE LIST.

SCHEDULE A.—CHEMICALS, OILS, AND PAINTS.

1. Acids: Acetic or pyroligneous acid, not exceeding the specific gravity of one and forty-seven one-thousandths, three-fourths of one cent per pound; exceeding the specific gravity of one and forty-seven one-thousandths, two cents per pound; acetic anhydrid, two and one-half cents per pound; boracic acid, three cents per pound; chromic acid, two cents per pound; citric acid, seven cents per pound; lactic acid, containing not over forty per centum by weight of actual lactic acid, two cents per pound; containing over forty per centum by weight of actual lactic acid, three cents per pound; oxalic acid, two cents per pound; salicylic acid, five cents per pound; sulphuric acid or oil of vitriol not specially provided for in this section, one-fourth of one cent per pound; tannic acid or tannin, thirty-five cents per pound; gallic acid, eight cents per pound; tartaric acid, five cents per pound; all other acids not specially provided for in this section, twenty-five per centum ad valorem.

2. Alcoholic compounds, including all articles consisting of vegetable, animal or mineral objects immersed or placed in, or saturated with, alcohol, not specially provided for in this section, sixty cents per pound and twenty-five per centum ad valorem.

3. Alkalies, alkaloids, distilled oils, essential oils, expressed oils, rendered oils, and all combinations of the foregoing, and all chemical compounds, mixtures and salts, and all greases, not specially provided for in this section, twenty-five per centum ad valorem; chemical compounds, mixtures and salts containing alcohol or in the preparation of which alcohol is used, and not specially provided for in this section, fifty-five cents per pound, but in no case shall any of the foregoing pay less than twenty-five per centum ad valorem.

4. Alumina, hydrate of, or refined bauxite, containing not more than sixty-four per centum of alumina, four-tenths of one cent per pound; containing more than sixty-four per centum of alumina, six-tenths of one cent per pound. Alum, alum cake, patent alum, sulphate of alumina, and aluminous cake, containing not more than fifteen per centum of alumina and more than three-tenths of one per centum of iron oxide, one-fourth of one cent per pound; alum, alum cake, patent alum, sulphate of alumina, and aluminous cake, containing more than fifteen per centum of alumina, or not more than three-tenths of one per centum of iron oxide, three-eights of one cent per pound.

5. Ammonia, carbonate of, one and one-half cents per pound; muriate of, or sal ammoniac, three-fourths of one cent per pound; liquid anhydrous, five cents per pound.

6. Argols or crude tartar or wine lees crude, five per centum ad valorem; tartars and lees crystals, or partly refined argols, containing not more than ninety per centum of bitartrate of potash, and tartrate of soda or potassa, or Rochelle salts, three cents per pound; containing more than ninety per centum of bitartrate of potash, four cents per pound; cream of tartar and patent tartar, five cents per pound.

7. Blacking of all kinds, twenty-five per centum ad valorem; all creams and preparations for cleaning or polishing boots and shoes, twenty-five per centum ad valorem.

8. Bleaching powder, or chloride of lime, one-fifth of one cent per pound.

9. Blue vitriol or sulphate of copper, one-fourth of one cent per pound.

10. Charcoal in any form, not specially provided for in this Act; bone char, suitable for use in decolorizing sugars, and blood char, twenty per centum ad valorem.

11. Borax, two cents per pound; borates of lime, soda, or other borate material not otherwise provided for in this section, two cents per pound.

12. Camphor, refined, and synthetic camphor, six cents per pound.

13. Chalk, when ground, bolted, precipitated naturally or artificially, or otherwise prepared, whether in the form of cubes, blocks, sticks or disks, or otherwise, including tailors', billiard, red, or French chalk, one cent per pound; manufactures of chalk not specially provided for in this section, twenty-five per centum ad valorem.

14. Chloroform, ten cents per pound.

15. Coal-tar dyes or colors, not specially provided for in this section, thirty per centum ad valorem; all other products or preparations of coal tar, not colors or dyes and not medicinal, not specially provided for in this section, twenty per centum ad valorem.

16. Cobalt, oxide of, twenty-five cents per pound.

17. Collodion and all compounds of pyroxylin or of other cellulose esters, whether known as celluloid or by any other name, forty cents per pound; if in blocks, sheets, rods, tubes, or other forms, not polished, wholly or partly, and not made up into finished or partly finished articles, forty-five cents per pound; if polished, wholly or partly, or if in finished or partly finished articles, except moving-picture films, of which collodion or any compound of pyroxylin or of other cellulose esters, by whatever name known, is the component material of chief value, sixty-five cents per pound and thirty per centum ad valorem.

18. Coloring for brandy, wine, beer, or other liquors, fifty per centum ad valorem.

19. Copperas, or sulphate of iron, fifteen hundredths of one cent per pound.

20. Drugs, such as barks, beans, berries, balsams, buds, bulbs, bulbous roots, excrescences, fruits, flowers, dried fibers, dried insects, grains, gums and gum resin, herbs, leaves, lichens, mosses, nuts, nutgalls, roots, stems, spices, vegetables, seeds (aromatic, not garden seeds), seeds of morbid growth, weeds, and woods used expressly for dyeing or tanning; any of the foregoing which are natural and uncompounded drugs and not edible, and not specially provided for in this section, but which are advanced in value or condition by any process or treatment whatever beyond that essential to the proper packing of the drugs and the prevention of decay or deterioration pending manufacture, one-fourth of one cent per pound, and in addition thereto ten per centum ad valorem: Provided, That no article containing alcohol, or in the preparation of which alcohol is used, shall be classified for duty under this paragraph.

21. Ethers: Sulphuric, eight cents per pound; spirits of nitrous ether, twenty cents per pound; fruit ethers, oils, or essences, one dollar per pound; ethers of all kinds not specially provided for in this section, fifty cents per pound; ethyl chloride, thirty per centum ad valo-

rem: Provided, That no article of this paragraph shall pay a less rate of duty than twenty-five per centum ad valorem.

22. Extracts and decoctions of logwood and other dyewoods, and extracts of bark, such as are commonly used for dyeing or tanning, not specially provided for in this section, seven-eighths of one cent per pound; extract of nutgalls, aqueous, one-fourth of one cent per pound and ten per centum ad valorem; extract of Persian berries, twenty per centum ad valorem; chlorophyll, twenty per centum ad valorem; extracts of quebracho, not exceeding in density twenty-eight degrees Baumé, one-half of one cent per pound; exceeding in density twenty-eight degrees Baumé, three-fourths of one cent per pound; extracts of hemlock bark, one-half of one cent per pound; extracts of sumac, and of woods other than dyewoods, not specially provided for in this section, five-eighths of one cent per pound; all extracts of vegetable origin suitable for dyeing, coloring, staining or tanning, not containing alcohol and not medicinal, and not specially provided for in this section, fifteen per centum ad valorem.

23. Gelatin, glue, isinglass or fish glue, including agar-agar or Japanese isinglass, and all fish bladders and fish sounds other than crude or dried or salted for preservation only, valued at not above ten cents per pound, two and one-half cents per pound; valued at above ten cents per pound and not above thirty-five cents per pound, twenty-five per centum ad valorem; valued above thirty-five cents per pound, fifteen cents per pound and twenty per centum ad valorem; gelatin in sheets, emulsions, and all manufactures of gelatin, or of which gelatin is the component material of chief value, not specially provided for in this section, thirty-five per centum ad valorem; glue size, twenty-five per centum ad valorem.

24. Glycerin, crude, not purified, one cent per pound; refined, three cents per pound.

25. Indigo extracts or pastes, three-fourths of one cent per pound; indigo, carmined, ten cents per pound.

26. Ink and ink powders, twenty-five per centum ad valorem.

27. Iodine, resublimed, twenty cents per pound.

28. Iodoform, seventy-five cents per pound.

29. Licorice, extracts of, in paste, rolls, or other forms, two and one-half cents per pound.

30. Chicle, ten cents per pound.

31. Magnesia and carbonate of, medicinal, three cents per pound; calcined, medicinal, seven cents per pound; sulphate of, or Epsom salts, one-fifth of one cent per pound.

32. Alizarin assistant, sulpho-ricinoleic acid, and ricinoleic acid, and soaps containing castor oil, any of the foregoing in whatever form, in the manufacture of which fifty per centum or more of castor oil is used, thirty cents per gallon; in the manufacture of which less than fifty per centum of castor oil is used, fifteen cents per gallon; all other alizarin assistants and all soluble greases used in processes of softening, dyeing or finishing, not specially provided for in this section, thirty per centum ad valorem.

33. Castor oil, thirty-five cents per gallon.

34. Cod-liver oil, fifteen cents per gallon.

35. Flaxseed, linseed, and poppy-seed oil, raw, boiled, or oxidized, fifteen cents per gallon of seven and one-half pounds weight.

36. Fusel oil, or amylic alcohol, one-fourth of one cent per pound.

37. Hemp-seed oil, ten cents per gallon; rape-seed oil, ten cents per gallon.

38. Olive oil, not specially provided for in this section, forty cents per gallon; in bottles, jars, kegs, tins, or other packages, containing less than five gallons each, fifty cents per gallon.

39. Peppermint oil, twenty-five cents per pound.

40. Seal, herring, whale, and other fish oil including sod oil, not specially provided for in this section, eight cents per gallon.

41. Opium, crude or unmanufactured, and not adulterated, containing nine per centum and over of morphia, one dollar and fifty cents per pound; opium of the same composition, dried, powdered, or otherwise advanced beyond the condition of crude or unmanufactured, two dollars per pound; morphia or morphine, sulphate of, and all alkaloids of opium, and salts and esters thereof, one dollar and fifty cents per ounce; cocaine, ecgonine, and all salts and derivatives of the same, one dollar and fifty cents per ounce; coca leaves, five cents per pound; aqueous extract of opium, for medicinal uses, and tincture of, as laudanum, and other liquid preparations of opium, not specially provided for in this section, forty per centum ad valorem; opium containing less than nine per centum of morphia, six dollars per pound; but preparations of opium deposited in bonded warehouses shall not be removed therefrom without payment of duties, and such duties shall not be refunded: Provided, That nothing herein contained shall be so construed as to repeal or in any manner impair or affect the provisions of an Act entitled "An Act to prohibit the importation and use of opium for other than medicinal purposes," approved February ninth, nineteen hundred and nine.

42. Baryta, sulphate of, or barytes, including barytes earth, unmanufactured, one dollar and fifty cents per ton; manufactured, five dollars and twenty-five cents per ton.

43. Blues, such as Berlin, Prussian, Chinese, and all others, containing ferrocyanide of iron, in pulp, dry or ground in or mixed with oil or water, eight cents per pound.

44. Blanc-fixe, or artificial sulphate of barytes, and satin white, or artificial sulphate of lime, one-half of one cent per pound.

45. Black, made from bone, ivory, or vegetable substance, by whatever name known, including boneblack and lampblack, dry or ground in oil or water, twenty-five per centum ad valorem.

46. Chrome yellow, chrome green, and all other chromium colors in the manufacture of which lead and bichromate of potash or soda are used, in pulp, dry, or ground in or mixed with oil or water, four and three-eighths cents per pound.

47. Ocher and ochery earths, sienna and sienna earths, and umber and umber earths, not specially provided for in this section, when crude or not powdered, washed or pulverized, one-eighth of one cent per pound; if powdered, washed or pulverized, three-eighths of one cent per pound; if ground in oil or water, one cent per pound.

48. Orange mineral, three and one-fourth cents per pound.

49. Red lead, two and five-eighths cents per pound.

50. Ultramarine blue, whether dry, in pulp, or mixed with water, and wash blue containing ultramarine, three cents per pound.

51. Varnishes, including so-called gold size or japan, twenty-five per

centum ad valorem; enamel paints made with varnish, thirty-five per centum ad valorem; spirit varnish containing five per centum or more of methyl alcohol, thirty-five cents per gallon and thirty-five per centum ad valorem; spirit varnish containing less than five per centum of methyl alcohol, one dollar and thirty-two cents per gallon and thirty-five per centum ad valorem.

52. Vermilion reds, containing quicksilver, dry or ground in oil or water, ten cents per pound; when not containing quicksilver but made of lead or containing lead, four and seven-eighths cents per pound.

53. White lead, and white pigment containing lead, dry or in pulp, or ground or mixed with oil, two and one-half cents per pound.

54. Whiting and Paris white, dry, one-fourth of one cent per pound; ground in oil, or putty, one-half of one cent per pound.

55. Zinc, oxide of, and white pigment containing zinc, but not containing lead, dry, one cent per pound; ground in oil, one and three-fourths cents per pound; sulfid of zinc white, or white sulphide of zinc, one and one-fourth cents per pound; chloride of zinc and sulphate of zinc, one cent per pound.

56. All paints, colors, pigments, stains, lakes, crayons, including charcoal crayons or fusains, smalts and frostings, whether crude or dry or mixed, or ground with water or oil or with solutions other than oil, not otherwise specially provided for in this section, thirty per centum ad valorem; all glazes, fluxes, enamels, and colors used only in the manufacture of ceramic, enameled, and glass articles, thirty per centum ad valorem; all paints, colors, and pigments, commonly known as artists' paints or colors, whether in tubes, pans, cakes or other forms, thirty per centum ad valorem.

57. Paris green, and London purple, fifteen per centum ad valorem.

58. Lead: Acetate of, white, three cents per pound; brown, gray, or yellow, two cents per pound; nitrate of, two and one-fourth cents per pound; litharge, two and one-half cents per pound.

59. Phosphorus, eighteen cents per pound.

60. Bichromate and chromate of potash, two and one-fourth cents per pound.

61. Caustic potash, or hydrate of, refined, in sticks or rolls, one cent per pound; chlorate of, two cents per pound.

62. Hydriodate, iodide, and iodate of potash, twenty-five cents per pound.

63. Nitrate of potash, or saltpeter, refined, one-half of one cent per pound.

64. Prussiate of potash, red, eight cents per pound; yellow, four cents per pound; cyanide of potassium, twelve and one-half per centum ad valorem.

65. Medicinal preparations containing alcohol or in the preparation of which alcohol is used, not specially provided for in this section, fifty-five cents per pound, but in no case shall the same pay less than twenty-five per centum ad valorem; calomel, corrosive sublimate, and other mercurial medicinal preparations, thirty-five per centum ad valorem; all other medicinal preparations not specially provided for in this section, twenty-five per centum ad valorem: Provided, That chemicals, drugs, medicinal and similar substances, whether dutiable or free, imported in capsules, pills, tablets, lozenges, troches, or similar

forms, and intended for medicinal purposes, shall be dutiable at not less than the rate imposed by this section on medicinal preparations.

66. Plasters, healing or curative, of all kinds, and court-plaster, twenty-five per centum ad valorem.

67. Perfumery, including cologne and other toilet waters, articles of perfumery, whether in sachets or otherwise, and all preparations used as applications to the hair, mouth, teeth, or skin, such as cosmetics, dentifrices, including tooth soaps, pastes, including theatrical grease paints and pastes, pomades, powders, and other toilet articles, all the foregoing; if containing alcohol, or in the manufacture or preparation of which alcohol is used, sixty cents per pound and fifty per centum ad valorem; if not containing alcohol, or in the manufacture or preparation of which alcohol is not used, sixty per centum ad valorem; floral or flower waters containing no alcohol, not specially provided for in this section, twenty per centum ad valorem.

68. Santonin, and all salts thereof containing eighty per centum or over of santonin, fifty cents per pound.

69. Castile soap, one and one-fourth cents per pound; medicinal or medicated soaps, twenty cents per pound; fancy or perfumed toilet soaps, fifty per centum ad valorem; all other soaps not specially provided for in this section, twenty per centum ad valorem.

70. Bicarbonate of soda, or supercarbonate of soda, or saleratus, and other alkalies containing fifty per centum or more of bicarbonate of soda, five-eighths of one cent per pound.

71. Bichromate and chromate of soda, one and three-fourths cents per pound.

72. Crystal carbonate of soda, or concentrated soda crystals, or monohydrate, or sesquicarbonate of soda, one-fourth of one cent per pound; chlorate of soda, one and one-half cents per pound.

73. Hydrate of, or caustic soda, one-half of one cent per pound; nitrite of soda and yellow prussiate of soda, two cents per pound; sulphide of soda containing not more than thirty-five per centum of sulphide of soda, and hyposulphite of soda, three-eighths of one cent per pound; sulphide of soda, concentrated, or containing more than thirty-five per centum of sulphide of soda, three-fourths of one cent per pound.

74. Sal soda, or soda crystals, not concentrated, one-sixth of one cent per pound.

75. Soda ash, one-fourth of one cent per pound; arseniate of soda, one cent per pound.

76. Silicate of soda, or other alkaline silicate, three-eighths of one cent per pound.

77. Sulphate of soda, or salt cake, or niter cake, one dollar per ton.

78. Moss and sea grass, eel grass, and seaweeds, if manufactured or dyed, ten per centum ad valorem.

79. Sponges, twenty per centum ad valorem; manufactures of sponges, or of which sponge is the component material of chief value, not specially provided for in this section, thirty per centum ad valorem.

80. Strychnia, or strychnine, and all salts thereof, fifteen cents per ounce.

81. Sulphur, refined or sublimed, or flowers of, four dollars per ton.
82. Sumac, ground, three-tenths of one cent per pound.
83. Vanillin, twenty cents per ounce.

SCHEDULE B.—EARTHS, EARTHENWARE, AND GLASSWARE.

84. Fire-brick, weighing not more than ten pounds each, not glazed, enameled, ornamented, or decorated in any manner, one dollar and twenty-five cents per ton; glazed, enameled, ornamented, or decorated, thirty-five per centum ad valorem; weighing more than ten pounds each and not specially provided for in this section, not glazed, enameled, ornamented, or decorated in any manner, thirty per centum ad valorem; glazed, enameled, ornamented, or decorated, thirty-five per centum ad valorem; magnesite brick, chrome brick, and brick other than fire-brick, not glazed, enameled, painted, vitrified, ornamented, or decorated in any manner, twenty-five per centum ad valorem; if glazed, enameled, painted, vitrified, ornamented, or decorated in any manner, thirty-five per centum ad valorem.

85. Tiles, plain unglazed, one color, exceeding two square inches in size, four cents per square foot; glazed, encaustic, ceramic mosaic, vitrified, semivitrified, flint, spar, embossed, enameled, ornamented, hand painted, gold decorated, and all other earthenware tiles and tiling, by whatever name known, except pill tiles and so-called quarries or quarry tiles, valued at not exceeding forty cents per square foot, eight cents per square foot; exceeding forty cents per square foot, ten cents per square foot and twenty-five per centum ad valorem; so-called quarries or quarry tiles, forty-five per centum ad valorem; mantels, friezes, and articles of every description, composed wholly or in chief value of tiles or tiling, sixty per centum ad valorem.

86. Roman, Portland, and other hydraulic cement, in barrels, sacks, or other packages, eight cents per one hundred pounds, including weight of barrel or package; in bulk, seven cents per one hundred pounds; other cement, not otherwise specially provided for in this section, twenty per centum ad valorem.

87. Lime, five cents per one hundred pounds, including weight of barrel or package.

88. Plaster rock or gypsum, crude, thirty cents per ton; if ground or calcined, one dollar and seventy-five cents per ton; pearl hardening for paper makers' use, twenty per centum ad valorem; Keene's cement, or other cement of which gypsum is the component material of chief value, if valued at ten dollars per ton or less, three dollars and fifty cents per ton; if valued above ten dollars and not above fifteen dollars per ton, five dollars per ton; if valued above fifteen dollars and not above thirty dollars per ton, ten dollars per ton; if valued above thirty dollars per ton, fourteen dollars per ton.

89. Pumice stone, wholly or partially manufactured, three-eighths of one cent per pound; unmanufactured, valued at fifteen dollars or less per ton, thirty per centum ad valorem; valued at more than fifteen dollars per ton, one-fourth of one cent per pound; manufactures of pumice stone or of which pumice stone is the component material of

chief value not specially provided for in this section, thirty-five per centum ad valorem.

90. Clays or earths, unwrought or unmanufactured, not specially provided for in this section, one dollar per ton; wrought or manufactured, not specially provided for in this section, two dollars per ton; china clay or kaolin, two dollars and fifty cents per ton; limestone rock asphalt, fifty cents per ton; asphaltum and bitumen, not specially provided for in this section, crude, if not dried, or otherwise advanced in any manner, one dollar and fifty cents per ton; if dried or otherwise advanced in any manner, three dollars per ton; bauxite, or beauxite, crude, not refined or otherwise advanced in condition from its natural state, one dollar per ton; fuller's earth, unwrought and unmanufactured, one dollar and fifty cents per ton; wrought or manufactured, three dollars per ton; fluor spar, three dollars per ton.

91. Mica, unmanufactured, or rough trimmed only, five cents per pound and twenty per centum ad valorem; mica, cut or trimmed, mica plates or built-up mica, and all manufactures of mica or of which mica is the component material of chief value, ten cents per pound and twenty per centum ad valorem.

92. Common yellow, brown, or gray earthenware, plain, embossed, or salt-glazed common stoneware, and earthenware or stoneware crucibles, all the foregoing not decorated in any manner, twenty-five per centum ad valorem; yellow earthenware, plain or embossed, coated with white or transparent vitreous glaze but not otherwise ornamented or decorated, and Rockingham earthenware, forty per centum ad valorem.

93. China, porcelain, parian, bisque, earthen, stone and crockery ware, including clock cases with or without movements, pill tiles, plaques, ornaments, toys, charms, vases, statues, statuettes, mugs, cups, steins, and lamps, all the foregoing wholly or in chief value of such ware; painted, colored, tinted, stained, enameled, gilded, printed, or ornamented or decorated in any manner; and manufactures in chief value of such ware not specially provided for in this section, sixty per centum ad valorem.

94. China, porcelain, parian, bisque, earthen, stone and crockery ware, plain white, plain brown, including clock cases with or without movements, pill tiles, plaques, ornaments, toys, charms, vases, statues, statuettes, mugs, cups, steins, and lamps, all the foregoing wholly or in chief value of such ware, not painted, colored, tinted, stained, enameled, gilded, printed, or ornamented or decorated in any manner; and manufactures in chief value of such ware not specially provided for in this section, fifty-five per centum ad valorem.

95. Articles and wares composed wholly or in chief value of earthy or mineral substances, not specially provided for in this section, whether susceptible of decoration or not, if not decorated in any manner, thirty-five per centum ad valorem; if decorated, forty-five per centum ad valorem; carbon, not specially provided for in this section, twenty per centum ad valorem; electrodes, brushes, plates, and disks, all the foregoing composed wholly or in chief value of carbon, thirty per centum ad valorem.

96. Gas retorts, twenty per centum ad valorem; lava tips for burners, ten cents per gross and fifteen per centum ad valorem; carbons

for electric lighting, wholly or partly finished, made entirely from petroleum coke, thirty-five cents per hundred feet; if composed chiefly of lampblack or retort carbon, sixty-five cents per hundred feet; filter tubes, thirty-five per centum ad valorem; porous carbon pots for electric batteries, without metallic connections, twenty per centum ad valorem.

97. Plain green or colored, molded or pressed, and flint, lime, or lead glass bottles, vials, jars, and covered or uncovered demijohns, and carboys, any of the foregoing, filled or unfilled, not otherwise specially provided for in this section, and whether their contents be dutiable or free (except such as contain merchandise subject to an ad valorem rate of duty, or to a rate of duty based in whole or in part upon the value thereof which shall be dutiable at the rate applicable to their contents), shall pay duty as follows: If holding more than one pint, one cent per pound; if holding not more than one pint and not less than one-fourth of a pint, one and one-half cents per pound; if holding less than one-fourth of a pint, fifty cents per gross: Provided, That none of the above articles shall pay a less rate of duty than forty per centum ad valorem: Provided further, That the terms bottles, vials, jars, demijohns, and carboys, as used herein, shall be restricted to such articles when suitable for use as and of the character ordinarily employed as containers for the holding or transportation of merchandise, and not as appliances or implements in chemical or other operations.

98. Glass bottles, decanters, and all articles of every description composed wholly or in chief value of glass, ornamented or decorated in any manner, or cut, engraved, painted, decorated, ornamented, colored, stained, silvered, gilded, etched, sand blasted, frosted, or printed in any manner, or ground (except such grinding as is necessary for fitting stoppers or for purposes other than ornamentation), and all articles of every description, including bottles and bottle glassware, composed wholly or in chief value of glass blown either in a mold or otherwise; all of the foregoing, not specially provided for in this section, filled or unfilled, and whether their contents be dutiable or free, sixty per centum ad valorem: Provided, That for the purposes of this Act, bottles with cut glass stoppers shall, with the stoppers, be deemed entireties.

99. Unpolished, cylinder, crown, and common window glass, not exceeding one hundred and fifty square inches, valued at not more than one and one-half cents per pound, one and one-fourth cents per pound; valued at more than one and one-half cents per pound, one and three-eighths cents per pound; above that, and not exceeding three hundred and eighty-four square inches, valued at not more than one and three-fourths cents per pound, one and three-fourths cents per pound; valued at more than one and three-fourths cents per pound, one and seven-eighths cents per pound; above that, and not exceeding seven hundred and twenty square inches, valued at not more than two and one-eighth cents per pound, two and one-fourth cents per pound; valued at more than two and one-eighth cents per pound, two and three-eighths cents per pound; above that, and not exceeding eight hundred and sixty-four square inches, two and three-fourths cents per pound; above that, and not exceeding one thousand two

hundred square inches, three and one-fourth cents per pound; above that, and not exceeding two thousand four hundred square inches, three and three-fourths cents per pound; above that, four and one-fourth cents per pound: Provided, That unpolished cylinder, crown, and common window glass, imported in boxes, shall contain fifty square feet, as nearly as sizes will permit, and the duty shall be computed thereon according to the actual weight of glass.

100. Cylinder and crown glass, polished, not exceeding three hundred and eighty-four square inches, four cents per square foot; above that, and not exceeding seven hundred and twenty square inches, six cents per square foot; above that, and not exceeding one thousand four hundred and forty square inches, twelve cents per square foot; above that fifteen cents per square foot.

101. Fluted, rolled, ribbed, or rough plate glass, or the same containing a wire netting within itself, not including crown, cylinder, or common window glass, not exceeding three hundred and eighty-four square inches, three-fourths of one cent per square foot; above that, and not exceeding seven hundred and twenty square inches, one and one-fourth cents per square foot; all above that, one and three-fourths cents per square foot; and all fluted, rolled, ribbed, or rough plate glass, weighing over one hundred pounds per one hundred square feet, shall pay an additional duty on the excess at the same rates herein imposed: Provided, That all of the above plate glass, when ground, smoothed, or otherwise obscured, shall be subject to the same rate of duty as cast polished plate glass unsilvered.

102. Cast polished plate glass, finished or unfinished and unsilvered, not exceeding three hundred and eighty-four square inches, ten cents per square foot; above that, and not exceeding seven hundred and twenty square inches, twelve and one-half cents per square foot; all above that, twenty-two and one-half cents per square foot.

103. Cast polished plate glass, silvered, cylinder and crown glass, silvered, and looking-glass plates, exceeding in size one hundred and forty-four square inches and not exceeding three hundred and eighty-four square inches, eleven cents per square foot; above that, and not exceeding seven hundred and twenty square inches, thirteen cents per square foot; all above that, twenty-five cents per square foot: Provided, That no looking-glass plates or plate glass, silvered, when framed, shall pay a less rate of duty than that imposed upon similar glass of like description not framed, but shall pay in addition thereto upon such frames the rate of duty applicable thereto when imported separate.

104. Cast polished plate glass, silvered or unsilvered, and cylinder, crown, or common window glass, silvered or unsilvered, polished or unpolished, when bent, ground, obscured, frosted, sanded, enameled, beveled, etched, embossed, engraved, flashed, stained, colored, painted, ornamented, or decorated, shall be subject to a duty of five per centum ad valorem in addition to the rates otherwise chargeable thereon.

105. Spectacles, eyeglasses, and goggles, and frames for the same, or parts thereof, finished or unfinished, valued at not over forty cents per dozen, twenty cents per dozen and fifteen per centum ad valorem; valued at over forty cents per dozen and not over one dollar and fifty cents per dozen, forty-five cents per dozen and twenty per centum

ad valorem; valued at over one dollar and fifty cents per dozen, fifty per centum ad valorem.

106. Lenses of glass or pebble, molded or pressed, or ground and polished to a spherical, cylindrical, or prismatic form, and ground and polished plano or coquill glasses, wholly or partly manufactured, with the edges unground, forty-five per centum ad valorem; if with their edges ground or beveled, ten cents per dozen pairs and forty-five per centum ad valorem.

107. Strips of glass, not more than three inches wide, ground or polished on one or both sides to a cylindrical or prismatic form, including those used in the construction of gauges, and glass slides for magic lanterns, forty-five per centum ad valorem.

108. Opera and field glasses, telescopes, microscopes, photographic and projection lenses and optical instruments, and frames or mountings for the same; all the foregoing not specially provided for in this section, forty-five per centum ad valorem.

109. Stained or painted glass windows, or parts thereof, and all mirrors, not exceeding in size one hundred and forty-four square inches, with or without frames or cases, and all glass or manufactures of glass or paste or of which glass or paste is the component material of chief value, not specially provided for in this section, forty-five per centum ad valorem.

110. Fusible enamel, twenty-five per centum ad valorem; opal or cylinder glass tiles or tiling, sixty per centum ad valorem.

111. Marble and onyx, in block, rough or squared only, sixty-five cents per cubic foot; marble and onyx, sawed or dressed, over two inches in thickness, one dollar per cubic foot; slabs or paving tiles of marble or onyx, containing not less than four superficial inches, if not more than one inch in thickness, eight cents per superficial foot; if more than one inch and not more than one and one-half inches in thickness, ten cents per superficial foot; if more than one and one-half inches and not more than two inches in thickness, twelve and one-half cents per superficial foot; if rubbed in whole or in part, two cents per superficial foot in addition; mosaic cubes of marble or onyx, not exceeding two cubic inches in size, if loose, one-fourth of one cent per pound and twenty per centum ad valorem; if attached to paper or other material, five cents per superficial foot and thirty-five per centum ad valorem.

112. Marble, breccia, onyx, alabaster, and jet, wholly or partly manufactured into monuments, benches, vases, and other articles, or of which these substances or either of them is the component material of chief value, and all articles composed wholly or in chief value of agate, rock crystal, or other semiprecious stones, except such as are cut into shapes and forms fitting them expressly for use in the construction of jewelry, not specially provided for in this section, fifty per centum ad valorem.

113. Burrstones, manufactured or bound up into millstones, fifteen per centum ad valorem.

114. Freestone, granite, sandstone, limestone, and all other monumental or building stone, except marble, breccia, and onyx, not specially provided for in this section, hewn, dressed, or polished, or otherwise manufactured, fifty per centum ad valorem; unmanufactured, or not dressed, hewn, or polished, ten cents per cubic foot.

115. Grindstones, finished or unfinished, one dollar and seventy-five cents per ton.

116. Slates, slate chimney pieces, mantels, slabs for tables, roofing slates, and all other manufactures of slate, not specially provided for in this section, twenty per centum ad valorem.

SCHEDULE C.—METALS AND MANUFACTURES OF.

117. Iron ore, including manganiferous iron ore, and the dross or residuum from burnt pyrites, fifteen cents per ton: Provided, That in levying and collecting the duty on iron ore no deduction shall be made from the weight of the ore on account of moisture which may be chemically or physically combined therewith.

118. Iron in pigs, iron kentledge, spiegeleisen, and ferro-manganese, two dollars and fifty cents per ton; wrought and cast scrap iron, and scrap steel, one dollar per ton; but nothing shall be deemed scrap iron or scrap steel except waste or refuse iron or steel fit only to be remanufactured by melting, and excluding pig iron in all forms.

119. Bar iron, muck bars, square iron, rolled or hammered, comprising flats not less than one inch wide nor less than three-eighths of one inch thick, round iron not less than seven-sixteenths of one inch in diameter, three-tenths of one cent per pound.

120. Round iron, in coils or rods, less than seven-sixteenths of one inch in diameter, and bars or shapes of rolled or hammered iron, not specially provided for in this section, six-tenths of one cent per pound: Provided, That all iron in slabs, blooms, loops, or other forms less finished than iron in bars, and more advanced than pig iron, except castings, shall be subject to a duty of four-tenths of one cent per pound: Provided further, That all iron bars, blooms, billets, slabs or loops, in the manufacture of which charcoal is used as fuel, shall be subject to a duty of eight dollars per ton.

121. Beams, girders, joists, angles, channels, car-truck channels, T T, columns and posts or parts or sections of columns and posts, deck and bulb beams, and building forms, together with all other structural shapes of iron or steel, not assembled, or manufactured, or advanced beyond hammering, rolling, or casting, valued at nine-tenths of one cent per pound or less, three-tenths of one cent per pound; valued above nine-tenths of one cent per pound, four-tenths of one cent per pound.

122. Boiler or other plate iron or steel, except crucible plate steel and saw plates hereinafter provided for in this section, not thinner than number ten wire gauge, cut or sheared to shape or otherwise, or unsheared, and skelp iron or steel sheared or rolled in grooves, valued at eight-tenths of one cent per pound or less, three-tenths of one cent per pound; valued above eight-tenths of one cent and not above one cent per pound, four-tenths of one cent per pound; valued above one cent and not above two cents per pound, five-tenths of one cent per pound; valued above two cents and not above three cents per pound, six-tenths of one cent per pound; valued at over three cents per pound, twenty per centum ad valorem: Provided, That all sheets or plates of iron or steel thinner than number ten wire gauge shall pay duty as iron or steel sheets.

123. Iron or steel anchors or parts thereof, one cent per pound; forgings of iron or steel, or of combined iron and steel, but not machined, tooled, or otherwise advanced in condition by any process or operation subsequent to the forging process, not specially provided for in this section, thirty per centum ad valorem; antifriction balls, ball bearings, and roller bearings, of iron or steel or other metal, finished or unfinished, forty-five per centum ad valorem.

124. Hoop, band, or scroll iron or steel, not otherwise provided for in this section, valued at three cents per pound or less, eight inches or less in width, and less than three-eighths of one inch thick and not thinner than number ten wire gauge, three-tenths of one cent per pound; thinner than number ten wire gauge and not thinner than number twenty wire gauge, four-tenths of one cent per pound; thinner than number twenty wire gauge, six-tenths of one cent per pound: Provided, That barrel hoops of iron or steel, and hoop or band iron or hoop or band steel flared, splayed or punched, with or without buckles or fastenings, shall pay one-tenth of one cent per pound more duty than that imposed on the hoop or band iron or steel from which they are made; bands and strips of steel, exceeding twelve feet in length, not specially provided for in this section, thirty-five per centum ad valorem.

125. Hoop or band iron, or hoop or band steel, cut to lengths, or wholly or partly manufactured into hoops or ties, coated or not coated with paint or any other preparation, with or without buckles or fastenings, for baling cotton or any other commodity, three-tenths of one cent per pound.

126. Railway bars, made of iron or steel, and railway bars made in part of steel, T rails and punched iron or steel flat rails, seven-fortieths of one cent per pound; railway fish-plates or splice-bars, made of iron or steel, three-tenths of one cent per pound.

127. Sheets of iron or steel, common or black, of whatever dimensions, and skelp iron or steel, valued at three cents per pound or less, thinner than number ten and not thinner than number twenty wire gauge, five-tenths of one cent per pound; thinner than number twenty wire gauge and not thinner than number twenty-five wire gauge, six-tenths of one cent per pound; thinner than number twenty-five wire gauge and not thinner than number thirty-two wire gauge, eight-tenths of one cent per pound; thinner than number thirty-two wire gauge, nine-tenths of one cent per pound; corrugated or crimped, eight-tenths of one cent per pound; all the foregoing valued at more than three cents per pound, thirty per centum ad valorem: Provided, That all sheets or plates of common or black iron or steel not thinner than number ten wire gauge shall pay duty as plate iron or plate steel.

128. All iron or steel sheets or plates, and all hoop, band, or scroll iron or steel, excepting what are known commercially as tin plates, terne plates, and taggers tin, and hereinafter provided for, when galvanized or coated with zinc, spelter, or other metals, or any alloy of those metals, shall pay two-tenths of one cent per pound more duty than if the same was not so galvanized or coated; sheets or plates composed of iron, steel, copper, nickel, or other metal with layers of other metal or metals imposed thereon by forging, hammering, rolling, or welding, forty per centum ad valorem.

129. Sheets of iron or steel, polished, planished, or glanced, by whatever name designated, one and one-half cents per pound: Provided, That plates or sheets of iron or steel, by whatever name designated, other than the polished, planished, or glanced herein provided for, which have been pickled or cleaned by acid, or by any other material or process, or which are cold-rolled, smoothed only, not polished, shall pay two-tenths of one cent per pound more duty than the corresponding gauges of common or black sheet iron or steel.

130. Sheets or plates of iron or steel, or taggers iron or steel, coated with tin or lead, or with a mixture of which these metals, or either of them, is a component part, by the dipping or any other process, and commercially known as tin plates, terne plates, and taggers tin, one and two-tenths cents per pound.

131. Steel ingots, cogged ingots, blooms, and slabs, by whatever process made; die blocks or blanks; billets and bars and tapered or beveled bars; mill shafting; pressed, sheared, or stamped shapes, not advanced in value or condition by any process or operation subsequent to the process of stamping; hammer molds or swaged steel; gun-barrel molds not in bars; alloys used as substitutes for steel in the manufacture of tools; all descriptions and shapes of dry sand, loam, or iron-molded steel castings; sheets and plates and steel not specially provided for in this section, all of the above valued at three-fourths of one cent per pound or less, seven-fortieths of one cent per pound; valued above three-fourths of one cent and not above one and three-tenths cents per pound, three-tenths of one cent per pound; valued above one and three-tenths cents and not above one and eight-tenths cents per pound, five-tenths of one cent per pound; valued above one and eight-tenths cents and not above two and two-tenths cents per pound, six-tenths of one cent per pound; valued above two and two-tenths cents and not above three cents per pound, eight-tenths of one cent per pound; valued above three cents per pound and not above four cents per pound, one and one-tenth cents per pound; valued above four cents and not above seven cents per pound, one and two-tenths cents per pound; valued above seven cents and not above ten cents per pound, one and nine-tenths cents per pound; valued above ten cents and not above thirteen cents per pound, two and three-tenths cents per pound; valued above thirteen cents and not above sixteen cents per pound, two and seven-tenths cents per pound; valued above sixteen cents and not above twenty-four cents per pound, four and six-tenths cents per pound; valued above twenty-four cents and not above thirty-two cents per pound, six cents per pound; valued above thirty-two cents and not above forty cents per pound, seven cents per pound; valued above forty cents per pound, twenty per centum ad valorem.

132. Steel wool or steel shavings, forty per centum ad valorem.

133. Grit, shot, and sand made of iron or steel, that can be used only as abrasives, one cent per pound.

134. Wire rods: Rivet, screw, fence, and other iron or steel wire rods, whether round, oval, flat, or square, or in any other shape, and nail rods, all the foregoing in coils or otherwise, valued at four cents or less per pound, three-tenths of one cent per pound; valued over four cents per pound, six-tenths of one cent per pound: Provided, That all round iron or steel rods smaller than number six wire gauge

shall be classed and dutiable as wire: Provided further, That all iron or steel wire rods which have been tempered or treated in any manner or partly manufactured shall pay an additional duty of one-half of one cent per pound.

135. Round iron or steel wire, not smaller than number thirteen wire gauge, one cent per pound; smaller than number thirteen and not smaller than number sixteen wire gauge, one and one-fourth cents per pound; smaller than number sixteen wire gauge, one and three-fourths cents per pound: Provided, That all the foregoing shall pay duty at not less than thirty-five per centum ad valorem; all wire composed of iron, steel, or other metal except gold or silver, covered with cotton, silk, or other material, corset clasps, corset steels, dress steels, and all flat wires, and steel in strips, not thicker than number fifteen wire gauge and not exceeding five inches in width, whether in long or short lengths, in coils or otherwise, and whether rolled or drawn through dies or rolls, or otherwise produced, and all other wire not specially provided for in this section, shall pay a duty of not less than thirty-five per centum ad valorem; on iron or steel wire coated by dipping, galvanizing or similar process with zinc, tin, or other metal, there shall be paid two-tenths of one cent per pound in addition to the rate imposed on the wire of which it is made: Provided further, That articles manufactured wholly or in chief value of any wire or wires provided for in this paragraph shall pay the maximum rate of duty imposed in this section upon any wire used in the manufacture of such articles and in addition thereto one cent per pound: And provided further, That no article made from or composed of wire shall pay a less rate of duty than forty per centum ad valorem; telegraph, telephone, and other wires and cables composed of metal and rubber, or of metal, rubber, and other materials, forty per centum ad valorem; barbed fence wire, three-fourths of one cent per pound, but the same shall not be subject to any additional or other rate of duty hereinbefore provided; wire heddles or healds, twenty-five cents per thousand, and in addition thereto, forty per centum ad valorem.

136. No article not specially provided for in this section, which is wholly or partly manufactured from tin plate, terne plate, or the sheet, plate, hoop, band, or scroll iron or steel herein provided for, or of which such tin plate, terne plate, sheet, plate, hoop, band, or scroll iron or steel shall be the material of chief value, shall pay a lower rate of duty than that imposed on the tin plate, terne plate, or sheet, plate, hoop, band, or scroll iron or steel from which it is made, or of which it shall be the component thereof of chief value.

137. On all iron or steel bars or rods of whatever shape or section which are cold rolled, cold drawn, cold hammered, or polished in any way in addition to the ordinary process of hot rolling or hammering, there shall be paid one-eighth of one cent per pound in addition to the rates provided in this section on bars or rods of whatever section or shape which are hot rolled; and on all strips, plates, or sheets of iron or steel of whatever shape, other than the polished, planished, or glanced sheet-iron or sheet-steel hereinbefore provided for, which are cold hammered, blued, brightened, tempered, or polished by any process to such perfected surface finish or polish better than the grade of cold rolled, smoothed only, hereinbefore

provided for, there shall be paid four-tenths of one cent per pound in addition to the rates provided in this section upon plates, strips, or sheets of iron or steel of common or black finish of corresponding gauge or value; and on steel circular saw plates there shall be paid one-fourth of one cent per pound in addition to the rates provided in this section for steel plates.

138. No allowance or reduction of duties for partial loss or damage in consequence of rust or of discoloration shall be made upon any description of iron or steel, or upon any article wholly or partly manufactured of iron or steel, or upon any manufacture of iron or steel.

139. All metal produced from iron or its ores, which is cast and malleable, of whatever description or form, without regard to the percentage of carbon contained therein, whether produced by cementation, or converted, cast, or made from iron or its ores, by the crucible, Bessemer, Clapp-Griffith, pneumatic, Thomas-Gilchrist, basic, Siemens-Martin, or open-hearth process, or by the equivalent of either, or by a combination of two or more of the processes, or their equivalents, or by any fusion or other process which produces from iron or its ores a metal either granular or fibrous in structure, which is cast and malleable, excepting what is known as malleable-iron castings, shall be classed and denominated as steel.

140. Anvils of iron or steel, or of iron and steel combined, by whatever process made, or in whatever stage of manufacture, one and five-eighths cents per pound.

141. Automobiles, bicycles, and motorcycles, and finished parts of any of the foregoing, not including tires, forty-five per centum ad valorem.

142. Axles, or parts thereof, axle bars, axle blanks, or forgings for axles, whether of iron or steel, without reference to the stage or state of manufacture, not otherwise provided for in this section, valued at not more than six cents per pound, three-fourths of one cent per pound: Provided, That when iron or steel axles are imported fitted in wheels, or parts of wheels, of iron or steel, they shall be dutiable at the same rate as the wheels in which they are fitted.

143. Blacksmith's hammers and sledges, track tools, wedges, and crowbars, whether of iron or steel, one and three-eighths cents per pound.

144. Bolts, with or without threads or nuts, or bolt blanks, and finished hinges or hinge blanks, whether of iron or steel, one and one-eighth cents per pound.

145. Card clothing not actually and permanently fitted to and attached to carding machines or to parts thereof at the time of importation, when manufactured with round iron or untempered round steel wire, twenty cents per square foot; when manufactured with tempered round steel wire, forty-five cents per square foot; when manufactured with plated wire or other than round iron or steel wire, or with felt face, wool face, or rubber face cloth containing wool, fifty-five cents per square foot.

146. Cast-iron pipe of every description, one-fourth of one cent per pound.

147. Cast-iron andirons, plates, stove plates, sadirons, tailor's irons, hatter's irons, and castings and vessels wholly of cast iron, eight-

tenths of one cent per pound. All castings of iron or cast-iron plates which have been chiseled, drilled, machined, or otherwise advanced in condition by processes or operations subsequent to the casting process but not made up into articles, shall pay two-tenths of one cent per pound more than the rate imposed upon the castings of iron and cast-iron plates hereinbefore provided for.

148. Castings of malleable iron not specially provided for in this section, seven-tenths of one cent per pound.

149. Cast hollow ware, coated, glazed, or tinned, one and one-half cents per pound.

150. Chain or chains of all kinds, made of iron or steel, not less than three-fourths of one inch in diameter, seven-eighths of one cent per pound; less than three-fourths of one inch and not less than three-eights of one inch in diameter, one and one-eighth cents per pound; less than three-eighths of one inch in diameter and not less than five-sixteenths of one inch in diameter, one and six-eighths cents per pound; less than five-sixteenths of one inch in diameter, three cents per pound; but no chain or chains of any description shall pay a lower rate of duty than forty-five per centum ad valorem.

151. Lap-welded, butt-welded, seamed, or jointed iron or steel tubes, pipes, flues, or stays, not thinner than number sixteen wire gauge, if not less than three-eighths of an inch in diameter, one cent per pound; if less than three-eighths of an inch and not less than one-fourth of an inch in diameter, one and one-half cents per pound; if less than one-fourth of an inch in diameter, two cents per pound: Provided, That no tubes, pipes, flues, or stays, made of charcoal iron, shall pay a less rate of duty than one and one-half cents per pound; cylindrical or tubular tanks or vessels, for holding gas, liquids, or other material, whether full or empty, thirty per centum ad valorem; flexible metal tubing or hose, not specially provided for in this section, whether covered with wire or other material, or otherwise, including any appliances or attachments affixed thereto, thirty per centum ad valorem; welded cylindrical furnaces, tubes or flues made from plate metal, and corrugated, ribbed, or otherwise reinforced against collapsing pressure, two cents per pound; all other iron or steel tubes, finished, not specially provided for in this section, thirty per centum ad valorem.

152. Penknives, pocketknives, clasp knives, pruning knives, budding knives, erasers, manicure knives, and all knives by whatever name known, including such as are denominatively mentioned in this section, which have folding or other than fixed blades or attachments, valued at not more than forty cents per dozen, forty per centum ad valorem; valued at more than forty cents per dozen and not exceeding fifty cents per dozen, one cent per piece and forty per centum ad valorem; valued at more than fifty cents per dozen and not exceeding one dollar and twenty-five cents per dozen, five cents per piece and forty per centum ad valorem; valued at more than one dollar and twenty-five cents per dozen and not exceeding three dollars per dozen, ten cents per piece and forty per centum ad valorem; valued at more than three dollars per dozen, twenty cents per piece and forty per centum ad valorem: Provided, That any of the foregoing knives or erasers, if imported in the condition of assembled, but not fully finished, shall be dutiable at not less than the rate of duty herein imposed upon fully

finished knives and erasers of the same material and quality, but not less in any case than ten cents each and forty per centum ad valorem: Provided further, That blades, handles, or other parts of any of the foregoing knives or erasers shall be dutiable at not less than the rate herein imposed upon knives and erasers valued at more than fifty cents per dozen and not exceeding one dollar and twenty-five cents per dozen; razors, finished, valued at less than one dollar per dozen, thirty-five per centum ad valorem; valued at one dollar and less than one dollar and fifty cents per dozen, six cents each and thirty-five per centum ad valorem; valued at one dollar and fifty cents and less than two dollars per dozen, ten cents each and thirty-five per centum ad valorem; valued at two dollars and less than three dollars per dozen, twelve cents each and thirty-five per centum ad valorem; valued at three dollars or more per dozen, fifteen cents each and thirty-five per centum ad valorem: Provided, That blades (except for safety razors), handles, and unfinished razors shall pay no less duty than that imposed on finished razors valued at two dollars per dozen: Provided further, That on and after October first, nineteen hundred and nine, all the articles specified in this paragraph shall when imported have the name of the maker or purchaser and beneath the same the name of the country of origin die-sunk conspicuously and indelibly on the shank or tang of at least one or, if practicable, each and every blade thereof. Scissors and shears, and blades for the same, finished or unfinished, valued at not more than fifty cents per dozen, fifteen cents per dozen and fifteen per centum ad valorem; valued at more than fifty cents and not more than one dollar and seventy-five cents per dozen, fifty cents per dozen and fifteen per centum ad valorem; valued at more than one dollar and seventy-five cents per dozen, seventy-five cents per dozen and twenty-five per centum ad valorem.

153. Sword blades, and swords and side arms irrespective of quality or use, in part of metal, fifty per centum ad valorem.

154. Table, butchers', carving, cooks', hunting, kitchen, bread, butter, vegetable, fruit, cheese, carpenters' bench, curriers', drawing, farriers', fleshing, hay, tanners', plumbers', painters', palette, artists', and shoe knives, forks and steels, finished or unfinished; if imported with handles of mother-of-pearl, shell, ivory, silver, nickeled silver, or other metal than iron or steel, fourteen cents each; with handles of deer-horn, ten cents each; with handles of hard rubber, solid bone, celluloid, or any pyroxyline material, four cents each; with handles of any other material than those above mentioned, one cent each, and in addition, on all the above articles, fifteen per centum ad valorem; any of the knives, forks or steels, enumerated in this paragraph, if imported without handles, forty per centum ad valorem: Provided, That none of the above-named articles shall pay a less rate of duty than forty per centum ad valorem: Provided, That all the articles specified in this paragraph when imported on and after October first, nineteen hundred and nine, shall have the name of the maker or purchaser and beneath the same the name of the country of origin indelibly stamped or branded thereon in a place that shall not be covered thereafter.

155. Files, file-blanks, rasps, and floats, of all cuts and kinds, two and one-half inches in length and under, twenty-five cents per dozen; over two and one-half inches in length and not over four and one-half inches, forty-seven and one-half cents per dozen; over four and one-

half inches in length and under seven inches, sixty-two and one-half cents per dozen; seven inches in length and over, seventy-seven and one-half cents per dozen.

156. Muskets, muzzle-loading shotguns, rifles, and parts thereof, twenty-five per centum ad valorem.

157. Double-barreled, sporting, breech-loading shotguns, combination shotguns and rifles, valued at not more than five dollars, one dollar and fifty cents each and in addition thereto fifteen per centum ad valorem; valued at more than five dollars and not more than ten dollars, four dollars each and in addition thereto fifteen per centum ad valorem each; valued at more than ten dollars, six dollars each; double barrels for sporting breech-loading shotguns and rifles, further advanced in manufacture than rough bored only, three dollars each; stocks for double-barreled sporting breech-loading shotguns and rifles wholly or partially manufactured, three dollars each; and in addition thereto on all such guns and rifles, valued at more than ten dollars each, and on such stocks and barrels, thirty-five per centum ad valorem; on all other parts of such guns or rifles, and fittings for such stocks or barrels, finished or unfinished, fifty per centum ad valorem: Provided, That all double-barreled sporting breech-loading shotguns and rifles imported without a lock or locks or other fittings shall be subject to a duty of six dollars each and thirty-five per centum ad valorem; single-barreled breech-loading shotguns, or parts thereof, except as otherwise specially provided for in this section, one dollar each and thirty-five per centum ad valorem; pistols, automatic, magazine, or revolving, or parts thereof, seventy-five cents each and twenty-five per centum ad valorem.

158. Table, kitchen, and hospital utensils, or other similar hollow ware, of iron or steel, enameled or glazed with vitreous glasses, but not ornamented or decorated with lithographic or other printing, forty per centum ad valorem.

159. Cut nails and cut spikes of iron or steel, four-tenths of one cent per pound.

160. Horseshoe nails, hob nails, and all other wrought iron or steel nails not specially provided for in this section, one and one-half cents per pound.

161. Wire nails made of wrought iron or steel, not less than one inch in length and not lighter than number sixteen wire gauge, four-tenths of one cent per pound; less than one inch in length and lighter than number sixteen wire gauge, three-fourths of one cent per pound.

162. Spikes, nuts, and washers, and horse, mule, or ox shoes, of wrought iron or steel, three-fourths of one cent per pound.

163. Cut tacks, brads, or sprigs, not exceeding sixteen ounces to the thousand, five-eighths of one cent per thousand; exceeding sixteen ounces to the thousand, three-fourths of one cent per pound.

164. Needles for knitting or sewing machines, one dollar per thousand and twenty-five per centum ad valorem; latch needles, one dollar and fifteen cents per thousand and thirty-five per centum ad valorem; crochet needles and tape needles, knitting and all other needles, not specially provided for in this section, and bodkins of metal, twenty-five per centum ad valorem; but no articles other than the needles which are specifically named in this section shall be dutiable as needles unless having an eye, and fitted and used for carrying a

thread. Needle cases or needle books furnished with assortments of needles or combinations of needles and other articles, shall pay duty as entireties according to the component material of chief value therein.

165. Fish hooks, fishing rods and reels, artificial flies, artificial baits, snelled hooks and all other fishing tackle or parts thereof, not specially provided for in this section, except fishing lines, fishing nets and seines, forty-five per centum ad valorem.

166. Steel plates engraved, stereotype plates, electrotype plates, and plates of other materials, engraved for printing, twenty per centum ad valorem; plates of iron or steel engraved or fashioned for use in the production of designs, patterns, or impressions on glass in the process of manufacturing plate or other glass, twenty-five per centum ad valorem; lithographic plates of stone or other material, engraved, drawn, or prepared, and wet transfer paper or paper prepared wholly with glycerin, or glycerin combined with other materials, containing the imprints taken from lithographic plates, fifty per centum ad valorem.

167. Rivets, studs, and steel points, lathed, machined, or brightened, and rivets or studs for nonskidding automobile tires, forty-five per centum ad valorem; rivets of iron or steel, not specially provided for in this section, one and one-fourth cents per pound.

168. Crosscut saws, five cents per linear foot; mill saws, eight cents per linear foot; pit and drag saws, six cents per linear foot; circular saws, twenty per centum ad valorem; steel band saws, finished or further advanced than tempered and polished, five cents per pound and twenty per centum ad valorem; hand, back, and all other saws, not specially provided for in this section, twenty-five per centum ad valorem.

169. Screws, commonly called wood screws, made of iron or steel, more than two inches in length, three cents per pound; over one inch and not more than two inches in length, five cents per pound; over one-half inch and not more than one inch in length, eight cents per pound; one-half inch and less in length, ten cents per pound.

170. Umbrella and parasol ribs and stretchers, composed in chief value of iron, steel, or other metal, in frames or otherwise, and tubes for umbrellas, wholly or partially finished, fifty per centum ad valorem.

171. Wheels for railway purposes, or parts thereof, made of iron or steel, and steel-tired wheels for railway purposes, whether wholly or partly finished, and iron or steel locomotive, car, or other railway tires or parts thereof, wholly or partly manufactured, one and one-fourth cents per pound; ingots, cogged ingots, blooms, or blanks for the same, without regard to the degree of manufacture, one cent per pound: Provided, That when wheels for railway purposes, or parts thereof, of iron or steel, are imported with iron or steel axles fitted in them, the wheels and axles together shall be dutiable at the same rate as is provided for the wheels when imported separately.

172. Aluminum, aluminum scrap, and alloys of any kind in which aluminum is the component material of chief value, in crude form, seven cents per pound; in plates, sheets, bars, and rods, eleven cents per pound; barium, calcium, magnesium, sodium, and potassium, and alloys of which said metals are the component material of chief value, three cents per pound and twenty-five per centum ad valorem.

173. Antimony, as regulus or metal, one and one-half cents per

pound; antimony ore, stibnite and matte containing antimony, but not containing more than ten per centum of lead, one cent per pound on the antimony contents therein contained: Provided, That on all importations of antimony-bearing ores and matte containing antimony the duties shall be estimated at the port of entry, and a bond given in double the amount of such estimated duties for the transportation of the ores by common carriers bonded for the transportation of appraised or unappraised merchandise to properly equipped sampling or smelting establishments, whether designated as bonded warehouses or otherwise. On the arrival of the ores at such establishment, they shall be sampled according to commercial methods under the supervision of government officers, who shall be stationed at such establishment, and who shall submit the samples thus obtained to a government assayer, designated by the Secretary of the Treasury, who shall make a proper assay of the sample, and report the result to the proper customs officers, and the import entry shall be liquidated thereon, except in case of ores that shall be removed to a bonded warehouse to be refined for exportation as provided by law, and the Secretary of the Treasury is authorized to make all necessary regulations to enforce the provisions of this paragraph; antimony, oxide of, one and one-half cents per pound and twenty-five per centum ad valorem.

174. Argentine, albata, or German silver, unmanufactured, twenty-five per centum ad valorem.

175. Bronze powder, brocades, flitters, and metallics, twelve cents per pound; bronze, or Dutch-metal or aluminum, in leaf, six cents per one hundred leaves.

176. Copper, in rolled plates, called braziers' copper, sheets, rods, pipes, and copper bottoms, two and one-half cents per pound; sheathing or yellow metal of which copper is the component material of chief value, and not composed wholly or in part of iron ungalvanized, two cents per pound.

177. Gold leaf, thirty-five cents per one hundred leaves. The foregoing rate applies to leaf not exceeding in size the equivalent of three and three-eighths by three and three-eighths inches; additional duties in the same proportion shall be assessed on leaf exceeding in size said equivalent.

178. Silver leaf, ten cents per one hundred leaves.

179. Tinsel wire, lame or lahn, made wholly or in chief value of gold, silver, or other metal, five cents per pound; bullions and metal threads, made wholly or in chief value of tinsel wire, lame or lahn, five cents per pound and thirty per centum ad valorem; fabrics, laces, embroideries, braids, galloons, trimmings, ribbons, beltings, ornaments, toys, or other articles, made wholly or in chief value of tinsel wire, lame or lahn, bullions, or metal threads, fifteen cents per pound and sixty per centum ad valorem.

180. Hooks and eyes, metallic, whether loose, carded, or otherwise, including weight of cards, cartons, and immediate wrappings and labels, four and one-half cents per pound and fifteen per centum ad valorem.

181. Lead-bearing ore of all kinds, one and one-half cents per pound on the lead contained therein: Provided, That on all importations of lead-bearing ores the duties shall be estimated at the port

of entry, and a bond given in double the amount of such estimated duties for the transportation of the ores by common carriers bonded for the transportation of appraised or unappraised merchandise to properly equipped sampling or smelting establishments, whether designated as bonded warehouses or otherwise. On the arrival of the ores at such establishments they shall be sampled according to commercial methods under the supervision of government officers, who shall be stationed at such establishments, and who shall submit the samples thus obtained to a government assayer, designated by the Secretary of the Treasury, who shall make a proper assay of the sample and report the result to the proper customs officers, and the import entries shall be liquidated thereon, except in case of ores that shall be removed to a bonded warehouse to be refined for exportation as provided by law. And the Secretary of the Treasury is authorized to make all necessary regulations to enforce the provisions of this paragraph.

182. Lead dross, lead bullion or base bullion, lead in pigs and bars, lead in any form not specially provided for in this section, old refuse lead run into blocks and bars, and old scrap lead fit only to be remanufactured; all the foregoing, two and one-eighth cents per pound; lead in sheets, pipe, shot, glaziers' lead and lead wire, two and three-eighths cents per pound.

183. Metallic mineral substances in a crude state, and metals unwrought, whether capable of being wrought or not, not specially provided for in this section, twenty per centum ad valorem; monazite sand and thorite, four cents per pound; thorium, oxide of and salts of, gas mantles treated with chemicals or metallic oxides, and gas mantle scrap consisting in chief value of metallic oxides, forty per centum ad valorem.

184. Chrome or chromium metal, ferrochrome or ferrochromium, ferromolybdenum, ferrophosphorus, ferrotitanium, ferrotungsten, ferrovanadium, molybdenum, titanium, tantalum, tungsten, or wolfram metal, valued at two hundred dollars per ton or less, twenty-five per centum ad valorem; valued at more than two hundred dollars per ton, twenty per centum ad valorem; ferrosilicon containing not more than fifteen per centum of silicon, five dollars per ton; ferrosilicon containing more than fifteen per centum of silicon, twenty per centum ad valorem.

185. Nickel, nickel oxide, alloy of any kind in which nickel is a component material of chief value, in pigs, ingots, bars, rods, or plates, six cents per pound; sheets or strips, thirty-five per centum ad valorem.

186. Pens, metallic, except gold pens, twelve cents per gross; with nib and barrel in one piece, fifteen cents per gross.

187. Penholder tips, penholders and parts thereof, five cents per gross and twenty-five per centum ad valorem; gold pens, twenty-five per centum ad valorem; fountain pens, stylographic pens, thirty per centum ad valorem; combination penholders, comprising penholder, pencil, rubber eraser, automatic stamp, or other attachment, forty per centum ad valorem: Provided, That pens and penholders shall be assessed for duty separately.

188. Pins with solid heads, without ornamentation, including hair, safety, hat, bonnet, and shawl pins; any of the foregoing composed

wholly of brass, copper, iron, steel, or other base metal, not plated with gold or silver, and not commonly known as jewelry, thirty-five per centum ad valorem.

189. Quicksilver, seven cents per pound. The flasks, bottles, or other vessels in which quicksilver is imported shall be subject to the same rate of duty as they would be subjected to if imported empty.

190. Tungsten-bearing ores of all kinds, ten per centum ad valorem.

191. Type metal, one and one-half cents per pound on the lead contained therein; new types, twenty-five per centum ad valorem.

192. Watch movements, including time-detectors, whether imported in cases or not, if having not more than seven jewels, seventy cents each; if having more than seven jewels and not more than eleven jewels, one dollar and thirty-five cents each; if having more than eleven jewels and not more than fifteen jewels, one dollar and eighty-five cents each; if having more than fifteen and not more than seventeen jewels, one dollar and twenty-five cents each and twenty-five per centum ad valorem; if having more than seventeen jewels, three dollars each and twenty-five per centum ad valorem; watch cases and parts of watches, chronometers, box or ship, and parts thereof, forty per centum ad valorem; lever clock movements having jewels in the escapement, and clocks containing such movements, one dollar each and forty per centum ad valorem; all other clocks and parts thereof, not otherwise provided for in this section, whether separately packed or otherwise, not composed wholly or in chief value of china, porcelain, parian, bisque, or earthenware, forty per centum ad valorem; all jewels for use in the manufacture of watches or clocks, ten per centum ad valorem; enameled dials for watches or other instruments, three cents per dial and forty per centum ad valorem: Provided, That all watch and clock dials, whether attached to movements or not, shall have indelibly painted or printed thereon the country of origin, and that all watch movements, lever clock movements with jewels in the escapement, and cases of foreign manufacture shall have the name of the manufacturer and country of manufacture cut, engraved, or die-sunk conspicuously and indelibly on the plate of the movement and the inside of the case, respectively, and the movements shall also have marked thereon by one of the methods indicated the number of jewels and adjustments, said number to be expressed both in words and in Arabic numerals; and none of the aforesaid articles shall be delivered to the importer unless marked in exact conformity to this direction.

193. Zinc-bearing ore of all kinds, including calamine, containing less than ten per centum of zinc, shall be admitted free of duty; containing ten per centum or more of zinc and less than twenty per centum, one-fourth of one cent per pound on the zinc contained therein; containing twenty per centum or more of zinc and less than twenty-five per centum, one-half of one cent per pound on the zinc contained therein; containing twenty-five per centum of zinc, or more, one cent per pound on the zinc contained therein: Provided, That on all importations of zinc-bearing ores the duties shall be estimated at the port of entry, and a bond given in double the amount of such estimated duties for the transportation of the ores by common carriers bonded for the transportation of appraised or unappraised merchandise to properly equipped sampling or smelting establishments, whether designated as bonded warehouses or otherwise. On the arrival of the

ores at such establishments they shall be sampled according to commercial methods under the supervision of government officers, who shall be stationed at such establishments, and who shall submit the samples thus obtained to a government assayer, designated by the Secretary of the Treasury, who shall make a proper assay of the sample, and report the result to the proper customs officers, and the import entries shall be liquidated thereon, except in case of ores that shall be removed to a bonded warehouse to be refined for exportation as provided by law. And the Secretary of the Treasury is authorized to make all necessary regulations to enforce the provisions of this paragraph.

194. Zinc in blocks or pigs and zinc dust, one and three-eighths cents per pound; in sheets, one and five-eighths cents per pound; in sheets coated or plated with nickel or other metal, or solutions, one and three-fourths cents per pound; old and worn-out, fit only to be remanufactured, one cent per pound.

195. Cans, boxes, packages, and other containers of all kinds (except such as are hermetically sealed by soldering or otherwise), composed wholly or in chief value of metal lacquered or printed by any process of lithography whatever, if filled or unfilled, and whether their contents be dutiable or free, four cents per pound and thirty-five per centum ad valorem: Provided, That none of the foregoing articles shall pay a less rate of duty than fifty-five per centum ad valorem; but no cans, boxes, packages, or containers of any kind, of the capacity of five pounds or under, subject to duty under this paragraph, shall pay less duty than if the same were imported empty; and the dutiable value of the same shall include all packing charges, cartons, wrappings, envelopes, and printed matter accompanying them when such cans, boxes, packages, or containers are imported wholly or partly filled with merchandise exempt from duty (except liquids and merchandise commercially known as drugs) and which is commonly dealt in at wholesale in the country of original exportation in bulk or in packages exceeding five pounds in capacity: Provided further, That paper, cardboard or pasteboard wrappings or containers that are made and used only for the purpose of holding or containing the article with which they are filled, and after such use are mere waste material, shall not be dutiable unless their contents are dutiable.

196. Bottle caps of metal, if not colored, waxed, lacquered, enameled, lithographed, or embossed in color, one-half of one cent per pound and forty-five per centum ad valorem; if colored, waxed, lacquered, enameled, lithographed, or embossed in color, fifty-five per centum ad valorem.

197. Cash registers, jute manufacturing machinery, linotype and all typesetting machines, machine tools, printing presses, sewing machines, typewriters, and all steam engines, thirty per centum ad valorem; embroidery machines and lace-making machines, including machines for making lace curtains, nets, or nettings, forty-five per centum ad valorem: Provided, however, That all embroidery machines and Lever or Gothrough lace-making machines, machines used only for the weaving of linen cloth from flax and flax fiber, and tar and oil spreading machines used in the construction and maintenance of roads and in improving them by the use of road preservatives, shall, if imported

prior to January first, nineteen hundred and eleven, be admitted free of duty.

198. Nippers and pliers of all kinds (except blacksmiths' tongs, surgical and dental instruments or parts thereof), wholly or partly manufactured, eight cents per pound and forty per centum ad valorem.

199. Articles or wares not specially provided for in this section, composed wholly or in part of iron, steel, lead, copper, nickel, pewter, zinc, gold, silver, platinum, aluminum, or other metal, and whether partly or wholly manufactured, forty-five per centum ad valorem.

SCHEDULE D.—WOOD AND MANUFACTURES OF.

200. Timber, hewn, sided or squared otherwise than by sawing (not less than eight inches square) and round timber used for spars or in building wharves, one-half of one cent per cubic foot.

201. Sawed boards, planks, deals, and other lumber of whitewood, sycamore, and basswood, fifty cents per thousand feet board measure; sawed lumber, not specially provided for in this section, one dollar and twenty-five cents per thousand feet board measure; but when lumber of any sort is planed or finished, there shall be levied in addition to the rates herein provided, the following:

For one side so planed or finished, fifty cents per thousand feet board measure; for planing or finishing on one side and tonguing and grooving or for planing or finishing on two sides, seventy-five cents per thousand feet board measure; for planing or finishing on three sides, or planing and finishing on two sides and tonguing and grooving, one dollar and twelve and one-half cents per thousand feet board measure; for planing and finishing on four sides, one dollar and fifty cents per thousand feet board measure; and in estimating board measure under this schedule no deduction shall be made on board measure on account of planing, tonguing, and grooving.

202. Briar root or briar wood, ivy or laurel root, and similar wood unmanufactured, or not further advanced than cut into blocks suitable for the articles into which they are intended to be converted, fifteen per centum ad valorem.

203. Sawed boards, planks, deals, and all forms of sawed cedar, lignum-vitæ, lancewood, ebony, box, granadilla, mahogany, rosewood, satinwood, and all other cabinet woods not further manufactured than sawed, fifteen per centum ad valorem; veneers of wood, and wood unmanufactured, not specially provided for in this section, twenty per centum ad valorem.

204. Paving posts, railroad ties, and telephone, trolley, electric light, and telegraph poles of cedar or other woods, ten per centum ad valorem.

205. Clapboards, one dollar and twenty-five cents per thousand.

206. Hubs for wheels, posts, heading bolts, stave bolts, last blocks, wagon blocks, oarblocks, heading blocks, and all like blocks or sticks, roughhewn, sawed or bored, twenty per centum ad valorem.

207. Laths, twenty cents per one thousand pieces.

208. Pickets, palings and staves of wood, of all kinds, ten per centum ad valorem.

209. Shingles, fifty cents per thousand.

210. Casks, barrels, and hogsheads (empty), sugar-box shooks, and packing-boxes (empty), and packing-box shooks, of wood, not specially provided for in this section, thirty per centum ad valorem.

211. Boxes, barrels, or other articles containing oranges, lemons, limes, grape fruit, shaddocks or pomelos, thirty per centum ad valorem: Provided, That the thin wood, so called, comprising the sides, tops and bottoms of orange and lemon boxes of the growth and manufacture of the United States, exported as orange and lemon box shooks, may be reimported in completed form, filled with oranges and lemons, by the payment of duty at one-half the rate imposed on similar boxes of entirely foreign growth and manufacture; but proof of the identity of such shooks shall be made under regulations to be prescribed by the Secretary of the Treasury.

212. Chair cane or reeds wrought or manufactured from rattans or reeds, ten per centum ad valorem; osier or willow, including chip of and split willow, prepared for basket makers' use, twenty-five per centum ad valorem; manufactures of osier or willow and willow furniture, forty-five per centum ad valorem.

213. Toothpicks of wood or other vegetable substance, two cents per one thousand and fifteen per centum ad valorem; butchers' and packers' skewers of wood, forty cents per thousand.

214. Porch and window blinds, baskets, curtains, shades, or screens of bamboo, wood, straw, or compositions of wood, not specially provided for in this section, thirty-five per centum ad valorem; if stained, dyed, painted, printed, polished, grained or creosoted, forty per centum ad valorem.

215. House or cabinet furniture wholly or in chief value of wood, wholly or partly finished, and manufactures of wood or bark, or of which wood or bark is the component material of chief value, not specially provided for in this section, thirty-five per centum ad valorem.

SCHEDULE E.—SUGAR, MOLASSES, AND MANUFACTURES OF.

216. Sugars not above number sixteen Dutch standard in color, tank bottoms, sirups of cane juice, melada, concentrated melada, concrete and concentrated molasses, testing by the polariscope not above seventy-five degrees, ninety-five one-hundredths of one cent per pound, and for every additional degree shown by the polariscopic test, thirty-five one-thousandths of one cent per pound additional, and fractions of a degree in proportion; and on sugar above number sixteen Dutch standard in color, and on all sugar which has gone through a process of refining, one cent and ninety one-hundredths of one cent per pound; molasses testing not above forty degrees, twenty per centum ad valorem; testing above forty degrees and not above fifty-six degrees, three cents per gallon; testing above fifty-six degrees, six cents per gallon; sugar drainings and sugar sweepings shall be subject to duty as molasses or sugar, as the case may be, according to polariscopic test.

217. Maple sugar and maple sirup, four cents per pound; glucose or grape sugar, one and one-half cents per pound; sugar cane in its natural state, or unmanufactured, twenty per centum ad valorem.

218. Saccharine, sixty-five cents per pound.

219. Sugar candy and all confectionery not specially provided for in this section, valued at fifteen cents per pound or less, and on sugars after being refined, when tinctured, colored or in any way adulterated, four cents per pound and fifteen per centum ad valorem; valued at more than fifteen cents per pound, fifty per centum ad valorem. The weight and the value of the immediate coverings, other than the outer packing case or other covering, shall be included in the dutiable weight and the value of the merchandise.

SCHEDULE F.—TOBACCO AND MANUFACTURES OF.

220. Wrapper tobacco, and filler tobacco when mixed or packed with more than fifteen per centum of wrapper tobacco, and all leaf tobacco the product of two or more countries or dependencies when mixed or packed together, if unstemmed, one dollar and eighty-five cents per pound; if stemmed, two dollars and fifty cents per pound; filler tobacco not specially provided for in this section, if unstemmed, thirty-five cents per pound; if stemmed, fifty cents per pound.

221. The term wrapper tobacco as used in this section means that quality of leaf tobacco which is suitable for cigar wrappers, and the term filler tobacco means all other leaf tobacco. Collectors of customs shall not permit entry to be made, except under regulations to be prescribed by the Secretary of the Treasury, of any leaf tobacco, unless the invoices of the same shall specify in detail the character of such tobacco, whether wrapper or filler, its origin and quality. In the examination for classification of any imported leaf tobacco, at least one bale, box, or package in every ten, and at least one in every invoice, shall be examined by the appraiser or person authorized by law to make such examination, and at least ten hands shall be examined in each examined bale, box, or package.

222. All other tobacco, manufactured or unmanufactured, not specially provided for in this section, and scrap tobacco, fifty-five cents per pound.

223. Snuff and snuff flour, manufactured of tobacco, ground dry, or damp, and pickled, scented, or otherwise, of all descriptions, fifty-five cents per pound.

224. Cigars, cigarettes, cheroots of all kinds, four dollars and fifty cents per pound and twenty-five per centum ad valorem, and paper cigars and cigarettes, including wrappers, shall be subject to the same duties as are herein imposed upon cigars.

SCHEDULE G.—AGRICULTURAL PRODUCTS AND PROVISIONS.

225. Cattle, if less than one year old, two dollars per head; all other cattle if valued at not more than fourteen dollars per head, three dollars and seventy-five cents per head; if valued at more than fourteen dollars per head, twenty-seven and one-half per centum ad valorem.

226. Swine, one dollar and fifty cents per head.

227. Horses and mules, valued at one hundred and fifty dollars or less per head, thirty dollars per head; if valued at over one hundred and fifty dollars, twenty-five per centum ad valorem.

228. Sheep, one year old or over, one dollar and fifty cents per head; less than one year old, seventy-five cents per head.

229. All other live animals, not specially provided for in this section, twenty per centum ad valorem.

230. Barley, thirty cents per bushel of forty-eight pounds.

231. Barley malt, forty-five cents per bushel of thirty-four pounds.

232. Barley, pearled, patent, or hulled, two cents per pound.

233. Broom corn, three dollars per ton.

234. Buckwheat, fifteen cents per bushel of forty-eight pounds; buckwheat flour, twenty-five per centum ad valorem.

235. Corn or maize, fifteen cents per bushel of fifty-six pounds.

236. Corn meal, forty cents per one hundred pounds.

237. Macaroni, vermicelli, and all similar preparations, one and one-half cents per pound.

238. Oats, fifteen cents per bushel.

239. Oatmeal and rolled oats, one cent per pound; oat hulls, ten cents per hundred pounds.

240. Rice, cleaned, two cents per pound; uncleaned rice, or rice free of the outer hull and still having the inner cuticle on, one and one-fourth cents per pound; rice flour, and rice meal, and rice broken which will pass through a number twelve wire sieve of a kind prescribed by the Secretary of the Treasury, one-fourth of one cent per pound; paddy, or rice having the outer hull on, three-fourths of one cent per pound.

241. Rye, ten cents per bushel; rye flour, one-half of one cent per pound.

242. Wheat, twenty-five cents per bushel.

243. Wheat flour, and semolina, twenty-five per centum ad valorem.

244. Biscuits, bread, wafers, and similar articles, not specially provided for in this section, twenty per centum ad valorem; biscuits, wafers, cakes, and other baked articles, by whatever name known, composed in whole or in part of eggs, or any kind of flour or meal, or other material, when sweetened with sugar, honey, molasses, or other material, or combined with chocolate, nuts, fruit, or confectionery of any kind, or both so sweetened and combined, and without regard to the component material of chief value, valued at fifteen cents per pound or less, three cents per pound and fifteen per centum ad valorem; valued at more than fifteen cents per pound, fifty per centum ad valorem.

245. Butter and substitutes therefor, six cents per pound.

246. Cheese, and substitutes therefor, six cents per pound.

247. Milk, fresh, two cents per gallon; cream, five cents per gallon.

248. Milk, preserved or condensed, or sterilized by heating or other processes, including weight of immediate coverings, two cents per pound; sugar of milk, five cents per pound.

249. Beans, forty-five cents per bushel of sixty pounds.

250. Beets, twenty-five per centum ad valorem; sugar beets, ten per centum ad valorem.

251. Beans, peas, mushrooms, and truffles, prepared or preserved, or contained in tins, jars, bottles, or similar packages, two and one-half cents per pound, including the weight of immediate coverings;

mushrooms, cut, sliced, or dried, in undivided packages containing not less than five pounds, two and one-half cents per pound.

252. Vegetables, if cut, sliced, or otherwise reduced in size, or if parched or roasted, or if pickled, or packed in salt, brine, oil, or prepared in any way; any of the foregoing not specially provided for in this section, and bean stick or bean cake, miso, and similar products, forty per centum ad valorem.

253. Pickles, including pickled nuts, sauces of all kinds, not specially provided for in this section, and fish paste or sauce, forty per centum ad valorem.

254. Cabbages, two cents each.

255. Cider, five cents per gallon.

256. Eggs, not specially provided for in this section, five cents per dozen.

257. Eggs, dried, fifteen cents per pound; eggs, yolk of, twenty-five per centum ad valorem; albumen, egg or blood, three cents per pound; dried blood, when soluble, one and one-half cents per pound.

258. Hay, four dollars per ton.

259. Honey, twenty cents per gallon.

260. Hops, sixteen cents per pound; hop extract and lupulin, fifty per centum ad valorem.

261. Onions, forty cents per bushel of fifty-seven pounds; garlic, one cent per pound.

262. Pease, green, in bulk or in barrels, sacks, or similar packages, twenty-five cents per bushel of sixty pounds; seed pease, forty cents per bushel of sixty pounds; pease, dried, not specially provided for in this section, twenty-five cents per bushel; split pease, forty-five cents per bushel of sixty pounds; pease in cartons, papers, or other small packages, one cent per pound.

263. Orchids, palms, azaleas, and all other decorative or greenhouse plants and cut flowers, preserved or fresh, twenty-five per centum ad valorem; lily of the valley pips, tulip, narcissus, begonia, and gloxinia bulbs, one dollar per thousand; hyacinth, astilbe, dielytra, and lily of the valley clumps, two dollars and fifty cents per thousand; lily bulbs and calla bulbs, five dollars per thousand; peony, Iris Kæmpferii or Germanica, canna, dahlia, and amaryllis bulbs, ten dollars per thousand; all other bulbs, bulbous roots or corms which are cultivated for their flowers or foliage, fifty cents per thousand.

264. Stocks, cuttings, or seedlings of Myrobolan plum, Mahaleb or Mazzard cherry, Manetti multiflora and briar rose, three years old or less, one dollar per thousand plants; stocks, cuttings, or seedlings of pear, apple, quince and the Saint Julien plum, three years old or less, two dollars per thousand plants; rose plants, budded, grafted, or grown on their own roots, four cents each; stocks, cuttings and seedlings of all fruit and ornamental trees, deciduous and evergreen shrubs and vines, and all trees, shrubs, plants, and vines commonly known as nursery or greenhouse stock, not specially provided for in this section, twenty-five per centum ad valorem.

265. Potatoes, twenty-five cents per bushel of sixty pounds.

266. Seeds: Castor beans or seeds, twenty-five cents per bushel of fifty pounds; flaxseed or linseed and other oil seeds not specially provided for in this section, twenty-five cents per bushel of fifty-six

pounds; poppy seed, fifteen cents per bushel; mushroom spawn, and spinach seed, one cent per pound; beet, except sugar beet, carrot, corn salad, parsley, parsnip, radish, turnip and ruta-baga seed, four cents per pound; cabbage, collard, kale and kohl-rabi seed, eight cents per pound; egg plant and pepper seed, twenty cents per pound; seeds of all kinds not specially provided for in this section, ten cents per pound.

267. Straw, one dollar and fifty cents per ton.

268. Teazels, thirty per centum ad valorem.

269. Vegetables in their natural state, not specially provided for in this section, twenty-five per centum ad valorem.

270. Fish (except shellfish) by whatever name known, packed in oil, in bottles, jars, kegs, tin boxes, or cans, shall be dutiable as follows: When in packages containing seven and one-half cubic inches or less, one and one-half cents per bottle, jar, keg, box, or can; containing more than seven and one-half and not more than twenty-one cubic inches, two and one-half cents per bottle, jar, keg, box, or can; containing more than twenty-one and not more than thirty-three cubic inches, five cents per bottle, jar, keg, box, or can; containing more than thirty-three and not more than seventy cubic inches, ten cents per bottle, jar, keg, box, or can; all other fish (except shellfish) in tin packages, thirty per centum ad valorem; fish in packages, containing less than one-half barrel, and not specially provided for in this section, thirty per centum ad valorem; caviar, and other preserved roe of fish, thirty per centum ad valorem.

271. Fresh-water fish not specially provided for in this section, one-fourth of one cent per pound.

272. Herrings, pickled or salted, smoked or kippered, one-half of one cent per pound; herrings, fresh, one-fourth of one cent per pound; eels and smelts, fresh or frozen, three-fourths of one cent per pound.

273. Fish, fresh, smoked, dried, salted, pickled, frozen, packed in ice or otherwise prepared for preservation, not specially provided for in this section, three-fourths of one cent per pound; fish, skinned or boned, one and one-fourth cents per pound; mackerel, halibut, or salmon, fresh, pickled, or salted, one cent per pound.

274. Apples, peaches, quinces, cherries, plums, and pears, green or ripe, twenty-five cents per bushel; berries, edible, in their natural condition, one cent per quart; cranberries, twenty-five per centum ad valorem; all edible fruits, including berries, when dried, desiccated, evaporated, or prepared in any manner, not specially provided for in this section, two cents per pound; comfits, sweetmeats, and fruits of all kinds preserved or packed in sugar, or having sugar added thereto, or preserved or packed in molasses, spirits, or their own juices, if containing no alcohol, or containing not over ten per centum of alcohol, one cent per pound and thirty-five per centum ad valorem; if containing over ten per centum of alcohol and not specially provided for in this section, thirty-five per centum ad valorem and in addition two dollars and fifty cents per proof gallon on the alcohol contained therein in excess of ten per centum; jellies of all kinds, thirty-five per centum ad valorem; pineapples preserved in their own juice, not having sugar, spirits, or molasses added thereto, twenty-five per centum ad valorem.

275. Figs, two and one-half cents per pound; plums, prunes, and prunelles, two cents per pound; raisins and other dried grapes, two and one-half cents per pound; dates, one cent per pound; currants, Zante or other, two cents per pound; olives, in bottles, jars, kegs, tins, or other packages, containing less than five gallons each, twenty-five cents per gallon; otherwise, fifteen cents per gallon.

276. Grapes in barrels or other packages, twenty-five cents per cubic foot of capacity of barrels or packages.

277. Lemons, one and one-half cents per pound; oranges, limes, grape fruit, shaddocks, or pomelos, one cent per pound.

278. Orange peel or lemon peel, preserved, candied, or dried, and cocoanut meat or copra desiccated, shredded, cut, or similarly prepared, two cents per pound; citron or citron peel, preserved, candied, or dried, four cents per pound.

279. Pineapples, in barrels and other packages, eight cents per cubic foot of the capacity of barrels or packages; in bulk, eight dollars per thousand.

280. Almonds, not shelled, four cents per pound; clear almonds, shelled, six cents per pound; apricot and peach kernels, four cents per pound.

281. Filberts and walnuts of all kinds, not shelled, three cents per pound; shelled, five cents per pound.

282. Peanuts or ground beans, unshelled, one-half of one cent per pound; shelled, one cent per pound.

283. Nuts of all kinds, shelled or unshelled, not specially provided for in this section, one cent per pound; but no allowance shall be made for dirt or other impurities in nuts of any kind, shelled or unshelled.

284. Bacon and hams, four cents per pound.

285. Fresh beef, veal, mutton, lamb, pork, and venison and other game, except birds, one and one-half cents per pound.

286. Meats of all kinds, prepared or preserved, not specially provided for in this section, twenty-five per centum ad valorem.

287. Extract of meat, not specially provided for in this section, thirty-five cents per pound; fluid extract of meat, fifteen cents per pound, but the dutiable weight of the extract of meat and of the fluid extract of meat shall not include the weight of the packages in which the same is imported.

288. Lard, one and one-half cents per pound.

289. Poultry, live, three cents per pound; dead, five cents per pound.

290. Tallow, one-half of one cent per pound; wool grease, including that known commercially as degras or brown wool grease, crude and not refined, or improved in value or condition, one-fourth of one cent per pound; refined, or improved in value or condition, and not specially provided for in this section, one-half of one cent per pound.

291. Chicory root, raw, dried, or undried, but unground, one and one-half cents per pound; chicory root, burnt or roasted, ground or granulated, or in rolls, or otherwise prepared, and not specially provided for in this section, three cents per pound.

292. Chocolate and cocoa, prepared or manufactured, not specially provided for in this section, valued at not over fifteen cents per pound, two and one-half cents per pound; valued above fifteen and not above twenty-four cents per pound, two and one-half cents per pound and

ten per centum ad valorem; valued above twenty-four and not above thirty-five cents per pound, five cents per pound and ten per centum ad valorem; valued above thirty-five cents per pound, fifty per centum ad valorem. The weight and value of all coverings, other than plain wooden, shall be included in the dutiable weight and value of the foregoing merchandise; powdered cocoa, unsweetened, five cents per pound.

293. Cocoa butter or cocoa butterine, refined deodorized cocoanut oil, and all substitutes for cocoa butter, three and one-half cents per pound.

294. Dandelion root and acorns prepared, and articles used as coffee, or as substitutes for coffee not specially provided for in this section, two and one-half cents per pound.

295. Salt in bags, sacks, barrels, or other packages, eleven cents per one hundred pounds; in bulk, seven cents per one hundred pounds: Provided, That imported salt in bond may be used in curing fish taken by vessels licensed to engage in the fisheries and in curing fish on the shores of the navigable waters of the United States under such regulations as the Secretary of the Treasury shall prescribe; and upon proof that the salt has been used for either of the purposes stated in this proviso, the duties on the same shall be remitted: Provided further, That exporters of meats, whether packed or smoked, which have been cured in the United States with imported salt, shall, upon satisfactory proof, under such regulations as the Secretary of the Treasury shall prescribe, that such meats have been cured with imported salt, have refunded to them from the Treasury the duties paid on the salt so used in curing such exported meats, in amounts not less than one hundred dollars.

296. Starch, made from potatoes, one and one-half cents per pound; all other starch, including all preparations, from whatever substance produced, fit for use as starch, one cent per pound.

297. Dextrine, dextrine substitutes, soluble starch or chemically treated starch, burnt starch, gum substitute, or British gum, one and one-half cents per pound.

298. Spices: Mustard, ground or prepared, in bottles or otherwise, ten cents per pound; capsicum or red pepper, or cayenne pepper, two and one-half cents per pound; sage, one cent per pound; spices not specially provided for in this section, three cents per pound.

299. Vinegar, seven and one-half cents per proof gallon. The standard proof for vinegar shall be taken to be that strength which requires thirty-five grains of bicarbonate of potash to neutralize one ounce troy of vinegar.

SCHEDULE H.—SPIRITS, WINES, AND OTHER BEVERAGES.

300. Brandy and other spirits manufactured or distilled from grain or other materials, and not specially provided for in this section, two dollars and sixty cents per proof gallon.

301. Each and every gauge or wine gallon of measurement shall be counted as at least one proof gallon; and the standard for determining the proof of brandy and other spirits or liquors of any kind imported shall be the same as that which is defined in the laws re-

lating to internal revenue: Provided, That it shall be lawful for the Secretary of the Treasury, in his discretion, to authorize the ascertainment of the proof of wines, cordials, or other liquors, by distillation or otherwise, in cases where it is impracticable to ascertain such proof by the means prescribed by existing law or regulations: And provided further, That any brandy or other spirituous or distilled liquors imported in any sized cask, bottle, jug, or other packages, of or from any country, dependency, or province under whose laws similar sized casks, bottles, jugs, or other packages of distilled spirits, wine, or other beverage put up or filled in the United States are denied entrance into such country, dependency, or province, shall be forfeited to the United States; and any brandy or other spirituous or distilled liquor imported in a cask of less capacity than ten gallons from any country shall be forfeited to the United States.

302. On all compounds or preparations of which distilled spirits are a component part of chief value there shall be levied a duty not less than that imposed upon distilled spirits.

303. Cordials, liqueurs, arrack, absinthe, kirschwasser, ratafia, and other spirituous beverages or bitters of all kinds, containing spirits, and not specially provided for in this section, two dollars and sixty cents per proof gallon.

304. No lower rate or amount of duty shall be levied, collected, and paid on brandy, spirits, and other spirituous beverages than that fixed by law for the description of first proof; but it shall be increased in proportion for any greater strength than the strength of first proof, and all imitations of brandy or spirits or wines imported by any names whatever shall be subject to the highest rate of duty provided for the genuine articles respectively intended to be represented, and in no case less than one dollar and seventy-five cents per gallon.

305. Bay rum or bay water, whether distilled or compounded, of first proof, and in proportion for any greater strength than first proof, one dollar and seventy-five cents per gallon.

306. Champagne and all other sparkling wines, in bottles containing each not more than one quart and more than one pint, nine dollars and sixty cents per dozen; containing not more than one pint each and more than one-half pint, four dollars and eighty cents per dozen; containing one-half pint each or less, two dollars and forty cents per dozen; in bottles or other vessels containing more than one quart each, in addition to nine dollars and sixty cents per dozen bottles, on the quantity in excess of one quart, at the rate of three dollars per gallon; but no separate or additional duty shall be levied on the bottles.

307. Still wines, including ginger wine or ginger cordial, vermuth, and rice wine or sake, and similar beverages not specially provided for in this section, in casks or packages other than bottles or jugs, if containing fourteen per centum or less of absolute alcohol, forty-five cents per gallon; if containing more than fourteen per centum of absolute alcohol, sixty cents per gallon. In bottles or jugs, per case of one dozen bottles or jugs, containing each not more than one quart and more than one pint, or twenty-four bottles or jugs containing each not more than one pint, one dollar and eighty-five cents per case; and any excess beyond these quantities found in such bottles or jugs shall be subject to a duty of six cents per pint or fractional part there-

of, but no separate or additional duty shall be assessed on the bottles or jugs: Provided, That any wines, ginger cordial, or vermuth imported containing more than twenty-four per centum of alcohol shall be classed as spirits and pay duty accordingly: And provided further, That there shall be no constructive or other allowance for breakage, leakage, or damage on wines, liquors, cordials, or distilled spirits. Wines, cordials, brandy, and other spirituous liquors, including bitters of all kinds, and bay rum or bay water, imported in bottles or jugs, shall be packed in packages containing not less than one dozen bottles or jugs in each package, or duty shall be paid as if such package contained at least one dozen bottles or jugs, and in addition thereto, duty shall be collected on the bottles or jugs at the rates which would be chargeable thereon if imported empty. The percentage of alcohol in wines and fruit juices shall be determined in such manner as the Secretary of the Treasury shall by regulation prescribe.

308. Ale, porter, stout, and beer, in bottles or jugs, forty-five cents per gallon, but no separate or additional duty shall be assessed on the bottles or jugs; otherwise than in bottles or jugs, twenty-three cents per gallon.

309. Malt extract, fluid, in casks, twenty-three cents per gallon; in bottles or jugs, forty-five cents per gallon; solid or condensed, forty-five per centum ad valorem.

310. Cherry juice and prune juice, or prune wine, and other fruit juices, and fruit sirup, not specially provided for in this section, containing no alcohol or not more than eighteen per centum of alcohol, seventy cents per gallon; if containing more than eighteen per centum of alcohol, seventy cents per gallon and in addition thereto two dollars and seven cents per proof gallon on the alcohol contained therein.

311. Ginger ale, ginger beer, lemonade, soda water, and other similar beverages containing no alcohol, in plain green or colored, molded or pressed, glass bottles, containing each not more than three-fourths of a pint, eighteen cents per dozen; containing more than three-fourths of a pint each and not more than one and one-half pints, twenty-eight cents per dozen; but no separate or additional duty shall be assessed on the bottles; if imported otherwise than in plain green or colored, molded or pressed, glass bottles, or in such bottles containing more than one and one-half pints each, fifty cents per gallon; and in addition thereto duty shall be collected on the bottles, or other coverings, at the rates which would be chargeable thereon if imported empty. Beverages not specially provided for containing not more than two per centum of alcohol shall be assessed for duty under this paragraph.

312. All mineral waters and all imitations of natural mineral waters, and all artificial mineral waters not specially provided for in this section, in bottles or jugs containing not more than one pint, twenty cents per dozen bottles; if containing more than one pint and not more than one quart, thirty cents per dozen bottles; if imported in bottles or in jugs containing more than one quart, twenty-four cents per gallon; if imported otherwise than in bottles or jugs, eight cents per gallon; and in addition thereto, on all of the foregoing, duty shall be collected upon the bottles or other containers at one-third of the rates that would be charged thereon if imported empty or separately.

SCHEDULE I.—COTTON MANUFACTURES.

313. Cotton thread and carded yarn, warps or warp yarn, in singles, whether on beams or in bundles, skeins, or cops, or in any other form, except spool thread of cotton, crochet, darning, and embroidery cottons, hereinafter provided for, not colored, bleached, dyed, or advanced beyond the condition of singles by grouping or twisting two or more single yarns together, two and one-half cents per pound on all numbers up to and including number fifteen, one-sixth of a cent per number per pound on all numbers exceeding number fifteen and up to and including number thirty, and one-fifth of a cent per number per pound on all numbers exceeding number thirty: Provided, That none of the foregoing shall pay a less rate of duty than fifteen per centum ad valorem; colored, bleached, dyed, combed, or advanced beyond the condition of singles by grouping or twisting two or more single yarns together, whether on beams, or in bundles, skeins, or cops, or in any other form, except spool thread of cotton, crochet, darning, and embroidery cottons, hereinafter provided for, six cents per pound on all numbers up to and including number twenty-four, and on all numbers exceeding number twenty-four and up to number eighty, one-fourth of one cent per number per pound; on number eighty and up to number two hundred, three-tenths of one cent per number per pound; on number two hundred and above, sixty cents per pound, and one-tenth of one cent per number per pound additional for every number in excess of number two hundred; cable-laid yarns or threads, made by grouping or twisting two or more grouped or twisted yarns or threads together, not colored, bleached, or dyed, four-tenths of one cent per number per pound; colored, bleached, or dyed, nine-twentieths of one cent per number per pound: Provided further, That said threads and yarns, colored, bleached, dyed, combed, advanced beyond the condition of singles, and cable-laid yarns or threads, as hereinbefore provided, except those (other than cable-laid threads and yarns) finer than number one hundred and forty shall not pay a less rate of duty than twenty per centum ad valorem: And provided further, That all the foregoing threads and yarns as hereinbefore provided, when mercerized or subjected to any similar process, shall pay, in addition to the foregoing specific rates of duty, one-fortieth of one cent per number per pound; cotton card laps, roping, sliver, or roving, thirty-five per centum ad valorem. Cotton waste and flocks, manufactured or otherwise advanced in value, twenty per centum ad valorem.

314. Spool thread of cotton, crochet, darning, and embroidery cottons, on spools, reels, or balls, containing on each spool, reel, or ball, not exceeding one hundred yards of thread, six cents per dozen; exceeding one hundred yards on each spool, reel, or ball, for every additional hundred yards or fractional part thereof in excess of one hundred, six cents per dozen spools, reels, or balls; if in skeins, cones or tubes, containing less than six hundred yards each, one-half of one cent for each one hundred yards or fractional part thereof: Provided, That in no case shall the duty be assessed upon a less number of yards than is marked on the spools, reels, cones, tubes, skeins, or balls: And provided further, That none of the foregoing shall pay a less rate of duty than twenty per centum ad valorem.

315. Cotton cloth, valued at not over seven cents per square yard, not bleached, dyed, colored, stained, painted, or printed, and not exceeding fifty threads to the square inch, counting the warp and filling, one cent per square yard; if bleached, and valued at not over nine cents per square yard, one and one-fourth cents per square yard; if dyed, colored, stained, painted, or printed, and valued at not over twelve cents per square yard, two cents per square yard; cotton cloth, not bleached, dyed, colored, stained, painted, or printed, exceeding fifty and not exceeding one hundred threads to the square inch, counting the warp and filling, and valued at not over seven cents per square yard, not exceeding six square yards to the pound, one and one-fourth cents per square yard; exceeding six and not exceeding nine square yards to the pound, one and one-half cents per square yard; exceeding nine square yards to the pound, one and three-fourths cents per square yard; cotton cloth, not bleached, dyed, colored, stained, painted, or printed, not exceeding one hundred threads to the square inch, counting the warp and filling, and valued at over seven and not over nine cents per square yard, two and one-fourth cents per square yard; valued at over nine and not over ten cents per square yard, two and three-fourths cents per square yard; valued at over ten and not over twelve and one-half cents per square yard, four cents per square yard; valued at over twelve and one-half and not over fourteen cents per square yard, five cents per square yard; valued at over fourteen cents per square yard, six cents per square yard, but not less than twenty-five per centum ad valorem; cotton cloth, exceeding fifty and not exceeding one hundred threads to the square inch, counting the warp and filling, if bleached, and valued at not over nine cents per square yard, not exceeding six square yards to the pound, one and one-half cents per square yard; exceeding six and not exceeding nine square yards to the pound, one and three fourths cents per square yard; exceeding nine square yards to the pound, two and one-fourth cents per square yard; cotton cloth, not exceeding one hundred threads to the square inch, counting the warp and filling, if bleached, and valued at over nine and not over eleven cents per square yard, two and three-fourths cents per square yard; valued at over eleven and not over twelve cents per square yard, four cents per square yard; valued at over twelve and not over fifteen cents per square yard, five cents per square yard; valued at over fifteen and not over sixteen cents per square yard, six cents per square yard; valued at over sixteen cents per square yard, seven cents per square yard, but not less than twenty-five per centum ad valorem; cotton cloth, exceeding fifty and not exceeding one hundred threads to the square inch, counting the warp and filling, if dyed, colored, stained, painted, or printed, and valued at not over twelve cents per square yard, not exceeding six square yards to the pound, two and three-fourths cents per square yard; exceeding six and not exceeding nine square yards to the pound, three and one-fourth cents per square yard; exceeding nine square yards to the pound, three and one-half cents per square yard; cotton cloth, not exceeding one hundred threads to the square inch, counting the warp and filling, if dyed, colored, stained, painted, or printed, and valued at over twelve and not over twelve and one-half cents per square yard, three and three-fourths cents per square yard; valued at over twelve and one-half and not over fifteen cents per square yard, five cents per square yard; val-

ued at over fifteen and not over seventeen and one-half cents per square yard, six and one-half cents per square yard; valued at over seventeen and one-half and not over twenty cents per square yard, seven and one-half cents per square yard; valued at over twenty cents per square yard, nine cents per square yard, but not less than thirty per centum ad valorem.

316. Cotton cloth, not bleached, dyed, colored, stained, painted, or printed, exceeding one hundred and not exceeding one hundred and fifty threads to the square inch, counting the warp and filling, and not exceeding four square yards to the pound, one and one-half cents per square yard; exceeding four and not exceeding six square yards to the pound, two cents per square yard; exceeding six and not exceeding eight square yards to the pound, two and one-half cents per square yard; exceeding eight square yards to the pound, two and three-fourths cents per square yard; any of the foregoing valued at over nine and not over ten cents per square yard, three cents per square yard; valued at over ten but not over twelve and one-half cents per square yard, four and three-eights cents per square yard; valued at over twelve and one-half and not over fourteen cents per square yard, five and one-half cents per square yard; valued at over fourteen and not over sixteen cents per square yard, six and one-half cents per square yard; valued at over sixteen cents per square yard, eight cents per square yard, but not less than thirty per centum ad valorem; if bleached, and not exceeding four square yards to the pound, two and one-half cents per square yard; exceeding four and not exceeding six square yards to the pound, three cents per square yard; exceeding six and not exceeding eight square yards to the pound, three and one-half cents per square yard; exceeding eight square yards to the pound, three and three-fourths cents per square yard; any of the foregoing, bleached, and valued at over eleven and not over twelve cents per square yard, four and one-fourth cents per square yard; valued at over twelve and not over fifteen cents per square yard, five and one-fourth cents per square yard; valued at over fifteen and not over sixteen cents per square yard, six and one-half cents per square yard; valued at over sixteen and not over twenty cents per square yard, eight cents per square yard; valued at over twenty cents per square yard, ten cents per square yard, but not less than thirty-five per centum ad valorem; if dyed, colored, stained, painted, or printed, and not exceeding four square yards to the pound, three and one-half cents per square yard; exceeding four and not exceeding six square yards to the pound, three and three-fourths cents per square yard; exceeding six and not exceeding eight square yards to the pound, four and one-fourth cents per square yard; exceeding eight square yards to the pound, four and one-half cents per square yard; any of the foregoing, dyed, colored, stained, painted, or printed, and valued at over twelve and one-half but not over fifteen cents per square yard, five and one-fourth cents per square yard; valued at over fifteen and not over seventeen and one-half cents per square yard, seven cents per square yard; valued at over seventeen and one-half but not over twenty cents per square yard, eight cents per square yard; valued at over twenty cents per square yard, ten cents per square yard but not less than thirty-five per centum ad valorem.

317. Cotton cloth, not bleached, dyed, colored, stained, painted, or

printed, exceeding one hundred and fifty and not exceeding two hundred threads to the square inch, counting the warp and filling, and not exceeding three and one-half square yards to the pound, two cents per square yard; exceeding three and one-half and not exceeding four and one-half square yards to the pound, two and three-fourths cents per square yard; exceeding four and one-half and not exceeding six square yards to the pound, three cents per square yard; exceeding six square yards to the pound, three and one-half cents per square yard; any of the foregoing valued at over ten and not over twelve and one-half cents per square yard, four and three-eighths cents per square yard; valued at over twelve and one-half and not over fourteen cents per square yard, five and one-half cents per square yard; valued at over fourteen and not over sixteen cents per square yard, six and one-half cents per square yard; valued at over sixteen and not over twenty cents per square yard, eight cents per square yard; valued at over twenty cents per square yard, ten cents per square yard, but not less than thirty-five per centum ad valorem; if bleached, and not exceeding three and one-half square yards to the pound, two and three-fourths cents per square yard; exceeding three and one-half and not exceeding four and one-half square yards to the pound, three and one-half cents per square yard; exceeding four and one-half and not exceeding six square yards to the pound, four cents per square yard; exceeding six square yards to the pound, four and one-fourth cents per square yard; any of the foregoing bleached, and valued at over twelve and not over fifteen cents per square yard, five and one-fourth cents per square yard; valued at over fifteen and not over sixteen cents per square yard, six and one-half cents per square yard; valued at over sixteen and not over twenty cents per square yard, eight cents per square yard; valued at over twenty cents per square yard, ten cents per square yard, but not less than thirty-five per centum ad valorem; if dyed, colored, stained, painted, or printed, and not exceeding three and one-half square yards to the pound, four and one-fourth cents per square yard; exceeding three and one-half and not exceeding four and one-half square yards to the pound, four and one-half cents per square yard; exceeding four and one-half and not exceeding six square yards to the pound, four and three-fourths cents per square yard; exceeding six square yards to the pound, five cents per square yard; any of the foregoing, dyed, colored, stained, painted, or printed, and valued at over twelve and one-half and not over fifteen cents per square yard, six cents per square yard; valued at over fifteen and not over seventeen and one-half cents per square yard, seven cents per square yard; valued at over seventeen and one-half and not over twenty cents per square yard, eight cents per square yard; valued at over twenty cents per square yard, ten cents per square yard but not less than forty per centum ad valorem.

318. Cotton cloth not bleached, dyed, colored, stained, painted, or printed, exceeding two hundred and not exceeding three hundred threads to the square inch, counting the warp and filling, and not exceeding two and one-half square yards to the pound, three and one-half cents per square yard; exceeding two and one-half and not exceeding three and one-half square yards to the pound, four cents per square yard; exceeding three and one-half and not exceeding five square yards to the pound, four and one-half cents per square yard;

exceeding five square yards to the pound, five cents per square yard; any of the foregoing valued at over twelve and one-half and not over fourteen cents per square yard, five and one-half cents per square yard; valued at over fourteen and not over sixteen cents per square yard, six and one-half cents per square yard; valued at over sixteen and not over twenty cents per square yard, eight cents per square yard; valued at over twenty cents per square yard, ten cents per square yard, but not less than forty per centum ad valorem; if bleached, and not exceeding two and one-half square yards to the pound, four and one-half cents per square yard; exceeding two and one-half and not exceeding three and one-half square yards to the pound, five cents per square yard; exceeding three and one-half and not exceeding five square yards to the pound, five and one-half cents per square yard; exceeding five square yards to the pound, six cents per square yard; any of the foregoing, bleached, and valued at over fifteen and not over sixteen cents per square yard, six and one-half cents per square yard; valued at over sixteen and not over twenty cents per square yard, eight cents per square yard; valued at over twenty and not over twenty-five cents per square yard, eleven and one-fourth cents per square yard; valued at over twenty-five cents per square yard, twelve and one-half cents per square yard, but not less than forty per centum ad valorem; if dyed, colored, stained, painted, or printed, and not exceeding three and one-half square yards to the pound, six and one-fourth cents per square yard; exceeding three and one-half square yards to the pound, seven cents per square yard; any of the foregoing, dyed, colored, stained, painted, or printed, and valued at over seventeen and one-half and not over twenty cents per square yard, eight cents per square yard; valued at over twenty and not over twenty-five cents per square yard, eleven and one-fourth cents per square yard; valued at over twenty-five cents per square yard, twelve and one-half cents per square yard, but not less than forty per centum ad valorem.

319. Cotton cloth not bleached, dyed, colored, stained, painted, or printed, exceeding three hundred threads to the square inch, counting the warp and filling, and not exceeding two square yards to the pound, four cents per square yard; exceeding two and not exceeding three square yards to the pound, four and one-half cents per square yard; exceeding three and not exceeding four square yards to the pound, five cents per square yard; exceeding four square yards to the pound, five and one-half cents per square yard; any of the foregoing valued at over fourteen and not over sixteen cents per square yard, six and one-half cents per square yard; valued at over sixteen and not over twenty cents per square yard, eight cents per square yard; valued at over twenty and not over twenty-five cents per square yard, eleven and one-fourth cents per square yard; valued at over twenty-five cents per square yard, twelve and one-half cents per square yard, but not less than forty per centum ad valorem; if bleached and not exceeding two square yards to the pound, five cents per square yard; exceeding two and not exceeding three square yards to the pound, five and one-half cents per square yard; exceeding three and not exceeding four square yards to the pound, six cents per square yard; exceeding four square yards to the pound, six and one-half cents per square yard; any of the foregoing, bleached, and valued at over sixteen and not over twenty

cents per square yard, eight cents per square yard; valued at over twenty and not over twenty-five cents per square yard, eleven and one-fourth cents per square yard; valued at over twenty-five cents per square yard, twelve and one-half cents per square yard, but not less than forty per centum ad valorem; if dyed, colored, stained, painted, or printed, and not exceeding three square yards to the pound, six and one-half cents per square yard; exceeding three square yards to the pound, eight cents per square yard; any of the foregoing, dyed, colored, stained, painted, or printed, and valued at over twenty and not over twenty-five cents per square yard, eleven and one-fourth cents per square yard; valued at over twenty-five cents per square yard, twelve and one-half cents per square yard, but not less than forty per centum ad valorem.

320. The term cotton cloth, or cloth, wherever used in the paragraphs of this schedule, unless otherwise specially provided for, shall be held to include all woven fabrics of cotton in the piece or cut in lengths, whether figured, fancy, or plain, the warp and filling threads of which can be counted by unraveling or other practicable means, and shall not include any article, finished or unfinished, made from cotton cloth. In determining the count of threads to the square inch in cotton cloth, all the warp and filling threads, whether ordinary or other than ordinary, and whether clipped or unclipped, shall be counted. In the ascertainment of the weight and value, upon which the duties, cumulative or other, imposed upon cotton cloth are made to depend, the entire fabric and all parts thereof, and all the threads of which it is composed, shall be included. The terms bleached, dyed, colored, stained, mercerized, painted, or printed, wherever applied to cotton cloth in this schedule, shall be taken to mean respectively all cotton cloth which either wholly or in part has been subjected to any of these processes, or which has any bleached, dyed, colored, stained, mercerized, painted, or printed threads in or upon any part of the fabric.

321. Cloth, composed of cotton or other vegetable fiber and silk, whether known as silk-striped sleeve linings, silk stripes, or otherwise, of which cotton or other vegetable fiber is the component material of chief value, eight cents per square yard and thirty per centum ad valorem: Provided, That no such cloth shall pay a less rate of duty than fifty per centum ad valorem. Cotton cloth filled or coated, all oilcloths (except silk oilcloths and oilcloths for floors), and cotton window Hollands, three cents per square yard and twenty per centum ad valorem; tracing cloth, five cents per square yard and twenty per centum ad valorem.

322. Handkerchiefs or mufflers composed of cotton, whether in the piece or otherwise and whether finished or unfinished, if not hemmed, or hemmed only, shall pay the same rate of duty on the cloth contained therein as is imposed on cotton cloth of the same description, weight, and count of threads to the square inch; but such handkerchiefs or mufflers shall not pay a less rate of duty than forty-five per centum ad valorem. If such handkerchiefs or mufflers are hemstitched, or imitation hemstitched, or revered, or have drawn threads, they shall pay a duty of ten per centum ad valorem in addition to the duty hereinbefore prescribed, and in no case less than fifty-five per centum ad valorem; if such handkerchiefs or mufflers are embroidered in any manner,

whether with an initial letter, monogram, or otherwise, by hand or machinery, or are tamboured, appliquéed, or trimmed wholly or in part with lace or with tucking or insertion, they shall not pay a less rate of duty than sixty per centum ad valorem.

323. In addition to the duty or duties imposed upon cotton cloth by the various provisions of this section, there shall be paid the following cumulative duties, the intent of this paragraph being to add such duty or duties to those to which the cotton cloth would be liable if the provisions of this paragraph did not exist, namely: On all cotton cloth in which other than the ordinary warp and filling threads are used to form a figure or fancy effect, whether known as lappets or otherwise, one cent per square yard if valued at not more than seven cents per square yard, and two cents per square yard if valued at more than seven cents per square yard; on all cotton cloth mercerized or subjected to any similar process, one cent per square yard.

324. Clothing, ready-made, and articles of wearing apparel of every description, composed of cotton or other vegetable fiber, or of which cotton or other vegetable fiber is the component material of chief value, made up or manufactured, wholly or in part, by the tailor, seamstress, or manufacturer, and not otherwise provided for in this section, fifty per centum ad valorem.

325. Plushes, velvets, velveteens, corduroys, and all pile fabrics, cut or uncut, whether or not the pile covers the entire surface; any of the foregoing composed of cotton or other vegetable fiber, except flax, not bleached, dyed, colored, stained, painted, or printed, nine cents per square yard and twenty-five per centum ad valorem; if bleached, dyed, colored, stained, painted, or printed, twelve cents per square yard and twenty-five per centum ad valorem: Provided, That corduroys composed of cotton or other vegetable fiber, weighing seven ounces or over per square yard, shall pay a duty of eighteen cents per square yard and twenty-five per centum ad valorem: Provided further, That manufactures or articles in any form including such as are commonly known as bias dress facings or skirt bindings, made or cut from plushes, velvets, velveteens, corduroys, or other pile fabrics composed of cotton or other vegetable fiber, shall be subject to the foregoing rates of duty and in addition thereto ten per centum ad valorem: Provided further, That none of the articles or fabrics provided for in this paragraph shall pay a less rate of duty than forty-seven and one-half per centum ad valorem.

326. Curtains, table covers, and all articles manufactured of cotton chenille, or of which cotton chenille is the component material of chief value, tapestries, and other Jacquard figured upholstery goods, weighing over six ounces per square yard, composed wholly or in chief value of cotton or other vegetable fiber; any of the foregoing, in the piece or otherwise, fifty per centum ad valorem.

327. Stockings, hose and half-hose, made on knitting machines or frames, composed of cotton or other vegetable fiber, and not otherwise specially provided for in this section, thirty per centum ad valorem.

328. Stockings, hose and half-hose, selvedged, fashioned, narrowed, or shaped wholly or in part by knitting machines or frames, or knit by hand, including such as are commercially known as seamless stockings, hose and half-hose, and clocked stockings, hose and half-hose, all

of the above composed of cotton or other vegetable fiber, finished or unfinished, valued at not more than one dollar per dozen pairs, seventy cents per dozen pairs; valued at more than one dollar per dozen pairs, and not more than one dollar and fifty cents per dozen pairs, eighty-five cents per dozen pairs; valued at more than one dollar and fifty cents per dozen pairs, and not more than two dollars per dozen pairs, ninety cents per dozen pairs; valued at more than two dollars per dozen pairs, and not more than three dollars per dozen pairs, one dollar and twenty cents per dozen pairs; valued at more than three dollars per dozen pairs, and not more than five dollars per dozen pairs, two dollars per dozen pairs; and in addition thereto, upon all the foregoing, fifteen per centum ad valorem; valued at more than five dollars per dozen pairs, fifty-five per centum ad valorem. Men's and boys' cotton gloves, knitted or woven, valued at not more than six dollars per dozen pairs, fifty cents per dozen pairs and forty per centum ad valorem; valued at more than six dollars per dozen pairs, fifty per centum ad valorem.

329. Shirts and drawers, pants, vests, union suits, combination suits, tights, sweaters, corset covers and all underwear of every description made wholly or in part on knitting machines or frames, or knit by hand, finished or unfinished, not including stockings, hose and half-hose, composed of cotton or other vegetable fiber, valued at not more than one dollar and fifty cents per dozen, sixty cents per dozen and fifteen per centum ad valorem; valued at more than one dollar and fifty cents per dozen and not more than three dollars per dozen, one dollar and ten cents per dozen, and in addition thereto fifteen per centum ad valorem; valued at more than three dollars per dozen and not more than five dollars per dozen, one dollar and fifty cents per dozen, and in addition thereto twenty-five per centum ad valorem; valued at more than five dollars per dozen and not more than seven dollars per dozen, one dollar and seventy-five cents per dozen, and in addition thereto thirty-five per centum ad valorem; valued at more than seven dollars per dozen and not more than fifteen dollars per dozen, two dollars and twenty-five cents per dozen, and in addition thereto thirty-five per centum ad valorem; valued above fifteen dollars per dozen, fifty per centum ad valorem.

330. Bone casings, garters, tire fabric or fabric suitable for use in pneumatic tires, suspenders and braces, and tubing, any of the foregoing made of cotton or other vegetable fiber, and india rubber, or of which cotton or other vegetable fiber is the component material of chief value, and not embroidered by hand or machinery, forty-five per centum ad valorem; spindle banding, woven, braided or twisted lamp, stove, or candle wicking made of cotton or other vegetable fiber, ten cents per pound and fifteen per centum ad valorem; loom harness, healds or collets made of cotton or other vegetable fiber, or of which cotton or other vegetable fiber is the component material of chief value, fifty cents per pound and twenty-five per centum ad valorem; boot, shoe, and corset lacings made of cotton or other vegetable fiber, twenty-five cents per pound and fifteen per centum ad valorem; labels, for garments or other articles, composed of cotton or other vegetable fiber, fifty cents per pound and thirty per centum ad valorem; belting for machinery made of cotton or other vegetable fiber and india rubber, or

of which cotton or other vegetable fiber is the component material of chief value, thirty per centum ad valorem.

331. Cotton table damask, forty per centum ad valorem; manufactures of cotton table damask or of which cotton table damask is the component material of chief value, not specially provided for in this section, forty per centum ad valorem.

332. All articles made from cotton cloth, whether finished or unfinished, and all manufactures of cotton, or of which cotton is the component material of chief value, not specially provided for in this section, forty-five per centum ad valorem.

SCHEDULE J.—FLAX, HEMP, AND JUTE, AND MANUFACTURES OF.

333. Flax straw, five dollars per ton.

334. Flax, not hackled or dressed, one cent per pound.

335. Flax, hackled, known as "dressed line," three cents per pound.

336. Tow of flax, twenty dollars per ton.

337. Hemp, and tow of hemp, twenty-two dollars and fifty cents per ton; hemp, hackled, known as "line of hemp," forty-five dollars per ton.

338. Single yarns made of jute, not finer than five lea or number, one cent per pound and ten per centum ad valorem; if finer than five lea or number, thirty-five per centum ad valorem; yarns made of jute not otherwise specially provided for in this section, thirty-five per centum ad valorem.

339. Cables and cordage, composed of istle, Tampico fiber, manila, sisal grass or sunn, or a mixture of these or any of them, three-fourths of one cent per pound; cables and cordage made of hemp, tarred or untarred, two cents per pound.

340. Threads, twines, or cords, made from yarn not finer than five lea or number, composed of flax, hemp, or ramie, or of which these substances or either of them is the component material of chief value, ten cents per pound; if made from yarn finer than five lea or number, twelve cents per pound, and three-fourths of one cent per pound additional for each lea or number, or part of a lea or number, in excess of five.

341. Single yarns in the gray, made of flax, hemp, or ramie, or a mixture of any of them, not finer than eight lea or number, six cents per pound; finer than eight lea or number and not finer than eighty lea or number, forty per centum ad valorem; single yarns, made of flax, hemp, or ramie, or a mixture of any of them, finer than eighty lea or number, fifteen per centum ad valorem; ramie sliver or roving, thirty-five per centum ad valorem.

342. Flax gill nettings, nets, webs, and seines shall pay the same duty per pound as is imposed in this schedule upon the thread, twine, or cord of which they are made, and in addition thereto twenty per centum ad valorem.

343. Floor mattings, plain, fancy, or figured, manufactured from straw, round or split, or other vegetable substances, not otherwise provided for in this section, and having a warp of cotton, hemp, or other vegetable substance, including what are commonly known as China,

Japan, and India straw matting, three and one-half cents per square yard.

344. Carpets, carpeting, mats and rugs made of flax, hemp, jute, or other vegetable fiber (except cotton), valued at not exceeding fifteen cents per square yard, four cents per square yard and thirty per centum ad valorem; valued above fifteen cents per square yard, eight cents per square yard and thirty per centum ad valorem.

345. Hydraulic or flume hose, made in whole or in part of cotton, flax, hemp, ramie, or jute, fifteen cents per pound.

346. Tapes composed wholly or in part of flax, woven with or without metal threads, on reels, spools, or otherwise, and designed expressly for use in the manufacture of measuring tapes, forty per centum ad valorem.

347. Linoleum, corticene, and all other fabrics or coverings for floors, made in part of oil or any similar product, plain, stamped, painted or printed, only, not specially provided for herein, if nine feet or under in width, eight cents per square yard and fifteen per centum ad valorem; over nine feet in width, twelve cents per square yard and fifteen per centum ad valorem; and any of the foregoing of whatever width, the composition of which forms designs or patterns, whether inlaid or otherwise, by whatever name known, and cork carpets, twenty cents per square yard and twenty per centum ad valorem; mats for floors made of oilcloth, linoleum, or corticene, shall be subject to the same rate of duty herein provided for oilcloth, linoleum, or corticene; oilcloth for floors, if nine feet or less in width, six cents per square yard, and fifteen per centum ad valorem; over nine feet in width, ten cents per square yard and fifteen per centum ad valorem; waterproof cloth composed of cotton or other vegetable fiber, whether composed in part of india rubber or otherwise, ten cents per square yard and twenty per centum ad valorem.

348. Shirt collars and cuffs, composed of cotton, forty-five cents per dozen pieces and fifteen per centum ad valorem; composed in whole or in part of linen, forty cents per dozen pieces and twenty per centum ad valorem.

349. Laces, lace window curtains, and all other lace articles; handkerchiefs, napkins, wearing apparel, and all other articles made wholly or in part of lace or laces, or in imitation of lace; nets, nettings, veils, veilings, neck rufflings, ruchings, tuckings, flutings, quillings, embroideries, trimmings, braids, featherstitch braids, edgings, insertings, flouncings, galloons, gorings, bands, bandings, belts, beltings, bindings, cords, ornaments, ribbons, tapes, webs, and webbings; wearing apparel, handkerchiefs, and other articles or fabrics embroidered in any manner by hand or machinery, whether with a plain or fancy letter, initial, or monogram, or otherwise, or tamboured, appliquéed, or scalloped, by hand or machinery, for any purpose, or from which threads have been drawn, cut, or punched to produce openwork, ornamented or embroidered in any manner herein described, in any part thereof, however small; hemstitched or tucked flouncings or skirtings; all of the foregoing, composed wholly or in chief value of cotton, flax, or other vegetable fiber, or of cotton, flax, or other vegetable fiber and india rubber, or of cotton, flax, or other vegetable fiber, india rubber, and metal, and not elsewhere specially provided for in this section, sixty per centum

ad valorem: Provided, That no article composed wholly or in chief value of one or more of the materials or goods specified in this paragraph, shall pay a less rate of duty than the highest rate imposed by this section upon any of the materials or goods of which the same is composed: And provided further, That no article or fabric of any description, composed of flax or other vegetable fiber, or of which these materials or any of them is the component material of chief value, when embroidered by hand or machinery, or having hand or machinery embroidery thereon, shall pay a less rate of duty than that imposed in this section upon any embroideries of the materials of which such embroidery is composed.

350. Laces, embroideries, edgings, insertings, galloons, flouncings, nets, nettings, trimmings, and veils, composed of cotton, silk, artificial silk, or other material (except wool), made on the Lever or Gothrough machine, seventy per centum ad valorem: Provided, That no wearing apparel, handkerchiefs, or articles of any description, composed wholly or in chief value of any of the foregoing, shall pay a less rate of duty than that imposed upon the articles or the materials of which the same are composed.

351. Lace window curtains, nets, nettings, pillow shams, and bed sets, finished or unfinished, made on the Nottingham lace-curtain machine or on the Nottingham warp machine, and composed of cotton or other vegetable fiber, when counting five points or spaces between the warp threads to the inch, one cent per square yard; when counting more than five such points or spaces to the inch, one-half of one cent per square yard in addition for each such point or space to the inch in excess of five; and in addition thereto, on all the foregoing articles in this paragraph, twenty per centum ad valorem: Provided, That none of the above-named articles shall pay a less rate of duty than fifty per centum ad valorem.

352. Plain woven fabrics of single jute yarns, by whatever name known, weighing not less than six ounces per square yard and not exceeding thirty threads to the square inch, counting the warp and filling, nine-sixteenths of one cent per pound and fifteen per centum ad valorem; if exceeding thirty and not exceeding fifty-five threads to the square inch, counting the warp and filling, seven-eighths of one cent per pound and fifteen per centum ad valorem.

353. All pile fabrics, whether or not the pile covers the entire surface, composed of flax, or of which flax is the component material of chief value, and all articles and manufactures made from such fabrics, not specially provided for in this section, sixty per centum ad valorem.

354. Bags or sacks made from plain woven fabrics, of single jute yarns, not dyed, colored, stained, painted, printed, or bleached, and not exceeding thirty threads to the square inch, counting the warp and filling, seven-eighths of one cent per pound and fifteen per centum ad valorem.

355. Bagging for cotton, gunny cloth, and similar fabrics, suitable for covering cotton, composed of single yarns made of jute, jute butts, or hemp, not bleached, dyed, colored, stained, painted, or printed, not exceeding sixteen threads to the square inch, counting the warp and filling, and weighing not less than fifteen ounces per square yard, six-tenths of one cent per square yard.

356. Handkerchiefs composed of flax, hemp, or ramie, or of which these substances, or either of them, is the component material of chief value, whether in the piece or otherwise, and whether finished or unfinished, not hemmed or hemmed only, fifty per centum ad valorem; if hemstitched, or imitation hemstitched, or revered, or with drawn threads, but not embroidered, initialed, or in part of lace, fifty-five per centum ad valorem.

357. Woven fabrics and articles not specially provided for in this section, composed of flax, hemp, or ramie, or of which these substances or any of them is the component material of chief value, weighing four and one-half ounces or more per square yard, when containing not more than sixty threads to the square inch, counting the warp and filling, one and three-fourths cents per square yard; containing more than sixty and not more than one hundred and twenty threads to the square inch, two and three-fourths cents per square yard; containing more than one hundred and twenty and not more than one hundred and eighty threads to the square inch, six cents per square yard; containing more than one hundred and eighty threads to the square inch, nine cents per square yard, and in addition thereto, on all the foregoing, thirty per centum ad valorem: Provided, That none of the foregoing articles or fabrics in this paragraph shall pay a less rate of duty than fifty per centum ad valorem. Plain woven fabrics, not including articles, finished or unfinished, of flax, hemp, or ramie, or of which these substances or any of them is the component material of chief value, including such as is known as shirting cloth; weighing less than four and one-half ounces per square yard and containing more than one hundred threads to the square inch, counting the warp and filling, thirty-five per centum ad valorem; weighing less than four and one-half ounces per square yard and containing not more than one hundred threads to the square inch, thirty per centum ad valorem.

358. All woven articles, finished or unfinished, and all manufactures of flax, hemp, ramie, or other vegetable fiber, or of which these substances, or any of them, is the component material of chief value, not specially provided for in this section, forty-five per centum ad valorem.

359. Istle or tampico, when dressed, dyed, or combed, twenty per centum ad valorem.

SCHEDULE K.—WOOL, AND MANUFACTURES OF.

360. All wools, hair of the camel, goat, alpaca, and other like animals shall be divided, for the purpose of fixing the duties to be charged thereon, into the three following classes:

361. Class one, that is to say, merino, mestiza, metz, or metis wools, or other wools of Merino blood, immediate or remote, Down clothing wools, and wools of like character with any of the preceding, including Bagdad wool, China lamb's wool, Castel Branco, Adrianople skin wool or butcher's wool, and such as have been heretofore usually imported into the United States from Buenos Aires, New Zealand, Australia, Cape of Good Hope, Russia, Great Britain, Canada, Egypt, Morocco, and elsewhere, and all wools not hereinafter included in classes two and three.

362. Class two, that is to say, Leicester, Cotswold, Lincolnshire, Down combing wools, Canada long wools, or other like combing wools

of English blood, and usually known by the terms herein used, and also hair of the camel, Angora goat, alpaca, and other like animals.

363. Class three, that is to say, Donskoi, native South American, Cordova, Valparaiso, native Smyrna, Russian camel's hair, and all such wools of like character as have been heretofore usually imported into the United States from Turkey, Greece, Syria, and elsewhere, excepting improved wools hereinafter provided for.

364. The standard samples of all wools which are now or may be hereafter deposited in the principal custom-houses of the United States, under the authority of the Secretary of the Treasury, shall be the standards for the classification of wools under this Act, and the Secretary of the Treasury is authorized to renew these standards and to make such additions to them from time to time as may be required, and he shall cause to be deposited like standards in other custom-houses of the United States when they may be needed.

365. Whenever wools of class three shall have been improved by the admixture of Merino or English blood, from their present character as represented by the standard samples now or hereafter to be deposited in the principal custom-houses of the United States, such improved wools shall be classified for duty either as class one or as class two, as the case may be.

366. The duty on wools of the first class which shall be imported washed shall be twice the amount of the duty to which they would be subjected if imported unwashed; and the duty on wools of the first and second classes which shall be imported scoured shall be three times the duty to which they would be subjected if imported unwashed. The duty on wools of the third class, if imported in condition for use in carding or spinning into yarns, or which shall not contain more than eight per centum of dirt or other foreign substance, shall be three times the duty to which they would otherwise be subjected.

367. Unwashed wools shall be considered such as shall have been shorn from the sheep without any cleansing; that is, in their natural condition. Washed wools shall be considered such as have been washed with water only on the sheep's back, or on the skin. Wools of the first and second classes washed in any other manner than on the sheep's back or on the skin shall be considered as scoured wool.

368. The duty upon wool of the sheep or hair of the camel, Angora goat, alpaca, and other like animals, of class one and class two, which shall be imported in any other than ordinary condition, or which has been sorted or increased in value by the rejection of any part of the original fleece, shall be twice the duty to which it would be otherwise subject: Provided, That skirted wools as imported in eighteen hundred and ninety and prior thereto are hereby excepted. The duty upon wool of the sheep or hair of the camel, Angora goat, alpaca, and other like animals of any class which shall be changed in its character or condition for the purpose of evading the duty, or which shall be reduced in value by the admixture of dirt or any other foreign substance, shall be twice the duty to which it would be otherwise subject. When the duty assessed upon any wool equals three times or more that which would be assessed if said wool was imported unwashed, the duty shall not be doubled on account of the wool being sorted. If any bale or package of wool or hair specified in this Act invoiced or entered as of any spec-

ified class, or claimed by the importer to be dutiable as of any specified class, shall contain any wool or hair subject to a higher rate of duty than the class so specified, the whole bale or package shall be subject to the highest rate of duty chargeable on wool of the class subject to such higher rate of duty, and if any bale or package be claimed by the importer to be shoddy, mungo, flocks, wool, hair, or other material of any class specified in this Act, and such bale contain any admixture of any one or more of said materials, or of any other material, the whole bale or package shall be subject to duty at the highest rate imposed upon any article in said bale or package.

369. The duty upon all wools and hair of the first class shall be eleven cents per pound, and upon all wools or hair of the second class twelve cents per pound.

370. On wools of the third class and on camel's hair of the third class the value whereof shall be twelve cents or less per pound, the duty shall be four cents per pound. On wools of the third class, and on camel's hair of the third class, the value whereof shall exceed twelve cents per pound, the duty shall be seven cents per pound.

371. The duty on wools on the skin shall be one cent less per pound than is imposed in this schedule on other wools of the same class and condition, the quantity and value to be ascertained under such rules as the Secretary of the Treasury may prescribe.

372. Top waste, slubbing waste, roving waste, ring waste, and garnetted waste, thirty cents per pound.

373. Shoddy, twenty-five cents per pound; noils, wool extract, yarn waste, thread waste, and all other wastes composed wholly or in part of wool, and not specially provided for in this section twenty cents per pound.

374. Woolen rags, mungo, and flocks, ten cents per pound.

375. On combed wool or tops, made wholly or in part of wool or camel's hair, valued at not more than twenty cents per pound, the duty per pound shall be two and one-fourth times the duty imposed by this schedule on one pound of unwashed wool of the first class; valued at more than twenty cents per pound, the duty per pound shall be three and one-third times the duty imposed by this schedule on one pound of unwashed wool of the first class; and, in addition thereto, upon all the foregoing, thirty per centum ad valorem.

376. Wool and hair which have been advanced in any manner or by any process of manufacture beyond the washed or scoured condition, not specially provided for in this section, shall be subject to the same duties as are imposed upon manufactures of wool not specially provided for in this section.

377. On yarns made wholly or in part of wool, valued at not more than thirty cents per pound, the duty per pound shall be two and one-half times the duty imposed by this section on one pound of unwashed wool of the first class, and in addition thereto thirty-five per centum ad valorem; valued at more than thirty cents per pound, the duty per pound shall be three and one-half times the duty imposed by this section on one pound of unwashed wool of the first class, and in addition thereto forty per centum ad valorem.

378. On cloths, knit fabrics, and all manufactures of every description made wholly or in part of wool, not specially provided for in this

section, valued at not more than forty cents per pound, the duty per pound shall be three times the duty imposed by this section on a pound of unwashed wool of the first class; valued at above forty cents per pound and not above seventy cents per pound, the duty per pound shall be four times the duty imposed by this section on one pound of unwashed wool of the first class, and in addition thereto, upon all the foregoing, fifty per centum ad valorem; valued at over seventy cents per pound, the duty per pound shall be four times the duty imposed by this section on one pound of unwashed wool of the first class and fifty-five per centum ad valorem.

379. On blankets, and flannels for underwear composed wholly or in part of wool, valued at not more than forty cents per pound, the duty per pound shall be the same as the duty imposed by this section on two pounds of unwashed wool of the first class, and in addition thereto thirty per centum ad valorem; valued at more than forty cents and not more than fifty cents per pound, the duty per pound shall be three times the duty imposed by this section on one pound of unwashed wool of the first class, and in addition thereto thirty-five per centum ad valorem. On blankets composed wholly or in part of wool, valued at more than fifty cents per pound, the duty per pound shall be three times the duty imposed by this section on one pound of unwashed wool of the first class, and in addition thereto forty per centum ad valorem. Flannels composed wholly or in part of wool, valued at above fifty cents per pound, shall be classified and pay the same duty as women's and children's dress goods, coat linings, Italian cloths, and goods of similar character and description provided by this section: Provided, That on blankets over three yards in length the same duties shall be paid as on cloths.

380. On women's and children's dress goods, coat linings, Italian cloths, and goods of similar description and character of which the warp consists wholly of cotton or other vegetable material with the remainder of the fabric composed wholly or in part of wool, valued at not exceeding fifteen cents per square yard, the duty shall be seven cents per square yard; valued at more than fifteen cents per square yard, the duty shall be eight cents per square yard; and in addition thereto on all the foregoing valued at not above seventy cents per pound, fifty per centum ad valorem; valued above seventy cents per pound, fifty-five per centum ad valorem: Provided, That on all the foregoing, weighing over four ounces per square yard, the rates of duty shall be five per centum less than those imposed by this schedule on cloths.

381. On women's and children's dress goods, coat linings, Italian cloths, bunting, and goods of similar description or character composed wholly or in part of wool, and not specially provided for in this section, the duty shall be eleven cents per square yard; and in addition thereto on all the foregoing valued at not above seventy cents per pound, fifty per centum ad valorem; valued above seventy cents per pound, fifty-five per centum ad valorem: Provided, That on all the foregoing, weighing over four ounces per square yard, the duty shall be the same as imposed by this schedule on cloths.

382. On clothing, ready-made, and articles of wearing apparel of every description, including shawls whether knitted or woven, and

knitted articles of every description made up or manufactured wholly or in part, felts not woven, and not specially provided for in this section, composed wholly or in part of wool, the duty per pound shall be four times the duty imposed by this section on one pound of unwashed wool of the first class, and in addition thereto sixty per centum ad valorem.

383. Webbings, gorings, suspenders, braces, bandings, beltings, bindings, braids, galloons, edgings, insertings, flouncings, fringes, gimps, cords, cords and tassels, ribbons, ornaments, laces, trimmings, and articles made wholly or in part of lace, embroideries and all articles embroidered by hand or machinery, head nets, nettings, buttons or barrel buttons or buttons of other forms for tassels or ornaments, and manufactures of wool ornamented with beads or spangles of whatever material composed, any of the foregoing made of wool or of which wool is a component material, whether containing india rubber or not, fifty cents per pound and sixty per centum ad valorem.

384. Aubusson, Axminster, moquette, and chenille carpets, figured or plain, and all carpets or carpeting of like character or description, sixty cents per square yard and in addition thereto forty per centum ad valorem.

385. Saxony, Wilton, and Tournay velvet carpets, figured or plain, and all carpets or carpeting of like character or description, sixty cents per square yard and in addition thereto forty per centum ad valorem.

386. Brussels carpets, figured or plain, and all carpets or carpeting of like character or description, forty-four cents per square yard and in addition thereto forty per centum ad valorem.

387. Velvet and tapestry velvet carpets, figured or plain, printed on the warp or otherwise, and all carpets or carpeting of like character or description, forty cents per square yard and in addition thereto forty per centum ad valorem.

388. Tapestry Brussels carpets, figured or plain, and all carpets or carpeting of like character or description, printed on the warp or otherwise, twenty-eight cents per square yard and in addition thereto forty per centum ad valorem.

389. Treble ingrain, three-ply, and all chain Venetian carpets, twenty-two cents per square yard and in addition thereto forty per centum ad valorem.

390. Wool Dutch and two-ply ingrain carpets, eighteen cents per square yard and in addition thereto forty per centum ad valorem.

391. Carpets of every description, woven whole for rooms, and Oriental, Berlin, Aubusson, Axminster, and similar rugs, ten cents per square foot and forty per centum ad valorem: Provided, That in the measurement of all mats, rugs, carpets and similar articles, of whatever material composed, the selvage, if any, shall be included.

392. Druggets and bockings, printed, colored, or otherwise, twenty-two cents per square yard and in addition thereto forty per centum ad valorem.

393. Carpets and carpeting of wool, flax, or cotton, or composed in part of any of them, not specially provided for in this section, and mats, matting, and rugs of cotton, fifty per centum ad valorem.

394. Mats, rugs for floors, screens, covers, hassocks, bed sides, art

squares, and other portions of carpets or carpeting made wholly or in part of wool, and not specially provided for in this section, shall be subjected to the rate of duty herein imposed on carpets or carpetings of like character or description.

395. Whenever, in any schedule of this Act, the word "wool" is used in connection with a manufactured article of which it is a component material, it shall be held to include wool or hair of the sheep, camel, goat, alpaca or other animal, whether manufactured by the woolen, worsted, felt, or any other process.

SCHEDULE L.—SILKS AND SILK GOODS.

396. Silk partially manufactured from cocoons or from waste silk, and not further advanced or manufactured than carded or combed silk, thirty-five cents per pound.

397. Spun silk or schappe silk yarn, valued at not exceeding one dollar per pound, whether in singles, or advanced beyond the condition of singles by grouping or twisting two or more yarns together, thirty-five cents per pound; if valued at exceeding one dollar per pound, in the gray, in skeins, warps, or cops, if in singles or not advanced beyond the condition of singles by grouping or twisting two or more yarns together, on all numbers up to and including number two hundred and five, forty-five cents per pound, and in addition thereto ten one-hundredths of one cent per number per pound; exceeding number two hundred and five, forty-five cents per pound, and in addition thereto fifteen one-hundredths of one cent per number per pound; if advanced beyond the condition of singles by grouping or twisting two or more yarns together, on all numbers up to and including number two hundred and five, fifty cents per pound, and in addition thereto ten one-hundredths of one cent per number per pound; exceeding number two hundred and five, fifty cents per pound, and in addition thereto fifteen one-hundredths of one cent per number per pound; if valued at exceeding one dollar per pound, in the gray, on bobbins, spools, or beams, if in singles or not advanced beyond the condition of singles by grouping or twisting two or more yarns together, on all numbers up to and including number two hundred and five, fifty-five cents per pound, and in addition thereto ten one-hundredths of one cent per number per pound; exceeding number two hundred and five, fifty-five cents per pound, and in addition thereto fifteen one-hundredths of one cent per number per pound; if advanced beyond the condition of singles by grouping or twisting two or more yarns together, on all numbers up to and including number two hundred and five, sixty cents per pound, and in addition thereto ten one-hundredths of one cent per number per pound; exceeding number two hundred and five, sixty cents per pound, and in addition thereto fifteen one-hundredths of one cent per number per pound; if valued at exceeding one dollar per pound, colored, bleached, or dyed, in skeins or warps, if in singles or not advanced beyond the condition of singles by grouping or twisting two or more yarns together, on all numbers up to and including number two hundred and five, fifty-five cents per pound, and in addition thereto ten one-hundredths of one cent per number per pound;

exceeding number two hundred and five, fifty-five cents per pound, and in addition thereto fifteen one-hundredths of one cent per number per pound; if advanced beyond the condition of singles by grouping or twisting two or more yarns together, on all numbers up to and including number two hundred and five, sixty cents per pound, and in addition thereto ten one-hundredths of one cent per number per pound; exceeding number two hundred and five, sixty cents per pound, and in addition thereto fifteen one-hundredths of one cent per number per pound; if valued at exceeding one dollar per pound, colored, bleached, or dyed, on bobbins, cops, spools, or beams, if in singles or not advanced beyond the condition of singles by grouping or twisting two or more yarns together, on all numbers up to and including number two hundred and five, sixty-five cents per pound, and in addition thereto ten one-hundredths of one cent per number per pound; exceeding number two hundred and five, sixty-five cents per pound, and in addition thereto fifteen one-hundredths of one cent per number per pound; if advanced beyond the condition of singles by grouping or twisting two or more yarns together, on all numbers up to and including number two hundred and five, seventy cents per pound, and in addition thereto ten one-hundredths of one cent per number per pound; on all numbers exceeding number two hundred and five, seventy cents per pound, and in addition thereto fifteen one-hundredths of one cent per number per pound. In assessing duty on all spun silk or schappe silk yarn, the number indicating the size of the yarn shall be taken according to the metric or French system, and shall, in all cases, refer to the size of the singles: Provided, That in no case shall the duty be assessed on a less number of yards than is marked on the skeins, bobbins, cops, spools, or beams. But in no case shall any of the goods enumerated in this paragraph pay less rate of duty than thirty-five per centum ad valorem.

398. Thrown silk in the gum, if singles, fifty cents per pound; if tram, seventy-five cents per pound; if organzine, one dollar per pound; and if ungummed, wholly or in part, or if further advanced by any process of manufacture, in addition to the rates herein provided, fifty cents per pound. Sewing silk, twist, floss, and silk threads or yarns of any description made from raw silk, not specially provided for in this section, if in the gum, one dollar per pound; if ungummed, wholly or in part, or if further advanced by any process of manufacture, one dollar and fifty cents per pound: Provided, That in no case shall duty be assessed on a less number of yards than is marked on the skeins, bobbins, cops, spools, or beams.

399. Velvets, chenilles, and other pile fabrics, not specially provided for in this section, cut or uncut, composed wholly or in chief value of silk, weighing not less than five and three-fourths ounces per square yard, one dollar and fifty cents per pound; weighing less than five and three-fourths ounces per square yard, but not less than four ounces, or if all the filling is not cotton, two dollars and seventy-five cents per pound; if all the filling is cotton, two dollars per pound; all the foregoing weighing less than four ounces to the square yard, four dollars per pound. Plushes, cut or uncut, composed wholly or in chief value of silk, weighing not less than nine and one-half ounces per square yard, one dollar per pound; weighing less than nine and

one-half ounces per square yard, two dollars and forty cents per pound. Measurements to ascertain widths of goods for determining weight per square yard of the foregoing articles shall not include the selvedges, but the duty shall be levied upon the total weight of goods, including the selvedges. The distinction between "plushes" and "velvets" shall be determined by the length of the pile; those having pile exceeding one-seventh of one inch in length, to be taken as "plushes;" those having pile one-seventh of one inch or less in length, shall be taken as "velvets." The distance from the end of the pile to the bottom of the first binding pick shall be considered as the length of the pile. Velvet or plush ribbons, or other pile fabrics not over twelve inches and not less than three-fourths of one inch in width, cut or uncut, of which silk is the component material of chief value, not specially provided for in this section, containing no silk except that in the pile and selvedges; if black, one dollar and sixty cents per pound; if other than black, one dollar and seventy-five cents per pound; if containing silk other than that in the pile and selvedges; if black, two dollars per pound; if other than black, two dollars and twenty-five cents per pound; for each one-fourth of one inch or fraction thereof, less than three-fourths of one inch in width, there shall be paid in addition to the above rates, forty cents per pound. Woven fabrics in the piece, composed wholly or in chief value of silk, not specially provided for in this section, weighing not more than one-third of one ounce per square yard, four dollars per pound; weighing more than one-third of one ounce, but not more than two-thirds of one ounce per square yard; if in the gum, three dollars per pound; if ungummed, wholly or in part, three dollars and twenty-five cents per pound; if further advanced by any process of manufacture or otherwise, or if dyed or printed in the piece, three dollars and fifty cents per pound; if weighing more than two-thirds of one ounce but not more than one ounce per square yard; if in the gum, two dollars and sixty-five cents per pound; if ungummed, wholly or in part, three dollars per pound; if further advanced by any process of manufacture or otherwise, or if dyed or printed in the piece, three dollars and twenty-five cents per pound; if weighing more than one ounce but not more than one and one-third ounces per square yard; if in the gum, two dollars and fifty cents per pound; if ungummed, wholly or in part, two dollars and eighty-five cents per pound; if further advanced by any process of manufacture or otherwise, or if dyed or printed in the piece, three dollars and ten cents per pound; if weighing more than one and one-third ounces, but not more than two and one-half ounces, and if containing not more than twenty per centum in weight of silk, if in the gum, seventy cents per pound; if ungummed, wholly or in part, or if further advanced by any process of manufacture or otherwise, or if dyed or printed in the piece, eighty-five cents per pound; if containing more than twenty per centum, but not more than thirty per centum in weight of silk; if in the gum, eighty-five cents per pound; if ungummed, wholly or in part, or if further advanced by any process of manufacture or otherwise, or if dyed or printed in the piece, one dollar and ten cents per pound; if containing more than thirty per centum, but not more than forty per centum in weight of silk; if in the gum, one dollar and five cents per

pound; if ungummed, wholly or in part, or if further advanced by any process of manufacture or otherwise, or if dyed or printed in the piece, one dollar and twenty-five cents per pound; if containing more than forty per centum, but not more than fifty per centum in weight of silk; if in the gum, one dollar and twenty-five cents per pound; if ungummed, wholly or in part, or if further advanced by any process of manufacture or otherwise, or if dyed or printed in the piece, one dollar and fifty cents per pound; if containing more than fifty per centum in weight of silk or if wholly of silk; if in the gum, two dollars and fifty cents per pound; if ungummed, wholly or in part, or if further advanced by any process of manufacture or otherwise, or if dyed or printed in the piece, three dollars per pound; if weighing more than two and one-half ounces, but not more than eight ounces per square yard, and if containing not more than twenty per centum in weight of silk; if in the gum, fifty-seven and one-half cents per pound; if ungummed, wholly or in part, or if further advanced by any process of manufacture or otherwise, or if dyed or printed in the piece, seventy cents per pound; if containing more than twenty per centum, but not more than thirty per centum in weight of silk; if in the gum, seventy-five cents per pound; if ungummed, wholly or in part, or if further advanced by any process of manufacture or otherwise, or if dyed or printed in the piece, ninety cents per pound; if containing more than thirty per centum, but not more than forty per centum in weight of silk; if in the gum, ninety cents per pound; if ungummed, wholly or in part, or if further advanced by any process of manufacture or otherwise, or if dyed or printed in the piece, one dollar and ten cents per pound; if containing more than forty per centum, but not more than fifty per centum in weight of silk; if in the gum, one dollar and ten cents per pound; if ungummed, wholly or in part, or if further advanced by any process of manufacture or otherwise, or if dyed or printed in the piece, one dollar and thirty cents per pound; if containing more than fifty per centum in weight of silk, or if wholly of silk; if in the gum, two dollars and twenty-five cents per pound; if ungummed, wholly or in part, or if further advanced by any process of manufacture, or otherwise, or if dyed or printed in the piece, two dollars and seventy-five cents per pound. Woven fabrics in the piece, composed wholly or of chief value of silk, if dyed in the thread or yarn, and the weight is not increased in dyeing beyond the original weight of raw silk, if containing less than thirty per centum in silk, one dollar and twenty-five cents per pound; if containing more than thirty per centum but not more than forty-five per centum in weight of silk, one dollar and sixty cents per pound; if containing more than forty-five per centum in weight of silk, three dollars per pound; if weight is increased in dyeing beyond the original weight of raw silk; if weighing more than one-third of one ounce, but not more than one ounce, per square yard; if black (except selvedges), two dollars and twenty-five cents per pound; if other than black, three dollars per pound; if weighing more than one ounce, but not more than one and one-third ounces per square yard; if black (except selvedges), two dollars per pound; if other than black, two dollars and seventy-five cents per pound; if weighing more than one and one-third but not more than one and two-thirds ounces per square yard; if black

(except selvedges), one dollar and eighty cents per pound; if other than black, two dollars and fifty cents per pound; if weighing more than one and two-thirds but not more than two ounces per square yard; if black (except selvedges), one dollar and sixty-five cents per pound; if other than black, two dollars and twenty-five cents per pound; if weighing more than two but not more than eight ounces per square yard, and if containing not more than thirty per centum in weight of silk; if black (except selvedges), seventy-five cents per pound; if other than black, ninety cents per pound; if containing more than thirty per centum but not more than forty-five per centum in weight of silk; if black (except selvedges), one dollar and ten cents per pound; if other than black, one dollar and thirty cents per pound; if containing more than forty-five per centum in weight of silk, but not more than sixty per centum; if black (except selvedges), one dollar and forty cents per pound; if other than black, one dollar and sixty cents per pound; if containing more than sixty per centum in weight of silk, or if composed wholly of silk, and if having not more than four hundred and forty single threads to the inch in the warp; if black (except selvedges), one dollar and fifty cents per pound; if other than black, two dollars per pound; if having more than four hundred and forty, but not more than six hundred single threads to the inch in the warp; if black (except selvedges), one dollar and sixty-five cents per pound; if other than black, two dollars and twenty-five cents per pound; if having more than six hundred, but not more than seven hundred and sixty single threads to the inch in the warp; if black (except selvedges), one dollar and eighty cents per pound; if other than black, two dollars and fifty cents per pound; if having more than seven hundred and sixty, but not more than nine hundred and twenty single threads to the inch in the warp; if black (except selvedges), two dollars per pound; if other than black, two dollars and seventy-five cents per pound; if having more than nine hundred and twenty single threads to the inch in the warp; if black (except selvedges), two dollars and twenty-five cents per pound; if other than black, three dollars per pound; if printed in the warp and weighing not more than one and one-third ounces per square yard, three dollars and fifty cents per pound; weighing more than one and one-third but not more than two ounces per square yard, three dollars and twenty-five cents per pound; weighing more than two ounces per square yard, two dollars and seventy-five cents per pound. But in no case shall any goods made on Jacquard looms or any goods containing more than one color in the filling, or any of the goods enumerated in this paragraph, including such as have India rubber as a component material, pay a less rate of duty than forty-five per centum ad valorem.

400. Handkerchiefs or mufflers composed wholly or in chief value of silk, finished or unfinished, if cut, not hemmed or hemmed only, shall pay fifty per centum ad valorem; if such handkerchiefs or mufflers are hemstitched or imitation hemstitched, or revered, or have drawn threads, or are embroidered in any manner, whether with an initial letter, monogram, or otherwise, by hand or machinery, or are tamboured, appliquéed, or having tucking or insertion, sixty per centum ad valorem.

401. Ribbons, bandings, including hatbands, beltings, bindings, all of the foregoing not exceeding twelve inches in width, and if with fast edges, bone casings, braces, cords, cords and tassels, garters, gorings, suspenders, tubings, and webs and webbings, composed wholly or in chief value of silk, and whether composed in any part of India rubber or otherwise, if not embroidered in any manner, by hand or machinery, fifty per centum ad valorem.

402. Laces, edgings, insertings, galloons, flouncings, neck rufflings, ruchings, braids, fringes, trimmings, ornaments, nets or nettings, veils or veilings, and articles made wholly or in part of any of the foregoing, or of chiffons, embroideries and articles embroidered by hand or machinery, or tamboured or appliquéed, clothing ready made, and articles of wearing apparel of every description, including knit goods, made up or manufactured in whole or in part by the tailor, seamstress, or manufacturer; all of the foregoing composed of silk, or of silk and metal, or of which silk is the component material of chief value, whether in part of India rubber or otherwise and braid composed in part of India rubber, not specially provided for in this section, and silk goods ornamented with beads or spangles, sixty per centum ad valorem: Provided, That articles composed wholly or in chief value of any of the materials or goods dutiable under this paragraph shall pay not less than the rate of duty imposed upon such materials or goods by this section: Provided further, That tamboured, embroidered, or appliquéed articles or fabrics shall pay no less rate of duty than that imposed upon the material if not so tamboured, embroidered, or appliquéed.

403. All manufactures of silk, or of which silk is the component material of chief value, including such as have India rubber as a component material, not specially provided for in this section, fifty per centum ad valorem: Provided, That all manufactures of silk enumerated under any paragraph of this schedule, if composed in any part of wool, shall be classified and assessed for duty as manufactures of wool.

404. In ascertaining the weight of silk under the provisions of this schedule, either in the threads, yarns, or fabrics, the weight shall be taken in the condition in which found in the goods, without deductions therefrom for any dye, coloring matter, or other foreign substance or material. The number of single threads to the inch in the warp provided for in this schedule shall be determined by the number of spun or reeled singles of which such single or two or more ply threads are composed.

405. Yarns, threads, filaments of artificial or imitation silk, or of artificial or imitation horsehair, by whatever name known, and by whatever process made, if in the form of singles, forty-five cents per pound; if in the form of tram, fifty cents per pound; if in the form of organzine, sixty cents per pound: Provided, That in no case shall any yarns, threads, or filaments of artificial or imitation silk or imitation horsehair, or any yarns, threads, or filaments made from waste of such materials, pay a less rate of duty than thirty per centum ad valorem; braids, laces, embroideries, galloons, neck rufflings, ruchings, fringes, trimmings, beltings, cords, tassels, ribbons, or other articles or fabrics composed wholly or in chief value of yarns, threads,

filaments, or fibers of artificial or imitation silk or of artificial or imitation horsehair, by whatever name known, and by whatever process made, forty-five cents per pound, and in addition thereto, sixty per centum ad valorem.

SCHEDULE M.—PULP, PAPERS, AND BOOKS.

406. Mechanically ground wood pulp, one-twelfth of one cent per pound, dry weight: Provided, however, That mechanically ground wood pulp shall be admitted free of duty from any country, dependency, province, or other subdivision of government (being the product thereof) which does not forbid or restrict in any way the exportation of (whether by law, order, regulation, contractual relation, or otherwise, directly or indirectly) or impose any export duty, export license fee, or other export charge of any kind whatsoever, either directly or indirectly (whether in the form of additional charge or license fee or otherwise) upon printing paper, mechanically ground wood pulp, or wood for use in the manufacture of wood pulp: Provided further, That if any country, dependency, province, or other subdivision of government, shall impose an export duty or other export charge of any kind whatsoever, either directly or indirectly (whether in the form of additional charge, or license fee, or otherwise) upon printing paper, mechanically ground wood pulp, or wood for use in the manufacture of wood pulp, the amount of such export duty or other export charge shall be added as an additional duty to the duty herein imposed upon mechanically ground wood pulp when imported directly or indirectly from such country, dependency, province, or other subdivision of government. Chemical wood pulp, unbleached, one-sixth of one cent per pound, dry weight; bleached, one-fourth of one cent per pound, dry weight: Provided, That if any country, dependency, province, or other subdivision of government shall impose an export duty, or other export charge of any kind whatsoever, either directly or indirectly (whether in the form of additional charge or license fee or otherwise) upon printing paper, chemical wood pulp, or wood for use in the manufacture of wood pulp, the amount of such export duty, or other export charge, shall be added as an additional duty to the duties herein imposed upon chemical wood pulp when imported directly or indirectly from such country, dependency, province, or other subdivision of government.

407. Sheathing paper and roofing felt, ten per centum ad valorem.

408. Filter masse or filter stock, composed wholly or in part of wood pulp, wood flour, cotton or other vegetable fiber, one and one-half cents per pound and fifteen per centum ad valorem.

409. Printing paper (other than paper commercially known as handmade or machine handmade paper, japan paper, and imitation japan paper by whatever name known), unsized, sized, or glued, suitable for the printing of books and newspapers, but not for covers or bindings, not specially provided for in this section, valued at not above two and one-fourth cents per pound, three-sixteenths of one cent per pound; valued above two and one-fourth cents and not above two and one-half cents per pound, three-tenths of one cent per pound; valued above two and one-half cents per pound and not above four cents per pound, five-tenths of one cent per pound; valued above four

cents and not above five cents per pound, eight-tenths of one cent per pound; valued above five cents per pound, fifteen per centum ad valorem: Provided, however, That if any country, dependency, province, or other subdivision of government shall forbid or restrict in any way the exportation of (whether by law, order, regulation, contractual relation, or otherwise, directly or indirectly) or impose any export duty, export license fee, or other export charge of any kind whatsoever (whether in the form of additional charge or license fee or otherwise) upon printing paper, wood pulp, or wood for use in the manufacture of wood pulp, there shall be imposed upon printing paper when imported either directly or indirectly from such country, dependency, province, or other subdivision of government, an additional duty of one-tenth of one cent per pound when valued at three cents per pound, or less, and in addition thereto the amount of such export duty or other export charge imposed by such country, dependency, province, or other subdivision of government, upon printing paper, wood pulp, or wood for use in the manufacture of wood pulp.

410. Papers commonly known as copying paper, stereotype paper, bibulous paper, tissue paper, pottery paper, and all papers not specially provided for in this section, colored or uncolored, white or printed, weighing not over six pounds to the ream of four hundred and eighty sheets, on the basis of twenty by thirty inches, and whether in reams or any other form, six cents per pound and fifteen per centum ad valorem; if weighing over six pounds and less than ten pounds to the ream, and letter copying books, whether wholly or partly manufactured, five cents per pound and fifteen per centum ad valorem; crepe paper and filtering paper, five cents per pound and fifteen per centum ad valorem: Provided, That no article composed wholly or in chief value of one or more of the papers specified in this paragraph shall pay a less rate of duty than that imposed upon the component paper of chief value of which such article is made.

411. Papers with coated surface or surfaces, not specially provided for in this section, five cents per pound; if wholly or partly covered with metal or its solutions (except as hereinafter provided), or with gelatin or flock, or if embossed or printed, five cents per pound and twenty per centum ad valorem; papers, including wrapping paper, with the surface decorated or covered with a design, fancy effect, pattern or character, whether produced in the pulp or otherwise, but not by lithographic process, four and one-half cents per pound; if embossed, or wholly or partly covered with metal or its solutions, or with gelatin or flock, five cents per pound and twenty per centum ad valorem: Provided, That paper wholly or partly covered with metal or its solutions, and weighing less than fifteen pounds per ream of four hundred and eighty sheets, on a basis of twenty by twenty-five inches, shall pay a duty of five cents per pound and twenty-five per centum ad valorem; parchment papers, and grease-proof and imitation parchment papers which have been supercalendered and rendered transparent, or partially so, by whatever name known, two cents per pound and ten per centum ad valorem; all other grease-proof and imitation parchment papers, not specially provided for in this section, by whatever name known, two cents per pound and ten per centum ad valorem; bags, envelopes, printed matter other than

lithographic, and all other articles composed wholly or in chief value of any of the foregoing papers, not specially provided for in this section, and all boxes of paper or wood covered with any of the foregoing paper, five cents a pound and thirty per centum ad valorem; albumenized or sensitized paper or paper otherwise surface coated for photographic purposes, thirty per centum ad valorem; plain basic papers for albumenizing, sensitizing, baryta coating, or for photographic or solar printing processes, three cents per pound and ten per centum ad valorem.

412. Pictures, calendars, cards, labels, flaps, cigar bands, placards, and other articles, composed wholly or in chief value of paper, lithographically printed in whole or in part from stone, metal, or material other than gelatin (except boxes, views of American scenery or objects, and music, and illustrations when forming part of a periodical or newspaper, or of bound or unbound books, accompanying the same, not specially provided for in this section), shall pay duty at the following rates: Labels and flaps, printed in less than eight colors (bronze printing to be counted as two colors), but not printed in whole or in part in metal leaf, twenty cents per pound; cigar bands of the same number of colors and printings, thirty cents per pound; labels and flaps printed in eight or more colors, but not printed in whole or in part in metal leaf, thirty cents per pound; cigar bands of the same number of colors and printings, forty cents per pound; labels and flaps, printed in whole or in part in metal leaf, fifty cents per pound; cigar bands, printed in whole or in part in metal leaf, fifty-five cents per pound; all labels, flaps, and bands not exceeding ten square inches cutting size in dimensions, if embossed or die-cut, shall pay the same rate of duty as hereinbefore provided for cigar bands of the same number of colors and printings (but no extra duty shall be assessed on labels, flaps, and bands for embossing or die-cutting); booklets, seven cents per pound; books of paper or other material for children's use, not exceeding in weight twenty-four ounces each, six cents per pound; fashion magazines or periodicals, printed in whole or in part by lithographic process, or decorated by hand, eight cents per pound; booklets, decorated in whole or in part by hand or by spraying, whether or not lithographed, fifteen cents per pound; decalcomanias in ceramic colors, weighing not over one hundred pounds per thousand sheets on the basis of twenty by thirty inches in dimensions, seventy cents per pound and fifteen per centum ad valorem; weighing over one hundred pounds per thousand sheets on the basis of twenty by thirty inches in dimensions, twenty-two cents per pound and fifteen per centum ad valorem; if backed with metal leaf, sixty-five cents per pound; all other decalcomanias, except toy decalcomanias, forty cents per pound; all other articles than those hereinbefore specifically provided for in this paragraph, not exceeding eight one-thousandths of one inch in thickness, twenty cents per pound; exceeding eight and not exceeding twenty one-thousandths of one inch in thickness, and less than thirty-five square inches cutting size in dimensions, eight and one-half cents per pound; exceeding thirty-five square inches cutting size in dimensions, eight cents per pound, and in addition thereto on all of said articles exceeding eight and not exceeding twenty one-thousandths of one inch in thickness,

if either die cut or embossed, one-half of one cent per pound; if both die cut and embossed, one cent per pound; exceeding twenty one-thousandths of one inch in thickness, six cents per pound: Provided, That in the case of articles hereinbefore specified the thickness which shall determine the rate of duty to be imposed shall be that of the thinnest material found in the article, but for the purposes of this paragraph the thickness of lithographs mounted or pasted upon paper, cardboard, or other material, shall be the combined thickness of the lithograph and the foundation on which it is mounted or pasted.

413. Writing, letter, note, handmade paper and paper commercially known as handmade paper and machine handmade paper, japan paper and imitation japan paper by whatever name known, and ledger, bond, record, tablet, typewriter, manifold, and onionskin and imitation onionskin papers calendered or uncalendered, weighing six and one-fourth pounds or over per ream, three cents per pound and fifteen per centum ad valorem; but if any such paper is ruled, bordered, embossed, printed, lined, or decorated in any manner, other than by lithographic process, it shall pay ten per centum ad valorem in addition to the foregoing rates: Provided, That in computing the duty on such paper every one hundred and eighty thousand square inches shall be taken to be a ream.

414. Paper envelopes not specially provided for in this section, folded or flat, if plain, twenty per centum ad valorem; if bordered, embossed, printed, tinted, decorated, or lined, thirty-five per centum ad valorem.

415. Jacquard designs on ruled paper, or cut on Jacquard cards, and parts of such designs, cardboard and bristol board, thirty-five per centum ad valorem; press boards or press paper, valued at ten cents per pound or over, thirty-five per centum ad valorem; paper hangings with paper back or composed wholly or in chief value of paper, twenty-five per centum ad valorem; wrapping paper not specially provided for in this section, thirty-five per centum ad valorem; paper not specially provided for in this section, thirty per centum ad valorem: Provided, That paper embossed, or cut, die-cut, or stamped into designs or shapes, such as initials, monograms, lace, borders, bands, strips, or other forms, or cut or shaped for boxes, plain or printed but not lithographed, and not specially provided for in this section, shall be dutiable at thirty-five per centum ad valorem; articles composed wholly or in chief value of paper printed by the photogelatin process and not specially provided for in this Act, three cents per pound and twenty-five per centum ad valorem.

416. Books of all kinds, bound or unbound, including blank books, slate books and pamphlets, engravings, photographs, etchings, maps, charts, music in books or sheets, and printed matter, all the foregoing wholly or in chief value of paper, and not specially provided for in this section, twenty-five per centum ad valorem. Views of any landscape, scene, building, place or locality in the United States, on cardboard or paper, not thinner than eight one-thousandths of one inch, by whatever process printed or produced, including those wholly or in part produced by either lithographic or photogelatin process (except show cards), occupying thirty-five square inches or less of surface per view, bound or unbound, or in any other form,

fifteen cents per pound and twenty-five per centum ad valorem; thinner than eight one-thousandths of one inch, two dollars per thousand: Provided, That the rate or rates of duty provided in the tariff Act approved July twenty-fourth, eighteen hundred and ninety-seven, shall remain in force until October first, nineteen hundred and nine, on all views of any landscape, scene, building, place, or locality, provided for in this paragraph, which shall have, prior to July first, nineteen hundred and nine, been ordered or contracted to be delivered to bona fide purchasers in the United States, and the Secretary of the Treasury shall make proper regulations for the enforcement of this provision.

417. Photograph, autograph, scrap, post-card, and postage stamp albums, wholly or partly manufactured, thirty-five per centum ad valorem.

418. All boxes made wholly or in chief value of paper or papier-maché, if covered with surface-coated paper, forty-five per centum ad valorem.

419. Playing cards, in packs not exceeding fifty-four cards and at a like rate for any number in excess, ten cents per pack and twenty per centum ad valorem.

420. Manufactures of paper, or of which paper is the component material of chief value, not specially provided for in this section, thirty-five per centum ad valorem.

SCHEDULE N.—SUNDRIES.

421. Beads and spangles of all kinds, including imitation pearl beads, not threaded or strung, or strung loosely on thread for facility in transportation only, thirty-five per centum ad valorem; fabrics, nets or nettings, laces, embroideries, galloons, wearing apparel, ornaments, trimmings, curtains, fringes, and other articles not specially provided for in this section, composed wholly or in chief value of beads or spangles made of glass or paste, gelatin, metal, or other material, but not in part of wool, sixty per centum ad valorem: Provided, That no article composed wholly or in chief value of beads or spangles made of glass, paste, gelatin, metal, or other material shall pay duty at a less rate than is imposed in any paragraph of this section upon such articles without such beads or spangles.

422. Braids, plaits, laces, and willow sheets or squares, composed wholly or in chief value of straw, chip, grass, palm leaf, willow, osier, rattan, real horsehair, cuba bark, or manila hemp, suitable for making or ornamenting hats, bonnets, or hoods, not bleached, dyed, colored, or stained, fifteen per centum ad valorem; if bleached, dyed, colored, or stained, twenty per centum ad valorem; hats, bonnets, and hoods composed wholly or in chief value of straw, chip, grass, palm leaf, willow, osier, rattan, cuba bark, or manila hemp, whether wholly or partly manufactured, but not trimmed, thirty-five per centum ad valorem; if trimmed, fifty per centum ad valorem. But the terms "grass" and "straw" shall be understood to mean these substances in their natural form and structure, and not the separated fiber thereof.

423. Brushes, brooms, and feather dusters of all kinds, and hair pencils in quills or otherwise, forty per centum ad valorem.

424. Bristles, sorted, bunched, or prepared, seven and one-half cents per pound.

425. Trousers buckles and waistcoat buckles, made wholly or partly of iron or steel, or parts thereof, valued at not more than fifteen cents per hundred, five cents per hundred; valued at more than fifteen cents per hundred and not more than fifty cents per hundred, ten cents per hundred; valued at more than fifty cents per hundred, fifteen cents per hundred; and in addition thereto on each and all of the above buckles or parts of buckles, fifteen per centum ad valorem.

426. Button forms of lastings, mohair or silk cloth, or other manufactures of cloth, woven or made in patterns of such size, shape or form as to be fit for buttons exclusively, and not exceeding three inches in any one dimension, ten per centum ad valorem.

427. Buttons or parts of buttons and button molds or blanks, finished or unfinished, shall pay duty at the following rates, the line-button measure being one-fortieth of one inch, namely: Buttons known commercially as agate buttons, metal trousers buttons (except steel), and nickel bar buttons, one-twelfth of one cent per line per gross; buttons of bone, and steel trousers buttons, one-fourth of one cent per line per gross; buttons of pearl or shell, one and one-half cents per line per gross; buttons of horn, vegetable ivory, glass, or metal, not specially provided for in this section, three-fourths of one cent per line per gross, and in addition thereto, on all the foregoing articles in this paragraph, fifteen per centum ad valorem; shoe buttons made of paper, board, papier-maché, pulp or other similar material, not specially provided for in this section, valued at not exceeding three cents per gross, one cent per gross; snap fasteners, or clasps, or parts thereof, by whatever name known, fifty per centum ad valorem; buttons of metal, embossed with a design, device, pattern, or lettering, forty-five per centum ad valorem; buttons not specially provided for in this section, and all collar or cuff buttons and studs composed wholly of bone, mother-of-pearl, or ivory, fifty per centum ad valorem.

428. Coal, bituminous, and shale, forty-five cents per ton of twenty-eight bushels, eighty pounds to the bushel; coal slack or culm, such as will pass through a half-inch screen, fifteen cents per ton of twenty-eight bushels, eighty pounds to the bushel: Provided, That the rate of fifteen cents per ton herein designated for "coal slack or culm" shall be held to apply to importations of coal slack or culm produced and screened in the ordinary way, as such, and so shipped from the mine; coke, twenty per centum ad valorem; compositions used for fuel in which coal or coal dust is the component material of chief value, whether in briquettes or other form, twenty per centum ad valorem: Provided further, That on all coal imported into the United States, which is afterwards used for fuel on board vessels propelled by steam and engaged in trade with foreign countries, or in trade between the Atlantic and Pacific ports of the United States, and which are registered under the laws of the United States, a drawback shall be allowed equal to the duty imposed by law upon such coal, and shall be paid under such regulations as the Secretary of the Treasury shall prescribe.

429. Cork bark cut into squares, cubes, or quarters, eight cents per pound; manufactured corks over three-fourths of an inch in

diameter, measured at larger end, fifteen cents per pound; three-fourths of an inch and less in diameter, measured at larger end, twenty-five cents per pound; cork, artificial, or cork substitutes, manufactured from cork waste or granulated cork, and not otherwise provided for in this section, six cents per pound; manufactures, wholly or in chief value of cork, or of cork bark, or of artificial cork or cork substitutes, granulated or ground cork, not specially provided for in this section, thirty per centum ad valorem.

430. Dice, dominoes, draughts, chessmen, chess balls, and billiard, pool, and bagatelle balls, of ivory, bone, or other materials, fifty per centum ad valorem.

431. Dolls, and parts of dolls, doll heads, toy marbles, of whatever materials composed, and all other toys, and parts of toys, not composed of china, porcelain, parian, bisque, earthen or stone ware, and not specially provided for in this section, thirty-five per centum ad valorem.

432. Emery grains and emery, manufactured, ground, pulverized, or refined, one cent per pound; emery wheels, emery files, and manufactures of which emery or corundum is the component material of chief value, twenty-five per centum ad valorem; crude artificial abrasives, ten per centum ad valorem.

433. Firecrackers of all kinds, eight cents per pound; bombs, rockets, Roman candles, and fireworks of all descriptions, not specially provided for in this section, twelve cents per pound; the weight on all the foregoing to include all coverings, wrappings, and packing material.

434. Fulminates, fulminating powders, and like articles suitable for miners' use, twenty per centum ad valorem; all other not specially provided for in this section, thirty per centum ad valorem.

435. Gunpowder, and all explosive substances used for mining, blasting, artillery, or sporting purposes, when valued at twenty cents or less per pound, two cents per pound; valued above twenty cents per pound, four cents per pound.

436. Matches, friction or lucifer, of all descriptions, per gross of one hundred and forty-four boxes, containing not more than one hundred matches per box, six cents per gross; when imported otherwise than in boxes containing not more than one hundred matches each, three-fourths of one cent per one thousand matches; wax and fancy matches and tapers, thirty-five per centum ad valorem.

437. Percussion caps, cartridges, and cartridge shells empty, thirty per centum ad valorem; blasting caps, two dollars and twenty-five cents per thousand; mining, blasting, or safety fuses of all kinds, not composed in chief value of cotton, thirty-five per centum ad valorem.

438. Feathers and downs of all kinds, including bird skins or parts thereof with the feathers on, crude or not dressed, colored, or otherwise advanced or manufactured in any manner, not specially provided for in this section, twenty per centum ad valorem; when dressed, colored, or otherwise advanced or manufactured in any manner, including quilts of down and other manufactures of down, and also dressed and finished birds suitable for millinery ornaments, and artificial or ornamental feathers, fruits, grains, leaves, flowers, and stems or parts thereof, of whatever material composed, not specially provided for in this section, sixty per centum ad valorem; boas, boutonnieres, wreaths, and all articles not specially provided for in this section, composed

wholly or in chief value of any of the feathers, flowers, leaves, or other materials or articles herein mentioned, sixty per centum ad valorem.

439. Furs dressed on the skin, not advanced further than dyeing, but not repaired, twenty per centum ad valorem; manufactures of furs, further advanced than dressing and dyeing, when prepared for use as material, including plates, linings, and crosses, thirty-five per centum ad valorem; articles of wearing apparel of every description, partly or wholly manufactured, composed of or of which fur is the component material of chief value, fifty per centum ad valorem. Furs not on the skin, prepared for hatters' use, including fur skins carroted, twenty per centum ad valorem.

440. Fans of all kinds, except common palm-leaf fans, fifty per centum ad valorem.

441. Gun wads of all descriptions, twenty per centum ad valorem.

442. Hair, human, if clean or drawn but not manufactured, twenty per centum ad valorem; manufactures of human hair, or of which human hair is the component material of chief value, not specially provided for in this section, thirty-five per centum ad valorem.

443. Plushes and woven fabrics (except crinoline cloth and hair seating) and manufactures thereof, composed of the hair of the camel, goat, alpaca, or any animal, combined with wool, vegetable fiber, or silk, shall be classified and dutiable as manufactures of wool.

444. Hair, curled, suitable for beds or mattresses, ten per centum ad valorem.

445. Haircloth, known as "crinoline" cloth, eight cents per square yard; haircloth, known as "hair seating," and hair press cloth, twenty cents per square yard.

446. Hats, bonnets, or hoods, for men's, women's, boys', or children's wear, trimmed or untrimmed, including bodies, hoods, plateaux, forms, or shapes, for hats or bonnets, composed wholly or in chief value of fur of the rabbit, beaver, or other animals, valued at not more than four dollars and fifty cents per dozen, one dollar and fifty cents per dozen; valued at more than four dollars and fifty cents per dozen and not more than nine dollars per dozen, three dollars per dozen; valued at more than nine dollars per dozen and not more than eighteen dollars per dozen, five dollars per dozen; valued at more than eighteen dollars per dozen, seven dollars per dozen; and in addition thereto, on all the foregoing, twenty per centum ad valorem.

447. Indurated fiber ware and manufactures of pulp, not specifically provided for in this section, printed or unprinted, thirty-five per centum ad valorem.

448. Chains, pins, collar, cuff, and dress buttons, charms, combs, millinery and military ornaments, together with all other articles of every description, finished or partly finished, if set with imitation precious stones composed of glass or paste (except imitation jet), or composed wholly or in chief value of silver, German silver, white metal, brass, or gun metal, whether or not enameled, washed, covered, plated, or alloyed with gold, silver or nickel, and designed to be worn on apparel or carried on or about or attached to the person, valued at twenty cents per dozen pieces, one cent each and in addition thereto three-fifths of one cent per dozen for each one cent the value exceeds twenty cents per dozen; all stampings and materials of metal (except

iron or steel), or of metal set with glass or paste, finished or partly finished, suitable for use in the manufacture of any of the foregoing articles (except chain valued at less than thirty cents per yard other than nickel or nickel-plated chain), valued at seventy-two cents per gross, three cents per dozen pieces and in addition thereto one-half of one cent per gross for each one cent the value exceeds seventy-two cents per gross; rope, curb, cable, and other fancy patterns of chain, without bar, swivel, snap or ring, composed of rolled gold plate or of silver, German silver, white metal, or brass, not exceeding one-half of one inch in diameter, breadth or thickness, valued at thirty cents per yard, six cents per foot, and in addition thereto three-fifths of one cent per yard for each one cent the value exceeds thirty cents per yard; finished or unfinished bags, purses and other articles, or parts thereof, made in chief value of metal mesh composed of silver, German silver, or white metal, valued at two dollars per dozen pieces, ten cents per piece and in addition thereto three-fifths of one cent per dozen pieces for each one cent the value exceeds two dollars per dozen; all of the foregoing, whether known as jewelry or otherwise and whether or not denominatively or otherwise provided for in any other paragraph of this Act, twenty-five per centum ad valorem in addition to the specific rate or rates of duty herein provided; all articles commonly or commercially known as jewelry, or parts thereof, finished or unfinished, including chain, mesh, and mesh bags and purses composed of gold or platinum, whether set or not set with diamonds, pearls, cameos, coral, or other precious or semiprecious stones, or imitations thereof, sixty per centum ad valorem.

449. Pearls and parts thereof, drilled or undrilled, but not set or strung, ten per centum ad valorem; diamonds, coral, rubies, cameos, and other precious stones and semi-precious stones, cut but not set, and suitable for use in the manufacture of jewelry, ten per centum ad valorem; imitation precious stones, including pearls and parts thereof, for use in the manufacture of jewelry, doublets, artificial, or so-called synthetic or reconstructed pearls and parts thereof, rubies, or other precious stones, twenty per centum ad valorem.

450. Hides of cattle, raw or uncured, whether dry, salted, or pickled, shall be admitted free of duty: Provided, That on and after October first, nineteen hundred and nine, grain, buff, and split leather shall pay a duty of seven and one-half per centum ad valorem; that all boots and shoes, made wholly or in chief value of leather made from cattle hides and cattle skins of whatever weight, of cattle of the bovine species, including calfskins, shall pay a duty of ten per centum ad valorem; that harness, saddles and saddlery, in sets or in parts, finished or unfinished, composed wholly or in chief value of leather, shall pay a duty of twenty per centum ad valorem.

451. Band, bend, or belting leather, rough leather, and sole leather, five per centum ad valorem; dressed upper and all other leather, calfskins tanned or tanned and dressed, kangaroo, sheep and goat skins (including lamb and kid skins) dressed and finished, other skins and bookbinders' calfskins, all the foregoing not specially provided for in this section, fifteen per centum ad valorem; chamois skin, twenty per centum ad valorem; skins for morocco, tanned but unfinished, five per centum ad valorem; patent, japanned, varnished, or enameled leather weighing not over ten pounds per dozen hides or

skins, twenty-seven cents per pound and fifteen per centum ad valorem; if weighing over ten pounds and not over twenty-five pounds per dozen, twenty-seven cents per pound and eight per centum ad valorem; if weighing over twenty-five pounds per dozen, twenty cents per pound and ten per centum ad valorem; pianoforte leather and pianoforte-action leather, and glove leather, twenty per centum ad valorem; leather shoe laces, finished or unfinished, fifty cents per gross pairs and ten per centum ad valorem; boots and shoes made of leather, fifteen per centum ad valorem: Provided, That leather cut into shoe uppers or vamps or other forms, suitable for conversion into manufactured articles, and gauffre leather, shall pay a duty of ten per centum ad valorem in addition to the duty imposed by this paragraph on leather of the same character as that from which they are cut.

452. Bags, baskets, belts, satchels, card cases, pocketbooks, jewel boxes, portfolios, and other boxes and cases, made wholly of or in chief value of leather, not jewelry, and manufactures of leather, or of which leather is the component material of chief value, not specially provided for in this section, forty per centum ad valorem; any of the foregoing permanently fitted and furnished with traveling, bottle, drinking, dining or luncheon and similar sets, fifty per centum ad valorem.

453. Gloves made wholly or in part of leather, whether wholly or partly manufactured, shall pay duty at the following rates, the lengths stated in each case being the extreme length when stretched to their full extent, namely:

454. Women's or children's "glace" finish, Schmaschen (of sheep origin), not over fourteen inches in length, one dollar and twenty-five cents per dozen pairs; over fourteen inches and not over seventeen inches in length, two dollars and twenty-five cents per dozen pairs; over seventeen inches in length, two dollars and seventy-five cents per dozen pairs; men's "glace" finish, Schmaschen (sheep), three dollars per dozen pairs.

455. Women's or children's "glace" finish, lamb or sheep, not over fourteen inches in length, two dollars and fifty cents per dozen pairs; over fourteen and not over seventeen inches in length, three dollars and fifty cents per dozen pairs; over seventeen inches in length, four dollars and fifty cents per dozen pairs; men's "glace" finish, lamb or sheep, four dollars per dozen pairs.

456. Women's or children's "glace" finish, goat, kid, or other leather than of sheep origin, not over fourteen inches in length, three dollars per dozen pairs; over fourteen and not over seventeen inches in length, three dollars and seventy-five cents per dozen pairs; over seventeen inches in length, four dollars and seventy-five cents per dozen pairs; men's "glace" finish, kid, goat, or other leather than of sheep origin, four dollars per dozen pairs.

457. Women's or children's, of sheep origin, with exterior grain surface removed, by whatever name known, not over seventeen inches in length, two dollars and fifty cents per dozen pairs; over seventeen inches in length, three dollars and fifty cents per dozen pairs; men's, of sheep origin, with exterior surface removed, by whatever name known, four dollars per dozen pairs.

458. Women's or children's kid, goat, or other leather than of sheep origin, with exterior grain surface removed, by whatever name

known, not over fourteen inches in length, three dollars per dozen pairs; over fourteen inches and not over seventeen inches in length, three dollars and seventy-five cents per dozen pairs; over seventeen inches in length, four dollars and seventy-five cents per dozen pairs; men's goat, kid, or other leather than of sheep origin, with exterior grain surface removed, by whatever name known, four dollars per dozen pairs.

459. In addition to the foregoing rates there shall be paid the following cumulative duties: On all leather gloves, when lined, one dollar per dozen pairs; on all pique or prix seam gloves, forty cents per dozen pairs; on all gloves stitched or embroidered, with more than three single strands or cords, forty cents per dozen pairs.

460. Glove tranks, with or without the usual accompanying pieces, shall pay seventy-five per centum of the duty provided for the gloves in the fabrication of which they are suitable.

461. Harness, saddles, saddlery, in sets or in parts, finished or unfinished, thirty-five per centum ad valorem.

462. Manufactures of amber, asbestos, bladders, catgut or whip gut or worm gut, or wax, or of which these substances or any of them is the component material of chief value, not specially provided for in this section, twenty-five per centum ad valorem; woven fabrics composed wholly or in chief value of asbestos, forty per centum ad valorem.

463. Manufactures of bone, chip, grass, horn, quills, india rubber, palm leaf, straw, weeds, or whalebone, or of which these substances or any of them is the component material of chief value, not specially provided for in this section, thirty-five per centum ad valorem; but the terms "grass" and "straw" shall be understood to mean these substances in their natural form and structure, and not the separated fiber thereof; sponges made of rubber, forty per centum ad valorem; combs, composed wholly of horn, or composed of horn and metal, fifty per centum ad valorem.

464. Manufactures of gutta-percha, ivory, vegetable ivory, mother-of-pearl and shell, plaster of Paris, papier-maché, and vulcanized india rubber known as "hard rubber," or of which these substances or any of them is the component material of chief value, not specially provided for in this section, and shells engraved, cut, ornamented, or otherwise manufactured, thirty-five per centum ad valorem.

465. Masks, composed of paper or pulp, thirty-five per centum ad valorem.

466. Matting made of cocoa fiber or rattan, six cents per square yard; mats made of cocoa fiber or rattan, four cents per square foot.

467. Musical instruments or parts thereof, pianoforte actions and parts thereof, strings for musical instruments, not otherwise enumerated in this section, cases for musical instruments, pitch pipes, tuning forks, tuning hammers, and metronomes; strings for musical instruments, composed wholly or in part of steel or other metal, all the foregoing, forty-five per centum ad valorem.

468. Phonographs, gramophones, graphophones, and similar articles, or parts thereof, forty-five per centum ad valorem.

469. Violin rosin, in boxes or cases or otherwise, twenty per centum ad valorem.

470. Paintings in oil or water colors, pastels, pen and ink drawings, and sculptures, not specially provided for in this section, fifteen per centum ad valorem; but the term "sculptures" as used in this Act shall be understood to include only such as are cut, carved, or otherwise wrought by hand from a solid block or mass of marble, stone, or alabaster, or from metal, and as are the professional production of a sculptor only, and the term "painting" as used in this Act shall be understood not to include such as are made wholly or in part by stenciling or other mechanical process.

471. Peat moss, one dollar per ton.

472. Pencils of paper or wood, or other material not metal, filled with lead or other material, and pencils of lead, forty-five cents per gross and twenty-five per centum ad valorem; slate pencils, covered with wood, thirty-five per centum ad valorem; all other slate pencils, three cents per one hundred.

473. Pencil leads not in wood, or other material, black, three-fourths of one cent per ounce; colored, one and one-fourth cents per ounce; copying, two cents per ounce.

474. Photographic dry plates or films, not otherwise specially provided for in this section, twenty-five per centum ad valorem. Photographic film negatives, imported in any form, for use in any way in connection with moving-picture exhibits, or for making or reproducing pictures for such exhibits, and moving-picture films not developed or exposed, twenty-five per centum ad valorem. Photographic film positives, imported in any form, for use in any way in connection with moving-picture exhibits, including herein all moving, motion, motophotography or cinematography film pictures, prints, positives or duplicates of every kind and nature, and of whatever substance made, one and one-half cents per linear or running foot.

475. Pipes and smokers' articles: Common tobacco pipes and pipe bowls made wholly of clay, valued at not more than forty cents per gross, fifteen cents per gross; other tobacco pipes and pipe bowls of clay, fifty cents per gross and twenty-five per centum ad valorem; other pipes and pipe bowls of whatever material composed, and all smokers' articles whatsoever, not specially provided for in this section, including cigarette books, cigarette book covers, pouches for smoking or chewing tobacco, and cigarette paper in all forms, sixty per centum ad valorem.

476. Plows, tooth and disk harrows, harvesters, reapers, agricultural drills and planters, mowers, horserakes, cultivators, threshing machines, and cotton gins, fifteen per centum ad valorem: Provided, That any of the foregoing, when imported from any country, dependency, province, or colony which imposes no tax or duty on like articles imported from the United States, shall be imported free of duty.

477. Plush, black, known commercially as hatters' plush, composed of silk, or of silk and cotton, such as is used exclusively for making men's hats, ten per centum ad valorem.

478. Umbrellas, parasols, and sunshades covered with material other than paper or lace, fifty per centum ad valorem. Sticks for umbrellas, parasols, or sunshades, and walking canes, finished or unfinished, forty per centum ad valorem.

479. Waste, not specially provided for in this section, ten per centum ad valorem.

480. That there shall be levied, collected, and paid on the importation of all raw or unmanufactured articles, not enumerated or provided for in this section, a duty of ten per centum ad valorem, and on all articles manufactured, in whole or in part, not provided for in this section, a duty of twenty per centum ad valorem.

481. That each and every imported article, not enumerated in this section, which is similar, either in material, quality, texture, or the use to which it may be applied, to any article enumerated in this section as chargeable with duty, shall pay the same rate of duty which is levied on the enumerated article which it most resembles in any of the particulars before mentioned; and if any nonenumerated article equally resembles two or more enumerated articles on which different rates of duty are chargeable, there shall be levied on such nonenumerated article the same rate of duty as is chargeable on the article which it resembles paying the highest rate of duty; and on articles not enumerated, manufactured of two or more materials, the duty shall be assessed at the highest rate at which the same would be chargeable if composed wholly of the component material thereof of chief value; and the words "component material of chief value," wherever used in this section, shall be held to mean that component material which shall exceed in value any other single component material of the article; and the value of each component material shall be determined by the ascertained value of such material in its condition as found in the article. If two or more rates of duty shall be applicable to any imported article, it shall pay duty at the highest of such rates.

FREE LIST.

That on and after the day following the passage of this Act, except as otherwise specially provided for in this Act, the articles mentioned in the following paragraphs shall, when imported into the United States or into any of its possessions (except the Philippine Islands and the islands of Guam and Tutuila), be exempt from duty:

482. Acids: Arsenic or arsenious, benzoic, carbolic, fluoric, hydochloric or muriatic, nitric, phosphoric, phthalic, picric or nitropicric, prussic, silicic, and valerianic.

483. Aconite.

484. Acorns, raw, dried, or undried, but unground.

485. Agates, unmanufactured.

486. Albumen, not specially provided for in this section.

487. Alizarin, natural or artificial, and dyes derived from alizarin or from anthracin.

488. Amber, and amberoid unmanufactured, or crude gum, gum Kauri, and gum Copal.

489. Ambergris.

490. Ammonia, sulphate of.

491. Aniline salts.

492. Any animal imported by a citizen of the United States specially for breeding purposes shall be admitted free, whether intended to be so used by the importer himself, or for sale for such purpose: Provided, That no such animal shall be admitted free unless pure bred of a recognized breed, and duly registered in the book of record established for that breed: And provided further, That certificate of such

record and of the pedigree of such animal shall be produced and submitted to the customs officer, duly authenticated by the proper custodian of such book of record, together with the affidavit of the owner, agent, or importer that such animal is the identical animal described in said certificate of record and pedigree: And provided further, That the Secretary of Agriculture shall determine and certify to the Secretary of the Treasury what are recognized breeds and pure bred animals under the provisions of this paragraph. The Secretary of the Treasury may prescribe such additional regulations as may be required for the strict enforcement of this provision. Cattle, horses, sheep, or other domestic animals straying across the boundary line into any foreign country, or driven across such boundary line by the owner for temporary pasturage purposes only, together with their offspring, may be brought back to the United States within six months free of duty, under regulations to be prescribed by the Secretary of the Treasury: And provided further, That the provisions of this Act shall apply to all such animals as have been imported and are in quarantine, or otherwise in the custody of customs or other officers of the United States, at the date of the passage of this Act.

493. Animals brought into the United States temporarily for a period not exceeding six months, for the purpose of breeding, exhibition or competition for prizes offered by any agricultural, polo, or racing association; but a bond shall be given in accordance with regulations prescribed by the Secretary of the Treasury; also teams of animals, including their harness and tackle and the wagons or other vehicles actually owned by persons emigrating from foreign countries to the United States with their families, and in actual use for the purpose of such emigration under such regulations as the Secretary of the Treasury may prescribe; and wild animals intended for exhibition in zoological collections for scientific and educational purposes, and not for sale or profit.

494. Annatto, roucou, rocoa, or orleans, and all extracts of.

495. Apatite.

496. Arrowroot in its natural state and not manufactured.

497. Arsenic and sulphide of arsenic, or orpiment.

498. Arseniate of aniline.

499. Articles in a crude state used in dyeing or tanning not specially provided for in this section.

500. Articles the growth, produce, or manufacture of the United States, when returned after having been exported, without having been advanced in value or improved in condition by any process of manufacture or other means; casks, barrels, carboys, bags, and other containers or coverings of American manufacture exported filled with American products, or exported empty and returned filled with foreign products, including shooks and staves when returned as barrels or boxes; also quicksilver flasks or bottles, iron or steel drums used for the shipment of acids, of either domestic or foreign manufacture, which shall have been actually exported from the United States; but proof of the identity of such articles shall be made, under general regulations to be prescribed by the Secretary of the Treasury, but the exemption of bags from duty shall apply only to such domestic bags as may be imported by the exporter thereof, and if any such articles

are subject to internal-revenue tax at the time of exportation, such tax shall be proved to have been paid before exportation and not refunded; photographic dry plates or films of American manufacture (except moving-picture films), exposed abroad, whether developed or not, and films from moving-picture machines, light struck or otherwise damaged, or worn out, so as to be unsuitable for any other purpose than the recovery of the constituent materials, provided the basic films are of American manufacture, but proof of the identity of such articles shall be made under general regulations to be prescribed by the Secretary of the Treasury: Provided, That this paragraph shall not apply to any article upon which an allowance of drawback has been made, the reimportation of which is hereby prohibited except upon payment of duties equal to the drawbacks allowed; or to any article manufactured in bonded warehouse and exported under any provision of law: And provided further, That when manufactured tobacco which has been exported without payment of internal-revenue tax shall be reimported it shall be retained in the custody of the collector of customs until internal-revenue stamps in payment of the legal duties shall be placed thereon: And provided further, That cattle, horses, sheep, and other domestic animals straying across the boundary line into any foreign country or driven across such boundary line by the owners for temporary pasturage purposes only, together with their offspring, shall be dutiable, unless brought back to the United States within six months, under regulations to be prescribed by the Secretary of the Treasury, in accordance with the provisions of paragraph four hundred and ninety-two.

501. Asbestos, unmanufactured.

502. Ashes, wood and lye of, and beet-root ashes.

503. Asafetida.

504. Balm of Gilead.

505. Barks, cinchona or other from which quinine may be extracted.

506. Beeswax.

507. Binding twine: All binding twine manufactured from New Zealand hemp, manila, istle or Tampico fiber, sisal grass, or sunn, or a mixture of any two or more of them, of single ply and measuring not exceeding six hundred feet to the pound: Provided, That articles mentioned in this paragraph, if imported from a country which lays an import duty on like articles imported from the United States, shall be subject to a duty of one-half of one cent per pound.

508. Bells, broken, and bell metal broken and fit only to be remanufactured.

509. Birds, stuffed, not suitable for millinery ornaments.

510. Birds and land and water fowls.

511. Bismuth.

512. Bladders, and all integuments, tendons and intestines of animals and fish sounds, crude, dried or salted for preservation only, and unmanufactured, not specially provided for in this section.

513. Blood, dried, not specially provided for in this section.

514. Bolting cloths composed of silk, imported expressly for milling purposes, and so permanently marked as not to be available for any other use.

515. Bones, crude, or not burned, calcined, ground, steamed, or otherwise manufactured, and bone dust or animal carbon, and bone ash, fit only for fertilizing purposes.

516. Books, engravings, photographs, etchings, bound or unbound, maps and charts imported by authority or for the use of the United States or for the use of the Library of Congress.

517. Books, maps, music, engravings, photographs, etchings, bound or unbound, and charts, which shall have been printed more than twenty years at the date of importation, and all hydrographic charts, and publications issued for their subscribers or exchanges by scientific and literary associations or academies, or publications of individuals for gratuitous private circulation, and public documents issued by foreign governments.

518. Books and pamphlets printed chiefly in languages other than English; also books and music, in raised print, used exclusively by the blind.

519. Books, maps, music, photographs, etchings, lithographic prints, and charts, specially imported, not more than two copies in any one invoice, in good faith, for the use and by order of any society or institution incorporated or established solely for religious, philosophical, educational, scientific, or literary purposes, or for the encouragement of the fine arts, or for the use and by order of any college, academy, school, or seminary of learning in the United States, or any state or public library, and not for sale, subject to such regulations as the Secretary of the Treasury shall prescribe.

520. Books, libraries, usual and reasonable furniture, and similar household effects of persons or families from foreign countries, all the foregoing if actually used abroad by them not less than one year, and not intended for any other person or persons, nor for sale.

521. Brass, old brass, clippings from brass or Dutch metal, all the foregoing, fit only for remanufacture.

522. Brazilian pebble, unwrought or unmanufactured.

523. Bristles, crude, not sorted, bunched, or prepared.

524. Bullion, gold or silver.

525. Burgundy pitch.

526. Cadmium.

527. Camphor, crude, natural.

528. Castor or castoreum.

529. Catgut, whip gut, or worm gut, unmanufactured.

530. Cerium, cerite, or cerium ore.

531. Chalk, crude, not ground, bolted, precipitated, or otherwise manufactured.

532. Chromate of iron or chromic ore.

533. Civet, crude.

534. Clay: Common blue clay and Gross-Almerode glass-pot clay, in cases or casks suitable for the manufacture of crucibles and glass melting pots or tank blocks.

535. Coal, anthracite, and coal stores of American vessels, but none shall be unloaded.

536. Coal tar, crude, pitch of coal tar, and products of coal tar known as dead or creosote oil, benzol, toluol, naphthalin, xylol, phenol, cresol, toluidine, xylidin, cumidin, binitrotoluol, binitrobenzol, benzi-

din, tolidin, dianisidin, naphtol, naphtylamin, diphenylamin, benzaldehyde, benzyl chloride, resorcin, nitro-benzol, and nitro-toluol, naphtylaminsulfoacids and their sodium or potassium salts, naphtolsulfoacids and their sodium or potassium salts, amidonaphtolsulfoacids and their sodium or potassium salts, amidosalicylic acid, binitrochlorbenzol, diamidostilbendisulfoacid, metanilic acid, paranitranilin, dimethylanilin; all the foregoing not medicinal and not colors or dyes.

537. Cobalt and cobalt ore.

538. Cocculus indicus.

539. Cochineal.

540. Cocoa, or cacao, crude, and fiber, leaves, and shells of.

541. Coffee.

542. Coins of gold, silver, copper, or other metal.

543. Coir, and coir yarn.

544. Copper ore; regulus of, and black or coarse copper, and copper cement; old copper, fit only for remanufacture, clippings from new copper, and copper in plates, bars, ingots, or pigs, not manufactured or specially provided for in this section.

545. Composition metal of which copper is the component material of chief value, not specially provided for in this section.

546. Coral, marine, uncut, and unmanufactured.

547. Cork wood, or cork bark, unmanufactured.

548. Cotton, and cotton waste or flocks.

549. Cryolite, or kryolith.

550. Cudbear.

551. Curling stones, or quoits, and curling-stone handles.

552. Curry, and curry powder.

553. Cuttlefish bone.

554. Dandelion roots, raw, dried, or undried, but unground.

555. Diamonds and other precious stones, rough or uncut, and not advanced in condition or value from their natural state by cleaving, splitting, cutting, or other process, including glaziers' and engravers' diamonds not set.

556. Miners' diamonds, whether in their natural form or broken, and bort; any of the foregoing not set, and diamond dust.

557. Divi-divi.

558. Dragon's blood.

559. Drugs, such as barks, beans, berries, balsams, buds, bulbs, bulbous roots, excrescences, fruits, flowers, dried fibers, dried insects, grains, gums, gum resin, herbs, leaves, lichens, mosses, nuts, nutgalls, roots, stems, spices, vegetables, seeds (aromatic, not garden seeds), seeds of morbid growth, weeds, and woods used expressly for dyeing or tanning; any of the foregoing which are natural and uncompounded drugs and not edible and not specially provided for in this section, and are in a crude state, not advanced in value or condition by any process or treatment whatever beyond that essential to the proper packing of the drugs and the prevention of decay or deterioration pending manufacture: Provided, That no article containing alcohol, or in the preparation of which alcohol is used, shall be admitted free of duty under this paragraph.

560. Eggs of birds, fish, and insects (except fish roe preserved for food purposes): Provided, however, That the importation of eggs of

game birds or eggs of birds not used for food, except specimens for scientific collections, is prohibited: Provided further, That the importation of eggs of game birds for purposes of propagation is hereby authorized, under rules and regulations to be prescribed by the Secretary of the Treasury.

561. Emery ore and corundum.

562. Ergot.

563. Fans, common palm-leaf, plain and not ornamented or decorated in any manner, and palm leaf in its natural state, not colored, dyed, or otherwise advanced or manufactured.

564. Felt, adhesive, for sheathing vessels.

565. Fence posts of wood.

566. Fibrin, in all forms.

567. Fish, fresh, frozen, or packed in ice, caught in the Great Lakes or other fresh waters by citizens of the United States, and all other fish, the products of American fisheries.

568. Fish skins.

569. Flint, flints, and flint stones, unground.

570. Fossils.

571. Fruits or berries, green, ripe, or dried, and fruits in brine, not specially provided for in this section.

572. Fruit plants, tropical and semitropical, for the purpose of propagation or cultivation.

573. Furs, undressed.

574. Fur skin of all kinds not dressed in any manner and not specially provided for in this section.

575. Gambier.

576. Glass enamel, white, for watch and clock dials.

577. Glass plates or disks, rough-cut or unwrought, for use in the manufacture of optical instruments, spectacles, and eyeglasses, and suitable only for such use: Provided, however, That such disks exceeding eight inches in diameter may be polished sufficiently to enable the character of the glass to be determined.

578. Grasses and fibers: Istle or Tampico fiber, jute, jute butts, manila, sisal grass, sunn, and all other textile grasses or fibrous vegetable substances, not dressed or manufactured in any manner, and not specially provided for in this section.

579. Gold beaters' molds and gold beaters' skins.

580. Grease, fats, vegetable tallow, and oils (excepting fish oils), such as are commonly used in soap making or in wire drawing, or for stuffing or dressing leather, and which are fit only for such uses, and not specially provided for in this section.

581. Guano, manures, and all substances used only for manure, including basic slag, ground or unground, and calcium cyanamid or lime nitrogen.

582. Gutta-percha, crude.

583. Hair of horse, cattle, and other animals, cleaned or uncleaned, drawn or undrawn, but unmanufactured, not specially provided for in this section; and human hair, raw, uncleaned, and not drawn.

584. Hide cuttings, raw, with or without hair, and all other glue stock.

585. Hide rope.

586. Hones and whetstones.
587. Hoofs, unmanufactured.
588. Hop roots for cultivation.
589. Horns and parts of, including horn strips and tips, unmanufactured.
590. Ice.
591. India rubber, crude, and milk of, and scrap or refuse India rubber, fit only for remanufacture, and which has been worn out by use.
592. Indigo.
593. Iodine, crude.
594. Ipecac.
595. Iridium, osmium, palladium, rhodium, and ruthenium and native combinations thereof with one another or with platinum.
596. Ivory tusks in their natural state or cut vertically across the grain only, with the bark left intact, and vegetable ivory in its natural state.
597. Jalap.
598. Jet, unmanufactured.
599. Joss stick, or Joss light.
600. Junk, old.
601. Kelp.
602. Kieserite.
603. Kindling wood.
604. Kyanite, or cyanite, and kainite.
605. Lac dye, crude, seed, button, stick, and shell.
606. Lac spirits.
607. Lactarene, or casein.
608. Lava, unmanufactured.
609. Leeches.
610. Lemon juice, lime juice, and sour orange juice, all the foregoing containing not more than two per centum of alcohol.
611. Licorice root, unground.
612. Lifeboats and life-saving apparatus specially imported by societies incorporated or established to encourage the saving of human life.
613. Lime, citrate of.
614. Lithographic stones, not engraved.
615. Litmus, prepared or not prepared.
616. Loadstones.
617. Madder and munjeet, or Indian madder, ground or prepared, and all extracts of.
618. Magnesite, crude or calcined, not purified.
619. Manganese, oxide and ore of.
620. Manna.
621. Manuscripts.
622. Marrow, crude.
623. Marshmallow or althea root, leaves or flowers, natural or unmanufactured.
624. Medals of gold, silver, or copper, and other metallic articles actually bestowed as trophies or prizes, and received and accepted as honorary distinctions.
625. Meerschaum, crude or unmanufactured.

626. Minerals, crude, or not advanced in value or condition by refining or grinding, or by other process of manufacture, not specially provided for in this section.

627. Mineral salts obtained by evaporation from mineral waters, when accompanied by a duly authenticated certificate and satisfactory proof, showing that they are in no way artificially prepared, and are only the product of a designated mineral spring.

628. Miners' rescue appliances, designed for emergency use in mines where artificial breathing is necessary in the presence of poisonous gases, to aid in the saving of human life, and miners' safety lamps.

629. Models of inventions and of other improvements in the arts, to be used exclusively as models and incapable of any other use.

630. Moss, seaweeds, and vegetable substances, crude or unmanufactured, not otherwise specially provided for in this section.

631. Musk, crude, in natural pods.

632. Myrobolans.

633. Needles, hand sewing and darning.

634. Newspapers and periodicals; but the term "periodicals" as herein used shall be understood to embrace only unbound or paper-covered publications issued within six months of the time of entry, devoted to current literature of the day, or containing current literature as a predominant feature, and issued regularly at stated periods, as weekly, monthly, or quarterly, and bearing the date of issue.

635. Nuts: Brazil nuts, cream nuts, marrons crude, palm nuts and palm-nut kernels; cocoanuts in the shell and broken cocoanut meat or copra, not shredded, desiccated, or prepared in any manner.

636. Nux vomica.

637. Oakum.

638. Oil cake.

639. Oils: Almond, amber, crude and rectified ambergris, anise or anise seed, aniline, aspic or spike lavender, bergamot, cajeput, caraway, cassia, cinnamon, cedrat, chamomile, citronella or lemon grass, civet, cocoanut (not refined and deodorized), cotton-seed, croton, fennel, ichthyol, jasmine or jasimine, juglandium, juniper, lavender, lemon, limes, mace, neroli or orange flower, enfleurage grease, liquid and solid primal flower essences not compounded, nut oil or oil of nuts, soya-bean, olive oil rendered unfit for use as food or for any but mechanical or manufacturing purposes, by such means as shall be satisfactory to the Secretary of the Treasury and under regulations to be prescribed by him; attar of roses, palm, palm kernel, rosemary or anthoss, sesame or sesamum seed or bean, thyme, origanum red or white, valerian; and also spermaceti, whale, and other fish oils of American fisheries, and all fish and other products of such fisheries; petroleum, crude or refined, including kerosene, benzine, naphtha, gasoline, and similar oils produced from petroleum.

640. Oleo stearin.

641. Orange and lemon peel, not preserved, candied, or dried.

642. Orchil, or orchil liquid.

643. Ores of gold, silver, or nickel, and nickel matte; sweepings of gold and silver.

644. Paper stock, crude, of every description, including all grasses, fibers, rags (other than wool), waste, including jute waste, shavings,

clippings, old paper, rope ends, waste rope, and waste bagging, and all other waste not specially provided for in this section, including old gunny cloth and old gunny bags, used chiefly for papermaking.

645. Paraffin.

646. Parchment and vellum.

647. Pearl, mother of, and shells, not sawed, cut, polished, or otherwise manufactured, or advanced in value from the natural state.

648. Personal effects, not merchandise, of citizens of the United States dying in foreign countries.

649. Pewter and britannia metal, old, and fit only to be remanufactured.

650. Philosophical and scientific apparatus, utensils, instruments, and preparations, including bottles and boxes containing the same, specially imported in good faith for the use and by order of any society or institution incorporated or established solely for religious, philosophical, educational, scientific, or literary purposes, or for the encouragement of the fine arts, or for the use and by order of any college, academy, school, or seminary of learning in the United States, or any state or public library, and not for sale, subject to such regulations as the Secretary of the Treasury shall prescribe.

651. Phosphates, crude.

652. Plants, trees, shrubs, roots, seed cane, and seeds, imported by the Department of Agriculture or the United States Botanic Garden.

653. Platinum, unmanufactured or in ingots, bars, plates, sheets, wire, sponge, or scrap, and vases, retorts, and other apparatus, vessels, and parts thereof, composed of platinum, for chemical uses.

654. Plumbago.

655. Potash, crude, or "black salts;" carbonate of potash, crude or refined; hydrate of, or caustic potash, not including refined in sticks or rolls; nitrate of potash or saltpeter, crude; sulphate of potash, crude or refined, and muriate of potash.

656. Professional books, implements, instruments, and tools of trade, occupation, or employment, in the actual possession at the time of arrival, of persons emigrating to the United States; but this exemption shall not be construed to include machinery or other articles imported for use in any manufacturing establishment, or for any other person or persons, or for sale, nor shall it be construed to include theatrical scenery, properties, and apparel; but such articles brought by proprietors or managers of theatrical exhibitions arriving from abroad, for temporary use by them in such exhibitions, and not for any other person, and not for sale, and which have been used by them abroad, shall be admitted free of duty under such regulations as the Secretary of the Treasury may prescribe; but bonds shall be given for the payment to the United States of such duties as may be imposed by law upon any and all such articles as shall not be exported within six months after such importation: Provided, That the Secretary of the Treasury may, in his discretion, extend such period for a further term of six months in case application shall be made therefor.

657. Pulu.

658. Quinia, sulphate of, and all alkaloids or salts of cinchona bark.

659. Radium.

660. Rags, not otherwise specially provided for in this section.

661. Statuary and casts of sculpture for use as models or for art educational purposes only; regalia and gems, where specially imported in good faith for the use and by order of any society incorporated or established solely for religious, philosophical, educational, scientific, or literary purposes, or for the encouragement of the fine arts, or for the use and by order of any college, academy, school, seminary of learning, orphan asylum, or public hospital in the United States, or any State or public library, and not for sale, subject to such regulations as the Secretary of the Treasury shall prescribe; but the term "regalia" as herein used shall be held to embrace only such insignia of rank or office or emblems as may be worn upon the person or borne in the hand during public exercises of the society or institution, and shall not include articles of furniture or fixtures, or of regular wearing apparel, nor personal property of individuals.

662. Rennets, raw or prepared.

663. Saffron and safflower, and extract of, and saffron cake.

664. Sago, crude, and sago flour.

665. Salicin.

666. Salep, or salop.

667. Sausages, bologna.

668. Seeds: Anise, canary, caraway, cardamom, cauliflower, coriander, cotton, cummin, fennel, fenugreek, hemp, hoarhound, mangelwurzel, mustard, rape, Saint John's bread or bean, sugar beet, sorghum or sugar cane for seed; bulbs and bulbous roots, not edible and not otherwise provided for in this section; all flower and grass seeds; evergreen seedlings; all the foregoing not specially provided for in this section.

669. Sheep dip.

670. Shotgun barrels, in single tubes, forged, rough bored.

671. Shrimps and other shellfish.

672. Silk, raw, in skeins reeled from the cocoon, or rereeled, but not wound, doubled, twisted, or advanced in manufacture in any way.

673. Silk cocoons and silk waste.

674. Silkworm eggs.

675. Skeletons and other preparations of anatomy.

676. Skins of all kinds, raw (except sheepskins with the wool on), and hides not specially provided for in this section.

677. Soda, nitrate of, or cubic nitrate.

678. Specimens of natural history, botany, and mineralogy, when imported for scientific public collections, and not for sale.

679. Spices: Cassia, cassia vera, and cassia buds; cinnamon and chips of; cloves and clove stems; mace; nutmegs; pepper, black or white, and pimento; all the foregoing when unground; ginger root, unground and not preserved or candied.

680. Spunk.

681. Spurs and stilts used in the manufacture of earthen, porcelain, and stone ware.

682. Stamps; foreign postage or revenue stamps, canceled or uncanceled, and foreign government stamped post cards bearing no other printing than the official imprint thereon.

683. Stone and sand: Burrstone in blocks, rough or unmanufactured; cliff stone, unmanufactured; rotten stone, tripoli, and sand, crude or manufactured, not otherwise provided for in this section.

684. Storax, or styrax.

685. Strontia, oxide of, and protoxide of strontian, and strontianite, or mineral carbonate of strontia.

686. Sulphur, lac or precipitated, and sulphur or brimstone, crude, in bulk, sulphur ore as pyrites, or sulphuret of iron in its natural state, containing in excess of twenty-five per centum of sulphur, and sulphur not otherwise provided for in this section.

687. Sulphuric acid which at the temperature of sixty degrees Fahrenheit does not exceed the specific gravity of one and three hundred and eighty one-thousandths, for use in manufacturing superphosphate of lime or artificial manures of any kind, or for any agricultural purposes: Provided, That upon all sulphuric acid imported from any country, whether independent or a dependency, which imposes a duty upon sulphuric acid imported into such country from the United States, there shall be levied and collected a duty of one-fourth of one cent per pound.

688. Tamarinds.

689. Tapioca, tapioca flour, cassava or cassady.

690. Tar and pitch of wood.

691. Tea and tea plants: Provided, That nothing herein contained shall be construed to repeal or impair the provisions of an Act entitled "An Act to prevent the importation of impure and unwholesome tea," approved March second, eighteen hundred and ninety-seven, and any Act amendatory thereof.

692. Teeth, natural, or unmanufactured.

693. Terra alba, not made from gypsum or plaster rock.

694. Terra japonica.

695. Tin ore, cassiterite or black oxide of tin, and tin in bars, blocks, pigs, or grain or granulated: Provided, That there shall be imposed and paid upon cassiterite, or black oxide of tin, and upon bar, block, pig tin and grain or granulated, a duty of four cents per pound when it is made to appear to the satisfaction of the President of the United States that the mines of the United States are producing one thousand five hundred tons of cassiterite and bar, block, and pig tin per year. The President shall make known this fact by proclamation, and thereafter said duties shall go into effect.

696. Tobacco stems.

697. Tonquin, tonqua, or tonka beans.

698. Turmeric.

699. Turpentine, Venice.

700. Turpentine, spirits of.

701. Turtles.

702. Types, old, and fit only to be remanufactured.

703. Uranium, oxide and salts of.

704. Vaccine virus.

705. Valonia.

706. Verdigris, or subacetate of copper.

707. Wax, vegetable or mineral.

708. Wafers, unleavened or not edible.

709. Wearing apparel, articles of personal adornment, toilet articles, and similar personal effects of persons arriving in the United

States; but this exemption shall only include such articles as actually accompany and are in the use of, and as are necessary and appropriate for the wear and use of such persons, for the immediate purposes of the journey and present comfort and convenience, and shall not be held to apply to merchandise or articles intended for other persons or for sale: Provided, That in case of residents of the United States returning from abroad, all wearing apparel and other personal effects taken by them out of the United States to foreign countries shall be admitted free of duty, without regard to their value, upon their identity being established, under appropriate rules and regulations to be prescribed by the Secretary of the Treasury, but no more than one hundred dollars in value of articles purchased abroad by such residents of the United States shall be admitted free of duty upon their return.

710. Whalebone, unmanufactured.

711. Witherite.

712. Wood: Logs and round unmanufactured timber, including pulp woods, firewood, handle bolts, shingle bolts, gun blocks for gunstocks rough hewn or sawed or planed on one side, hop poles, ship timber and ship planking; all the foregoing not specially provided for in this section.

713. Woods: Cedar, lignum-vitæ, lancewood, ebony, box, granadilla, mahogany, rosewood, satinwood, and all forms of cabinet woods, in the log, rough, or hewn only, and red cedar (Juniperus Virginiana) timber, hewn, sided, squared, or round; sticks of partridge, hair wood, pimento, orange, myrtle, bamboo, rattan, reeds unmanufactured, india malacca joints, and other woods not specially provided for in this section, in the rough, or not further advanced than cut into lengths suitable for sticks for umbrellas, parasols, sunshades, whips, fishing rods, or walking canes.

714. Works of art, drawings, engravings, photographic pictures, and philosophical and scientific apparatus brought by professional artists, lecturers, or scientists arriving from abroad for use by them temporarily for exhibition and in illustration, promotion, and encouragement of art, science, or industry in the United States, and not for sale, shall be admitted free of duty, under such regulations as the Secretary of the Treasury shall prescribe; but bonds shall be given for the payment to the United States of such duties as may be imposed by law upon any and all such articles as shall not be exported within six months after such importation: Provided, That the Secretary of the Treasury may, in his discretion, extend such period for a further term of six months in cases where applications therefor shall be made.

715. Works of art, collections in illustration of the progress of the arts, sciences, or manufactures, photographs, works in terra cotta, parian, pottery, or porcelain, antiquities and artistic copies thereof in metal or other material, imported in good faith for exhibition at a fixed place by any State or by any society or institution established for the encouragement of the arts, science, or education, or for a municipal corporation, and all like articles imported in good faith by any society or association, or for a municipal corporation for the purpose of erecting a public monument, and not intended for sale,

nor for any other purpose than herein expressed; but bonds shall be given under such rules and regulations as the Secretary of the Treasury may prescribe, for the payment of lawful duties which may accrue should any of the articles aforesaid be sold, transferred, or used contrary to this provision, and such articles shall be subject, at any time, to examination and inspection by the proper officers of the customs: Provided, That the privileges of this and the preceding section shall not be allowed to associations or corporations engaged in or connected with business of a private or commercial character.

716. Works of art, productions of American artists residing temporarily abroad, or other works of art, including pictorial paintings on glass, imported expressly for presentation to a national institution, or to any state or municipal corporation or incorporated religious society, college, or other public institution, except stained or painted window glass or stained or painted glass windows, and except any article, in whole or in part, molded, cast, or mechanically wrought from metal within twenty years prior to importation; but such exemption shall be subject to such regulations as the Secretary of the Treasury may prescribe.

717. Works of art, including paintings in oil, mineral, water, or other colors, pastels, original drawings and sketches, etchings and engravings, and sculptures, which are proved to the satisfaction of the Secretary of the Treasury under rules prescribed by him to have been in existence more than twenty years prior to the date of their importation, but the term "sculptures" as herein used shall be understood to include professional productions of sculptors only, whether round or in relief, in bronze, marble, stone, terra cotta, ivory, wood, or metal; and the word "painting," as used in this Act, shall not be understood to include any article of utility nor such as are made wholly or in part by stenciling or any other mechanical process; and the words "etchings" and "engravings," as used in this Act, shall be understood to include only such as are printed by hand from plates or blocks etched or engraved with hand tools, and not such as are printed from plates or blocks etched or engraved by photo-chemical processes. Other works of art (except rugs and carpets), collections in illustration of the progress of the arts, works in bronze, marble, terra cotta, parian, pottery, or porcelain, artistic antiquities, and objects of art of ornamental character or educational value which shall have been produced more than one hundred years prior to the date of importation, but the free importation of such objects shall be subject to such regulations as to proof of antiquity as the Secretary of the Treasury may prescribe.

718. Zaffer.

The provisions of the dutiable list and the free list of this section shall constitute the minimum tariff of the United States.

Act Aug. 5, 1909, c. 6, § 1, 36 Stat. 11. Act July 27, 1911, c. 4, 37 Stat. 12.

Paragraph 500 of this section, part of the Free List, is amended by Act July 27, 1911, c. 4, cited above, by the omission, after the words at the beginning of the paragraph, "Articles the growth, produce, or manufacture of the United States," of the words "not including animals" contained in the paragraph as originally enacted; and by the addition of the last proviso, relating to animals temporarily crossing the boundary

line into any foreign country, at the end of the paragraph as set forth here.

Act Feb. 9, 1909, c. 100, mentioned in paragraph 41 of this section, is set forth above.

Act March 2, 1897, c. 358, mentioned in paragraph 691 of this section, is set forth in Comp. St. 1901, pp. 3194–3197.

This section supersedes the schedules and free list of the Tariff Act of 1897, Act July 24, 1897, c. 11, §§ 1, 2, Comp. St. 1901, pp. 1626–1690, which are repealed by section 41 of this act, set forth below.

The provisions of said previous tariff act relating to nonenumerated articles, Act July 24, 1897, c. 11, §§ 6, 7, are superseded by those of paragraphs 480, 481, of this section.

The provisions of paragraph 473 in the Free List of said previous tariff, as amended by Act March 3, 1903, c. 998, 32 Stat. 1023, relating to the admission, free, of animals imported specially for breeding purposes, are re-enacted in the same language in paragraph 492 of this section.

All laws affecting imports into the United States apply to articles, etc., coming from the Canal Zone, Isthmus of Panama, by Act March 2, 1905, c. 1311, set forth above.

Provisions for lower rates of duty on specified articles imported from Canada when Canada shall impose reciprocal rates on specified articles imported from the United States, and for exemption from duty of other articles imported from Canada when specified articles from the United States are admitted to Canada free of duty, are contained in Act July 26, 1911, c. 3, § 1, set forth below.

Wood pulp, and paper and paper board manufactured, etc., from wood pulp, imported from Canada, is admitted free of duty, on condition that no export duty, etc., or restriction of exportation is imposed on such paper, board, or wood pulp, or the wood used in the manufacture thereof, by said Act July 26, 1911, c. 3, § 2, set forth below.

Articles imported for the sole purpose of exhibition at expositions to be held in 1911 and 1912 by the Merchants' and Manufacturers' Exchange of New York may be admitted free of duty, under such regulations as the Secretary of the Treasury shall prescribe, by Act March 4, 1911, c. 274, 36 Stat. 1357.

Maximum tariff; proclamation by President for admission of imported goods under minimum tariff.

Sec. 2. That from and after the thirty-first day of March, nineteen hundred and ten, except as otherwise specially provided for in this section, there shall be levied, collected, and paid on all articles when imported from any foreign country into the United States, or into any of its possessions (except the Philippine Islands and the islands of Guam and Tutuila), the rates of duty prescribed by the schedules and paragraphs of the dutiable list of section one of this Act, and in addition thereto twenty-five per centum ad valorem; which rates shall constitute the maximum tariff of the United States: Provided, That whenever, after the thirty-first day of March, nineteen hundred and ten, and so long thereafter as the President shall be satisfied, in view of the character of the concessions granted by the minimum tariff of the United States, that the government of any foreign country imposes no terms or restrictions, either in the way of tariff rates or provisions, trade or other regulations, charges, exactions, or in any other manner, directly or indirectly, upon the importation into or the sale in such foreign country of any agricultural, manufactured, or other product of the United States, which unduly discriminate against the United States or the products thereof, and that such foreign country pays no export bounty or imposes no export duty or prohibition upon the exportation of any article to the United States which unduly discriminates against the United States or the products thereof,

and that such foreign country accords to the agricultural, manufactured, or other products of the United States treatment which is reciprocal and equivalent, thereupon and thereafter, upon proclamation to this effect by the President of the United States, all articles when imported into the United States, or any of its possessions (except the Philippine Islands and the islands of Guam and Tutuila), from such foreign country shall, except as otherwise herein provided, be admitted under the terms of the minimum tariff of the United States as prescribed by section one of this Act. The proclamation issued by the President under the authority hereby conferred and the application of the minimum tariff thereupon may, in accordance with the facts as found by the President, extend to the whole of any foreign country, or may be confined to or exclude from its effect any dependency, colony, or other political subdivision having authority to adopt and enforce tariff legislation, or to impose restrictions or regulations, or to grant concessions upon the exportation or importation of articles which are, or may be, imported into the United States. Whenever the President shall be satisfied that the conditions which led to the issuance of the proclamation hereinbefore authorized no longer exist, he shall issue a proclamation to this effect, and ninety days thereafter the provisions of the maximum tariff shall be applied to the importation of articles from such country. Whenever the provisions of the maximum tariff of the United States shall be applicable to articles imported from any foreign country they shall be applicable to the products of such country, whether imported directly from the country of production or otherwise. To secure information to assist the President in the discharge of the duties imposed upon him by this section, and the officers of the Government in the administration of the customs laws, the President is hereby authorized to employ such persons as may be required.

Act Aug. 5, 1909, c. 6, § 2, 36 Stat. 82.

An appropriation to enable the President to secure information and to assist officers of the government in the administration of the customs laws as provided in this section, to continue available during the fiscal year 1910, was made by the urgent deficiency appropriation act for the fiscal year 1909, Act Aug. 5, 1909, c. 7, 36 Stat. 119, and similar appropriations were made by each of the sundry civil appropriation acts for the fiscal years 1911 and 1912. The provision for the year ending June 30, 1912, is as follows: "To enable the President to secure information to assist him in the discharge of the duties imposed upon him by section two of the Act entitled 'An Act to provide revenues, equalize duties, and encourage the industries of the United States, and for other purposes,' approved August fifth, nineteen hundred and nine, and the officers of the Government in administering the customs laws, including such investigations of the cost of production of commodities, covering cost of material, fabrication and every other element of such cost of production, as are authorized by said Act, and including the employment of such persons as may be required for those purposes; and to enable him to do any and all things in connection therewith authorized by law, or if a Tariff Board be established by law then for the purpose of meeting the expenditures authorized by the law."

Act March 4, 1911, c. 285, § 1, 36 Stat. 1363.

Act not to be construed to abrogate or impair or affect provisions of commercial reciprocity treaty with Cuba or of act for execution of same.

Sec. 3. That nothing in this Act contained shall be so construed as to abrogate or in any manner impair or affect the provisions of the

treaty of commercial reciprocity concluded between the United States and the Republic of Cuba on the eleventh day of December, nineteen hundred and two, or the provisions of the Act of Congress heretofore passed for the execution of the same.

Act Aug. 5, 1909, c. 6, § 3, 36 Stat. 83.

The act for the execution of the treaty of commercial reciprocity with Cuba of December 11, 1902, Act Dec. 17, 1903, c. 1, is set forth above.

Notice of termination of reciprocal commercial agreements with foreign countries, and revocation of suspension of duties provided for therein.

Sec. 4. That the President shall have power and it shall be his duty to give notice, within ten days after the passage of this Act, to all foreign countries with which commercial agreements in conformity with the authority granted by section three of the Act entitled, "An Act to provide revenue for the Government and to encourage the industries of the United States," approved July twenty-fourth, eighteen hundred and ninety-seven, have been or shall have been entered into, of the intention of the United States to terminate such agreement at a time specified in such notice, which time shall in no case, except as hereinafter provided, be longer than the period of time specified in such agreements respectively for notice for their termination; and upon the expiration of the periods when such notice of termination shall become effective the suspension of duties provided for in such agreements shall be revoked, and thereafter importations from said countries shall be subject to no other conditions or rates of duty than those prescribed by this Act and such other Acts of Congress as may be continued in force: Provided, That until the expiration of the period when the notice of intention to terminate hereinbefore provided for shall have become effective, or until such date prior thereto as the high contracting parties may by mutual consent select, the terms of said commercial agreements shall remain in force: And provided further, That in the case of those commercial agreements or arrangements made in accordance with the provisions of section three of the tariff Act of the United States approved July twenty-fourth, eighteen hundred and ninety-seven, which contain no stipulations in regard to their termination by diplomatic action, the President is authorized to give to the governments concerned a notice of termination of six months, which notice shall date from April thirtieth, nineteen hundred and nine.

Act Aug. 5, 1909, c. 6, § 4, 36 Stat. 83.

Act July 24, 1897, c. 11, § 3, mentioned in this section, is set forth in Comp. St. 1901, p. 1690. Said section 3 and section 4 of said act are expressly repealed by section 41 of this act, set forth below.

Duties on articles coming from Philippine Islands; articles to be admitted free of duty; articles from United States to be admitted to Philippine Islands free of duty; exemption of articles admitted to United States free of duty from export duties in Philippine Islands; payment of taxes equal to internal-revenue taxes on articles coming into United States from Philippine Islands, and into Philippine Islands from United States.

Sec. 5. That there shall be levied, collected, and paid upon all articles coming into the United States from the Philippine Islands the rates of duty which are required to be levied, collected, and paid upon like articles imported from foreign countries: Provided, That,

except as otherwise hereinafter provided, all articles, the growth or product of or manufactured in the Philippine Islands from materials the growth or product of the Philippine Islands or of the United States, or of both, or which do not contain foreign materials to the value of more than twenty per centum of their total value, upon which no drawback of customs duties has been allowed therein, coming into the United States from the Philippine Islands shall hereafter be admitted free of duty, except rice, and except, in any fiscal year, sugar in excess of three hundred thousand gross tons, wrapper tobacco and filler tobacco when mixed or packed with more than fifteen per centum of wrapper tobacco in excess of three hundred thousand pounds, filler tobacco in excess of one million pounds, and cigars in excess of one hundred and fifty million cigars, which quantities shall be ascertained by the Secretary of the Treasury under such rules and regulations as he shall prescribe: And provided further, That sugar, refined or unrefined, and tobacco, manufactured or unmanufactured, imported into the Philippine Islands from foreign countries, shall be dutiable at rates of import duty therein not less than the rates of import duty imposed upon sugar and tobacco in like forms when imported into the United States: And provided further, That, under rules and regulations to be prescribed by the Secretary of the Treasury, preference in the right of free entry of sugar to be imported into the United States from the Philippine Islands, as provided herein, shall be given, first, to the producers of less than five hundred gross tons in any fiscal year, then to producers of the lowest output in excess of five hundred gross tons in any fiscal year: Provided, however, That in consideration of the exemptions aforesaid, all articles, the growth, product, or manufacture of the United States, upon which no drawback of customs duties has been allowed therein, shall be admitted to the Philippine Islands from the United States free of duty: And provided further, That the free admission, herein provided, of such articles, the growth, product, or manufacture of the United States, into the Philippine Islands, or of the growth, product, or manufacture, as hereinbefore defined, of the Philippine Islands into the United States, shall be conditioned upon the direct shipment thereof from the country of origin to the country of destination: Provided, That direct shipment shall include shipments in bond through foreign territory contiguous to the United States: Provided, however, That if such articles become unpacked while en route by accident, wreck, or other casualty, or so damaged as to necessitate their repacking, the same shall be admitted free of duty upon satisfactory proof that the unpacking occurred through accident or necessity and that the merchandise involved is the identical merchandise originally shipped from the United States or the Philippine Islands, as the case may be, and that its condition has not been changed except for such damage as may have been sustained: And provided further, That all articles, the growth, product, or manufacture, as hereinbefore defined, of the Philippine Islands, admitted into the ports of the United States free of duty under the provisions of this section and shipped as hereinbefore provided from said islands to the United States for use and consumption therein, shall be hereafter exempt from the payment of any export duties imposed in the Philippine Islands: And provided further,

That there shall be levied, collected, and paid, in the United States, upon articles, goods, wares, or merchandise coming into the United States from the Philippine Islands, a tax equal to the internal-revenue tax imposed in the United States upon the like articles, goods, wares, or merchandise of domestic manufacture; such tax to be paid by internal-revenue stamp or stamps, to be provided by the Commissioner of Internal Revenue, and to be affixed in such manner and under such regulations as he, with the approval of the Secretary of the Treasury, shall prescribe; and such articles, goods, wares, or merchandise, shipped from said islands to the United States, shall be exempt from the payment of any tax imposed by the internal-revenue laws of the Philippine Islands: And provided further, That there shall be levied, collected, and paid in the Philippine Islands, upon articles, goods, wares, or merchandise going into the Philippine Islands from the United States, a tax equal to the internal-revenue tax imposed in the Philippine Islands upon the like articles, goods, wares, or merchandise of Philippine Islands manufacture; such tax to be paid by internal-revenue stamps or otherwise, as provided by the laws in the Philippine Islands, and such articles, goods, wares, or merchandise going into the Philippine Islands from the United States shall be exempt from the payment of any tax imposed by the internal-revenue laws of the United States: And provided further, That, in addition to the customs taxes imposed in the Philippine Islands, there shall be levied, collected, and paid therein upon articles, goods, wares, or merchandise, imported into the Philippine Islands from countries other than the United States, the internal-revenue tax imposed by the Philippine government on like articles manufactured and consumed in the Philippine Islands or shipped thereto, for consumption therein, from the United States: And provided further, That from and after the passage of this Act all internal revenues collected in or for account of the Philippine Islands shall accrue intact to the general government thereof and be paid into the Insular treasury, and shall only be allotted and paid out therefrom in accordance with future acts of the Philippine legislature, subject, however, to section seven of the Act of Congress approved July first, nineteen hundred and two, entitled "An Act temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes:" And provided further, That, until action by the Philippine legislature, approved by Congress, internal revenues paid into the Insular treasury, as hereinbefore provided, shall be allotted and paid out by the Philippine Commission.

Act Aug. 5, 1909, c. 6, § 5, 36 Stat. 83.

Previous provisions relating to duties on articles coming from the Philippine Islands, and the disposition of duties and taxes collected, contained in Act March 8, 1902, c. 140, §§ 2, 4, 5, 32 Stat. 34, are superseded by those of this section; and the provisions contained in the last proviso of section 2 of said act, and in a proviso annexed to Act March 3, 1905, c. 1408, § 13, 33 Stat. 975, for reduction of or exemption from export duties on products of the Philippine Islands coming to the United States, are superseded by the provisions relating to that subject contained in this section and in section 13 of the Philippine Tariff Act of 1909, Act Aug. 5, 1909, c. 8, § 13, 36 Stat. 173, which is as follows:

"Sec. 13. That upon the exportation to any foreign country from the Philippine Islands, or the shipment thereof to the United States or any of its possessions, of the following articles, there shall be levied,

collected and paid thereon the following export duties: Provided, however, That all articles the growth and product of the Philippine Islands coming directly from said islands to the United States or any of its possessions for use and consumption therein, shall be exempt from any export duties imposed in the Philippine Islands:

"352. Abaca (hemp), gross weight, one hundred kilos., seventy-five cents.

"353. Sugar, gross weight, one hundred kilos., five cents.

"354. Copra, gross weight, one hundred kilos., ten cents.

"355. Tobacco, gross weight:

"(a) Manufactured or unmanufactured, except as otherwise provided, one hundred kilos., one dollar and thirty cents.

"(b) Stems, clippings, and other wastes of tobacco, one hundred kilos., fifty cents."

Duties on all articles, goods, etc., entering the jurisdiction of the Philippine Islands from any place or places, including the United States and its possessions, are prescribed by said Philippine Tariff Act, Act Aug. 5, 1909, c. 8, 36 Stat. 130. That act supersedes the previous act, which revised and amended the tariff laws of the Philippine Islands, Act March 3, 1905, c. 1408, 33 Stat. 928, amended by Act Feb. 26, 1906, c. 509, 34 Stat. 24.

Additional duty on articles from countries paying export bounty, etc.

Sec. 6. That whenever any country, dependency, colony, province or other political subdivision of government shall pay or bestow, directly or indirectly, any bounty or grant upon the exportation of any article or merchandise from such country, dependency, colony, province or other political subdivision of government, and such article or merchandise is dutiable under the provisions of this Act, then upon the importation of any such article or merchandise into the United States, whether the same shall be imported directly from the country of production or otherwise, and whether such article or merchandise is imported in the same condition as when exported from the country of production or has been changed in condition by remanufacture or otherwise, there shall be levied and paid, in all such cases, in addition to the duties otherwise imposed by this Act, an additional duty equal to the net amount of such bounty or grant, however the same be paid or bestowed. The net amount of all such bounties or grants shall be from time to time ascertained, determined, and declared by the Secretary of the Treasury, who shall make all needful regulations for the identification of such articles and merchandise and for the assessment and collection of such additional duties.

Act Aug. 5, 1909, c. 6, § 6, 36 Stat. 85.

Previous similar provisions of the Tariff Act of 1897, Act July 24, 1897, c. 11, § 5, Comp. St. 1901, p. 1693, are superseded by this section.

Articles of foreign manufacture or production to be marked to indicate country of origin, and packages to indicate country of origin and quantity of contents.

Sec. 7. That all articles of foreign manufacture or production, which are capable of being marked, stamped, branded, or labeled, without injury, shall be marked, stamped, branded, or labeled in legible English words, in a conspicuous place that shall not be covered or obscured by any subsequent attachments or arrangements, so as to indicate the country of origin. Said marking, stamping, branding, or labeling shall be as nearly indelible and permanent as the nature of the article will permit.

All packages containing imported articles shall be marked, stamped, branded, or labeled so as to indicate legibly and plainly, in English

words, the country of origin and the quantity of their contents, and until marked in accordance with the directions prescribed in this section no articles or packages shall be delivered to the importer.

Should any article or package of imported merchandise be marked, stamped, branded, or labeled so as not accurately to indicate the quantity, number or measurement actually contained in such article or package, no delivery of the same shall be made to the importer until the mark, stamp, brand, or label, as the case may be, shall be changed so as to conform to the facts of the case.

The Secretary of the Treasury shall prescribe the necessary rules and regulations to carry out the foregoing provision.

Act Aug. 5, 1909, c. 6, § 7, 36 Stat. 85.

Previous provisions, similar to some extent, of the Tariff Act of 1897, Act July 24, 1897, c. 11, § 8, Comp. St. 1901, p. 1694, are superseded by this section.

Violation of provisions relating to marking, etc., articles or packages, and fraudulently defacing, etc., such marks, etc., punishable.

Sec. 8. If any person shall fraudulently violate any of the provisions of this Act relating to the marking, stamping, branding or labeling of any imported articles or packages; or shall fraudulently deface, destroy, remove, alter, or obliterate any such marks, stamps, brands, or labels with intent to conceal the information given by or contained in such marks, stamps, brands, or labels, he shall upon conviction be fined in any sum not exceeding five thousand dollars, or be imprisoned for any time not exceeding one year, or both.

Act Aug. 5, 1909, c. 6, § 8, 36 Stat. 86.

Importation of obscene books and other articles, lottery tickets, etc., punishable.

Sec. 9. That all persons are prohibited from importing into the United States from any foreign country any obscene book, pamphlet, paper, writing, advertisement, circular, print, picture, drawing, or other representation, figure, or image on or of paper or other material, or any cast, instrument, or other article of an immoral nature, or any drug or medicine, or any article whatever for the prevention of conception or for causing unlawful abortion, or any lottery ticket or any advertisement of any lottery. No such articles, whether imported separately or contained in packages with other goods entitled to entry, shall be admitted to entry; and all such articles shall be proceeded against, seized, and forfeited by due course of law. All such prohibited articles and the package in which they are contained in the course of importation shall be detained by the officer of customs, and proceedings taken against the same as hereinafter prescribed, unless it appears to the satisfaction of the collector of customs that the obscene articles contained in the package were inclosed therein without the knowledge or consent of the importer, owner, agent, or consignee: Provided, That the drugs hereinbefore mentioned, when imported in bulk and not put up for any of the purposes hereinbefore specified, are excepted from the operation of this section.

Act Aug. 5, 1909, c. 6, § 9, 36 Stat. 86.

Provisions in the same language as those of this section and the two sections next following, contained in the Tariff Act of 1897, Act July 24, 1897, c. 11, §§ 16–18, Comp. St. 1901, pp. 1696, 1697, are superseded by these sections.

Officer, etc., aiding in violation of prohibition of importation, etc., of obscene publications, etc., or articles of indecent or immoral use, etc., punishable.

Sec. 10. That whoever, being an officer, agent, or employee of the Government of the United States, shall knowingly aid or abet any person engaged in any violation of any of the provisions of law prohibiting importing, advertising, dealing in, exhibiting, or sending or receiving by mail obscene or indecent publications or representations, or means for preventing conception or procuring abortion, or other articles of indecent or immoral use or tendency, shall be deemed guilty of a misdemeanor, and shall for every offense be punishable by a fine of not more than five thousand dollars, or by imprisonment at hard labor for not more than ten years, or both.

Act Aug. 5, 1909, c. 6, § 10, 36 Stat. 86.

See note under next preceding section of this act.

Before the passage of this act, section 17 of Act July 24, 1897, c. 11, Comp. St. 1901, p. 1696, which is in the same language as this section, and Rev. St. § 1785, Comp. St. 1901, p. 1214, which is in substantially the same language, were incorporated in the act to codify, etc., the penal laws, Act March 4, 1909, c. 321, in chapter 5, § 102, thereof, and were expressly repealed by chapter 15, § 341, of said act, taking effect January 1, 1910. Said act is set forth post, under Title LXIX A, "The Criminal Code."

Proceedings for seizure, etc., of articles mentioned in two preceding sections, for violations of said sections.

Sec. 11. That any judge of any district or circuit court of the United States, within the proper district, before whom complaint in writing of any violation of the two preceding sections is made, to the satisfaction of such judge, and founded on knowledge or belief, and if upon belief, setting forth the grounds of such belief, and supported by oath or affirmation of the complainant, may issue, conformably to the Constitution, a warrant directed to the marshal or any deputy marshal in the proper district, directing him to search for, seize, and take possession of any such article or thing mentioned in the two preceding sections, and to make due and immediate return thereof to the end that the same may be condemned and destroyed by proceedings, which shall be conducted in the same manner as other proceedings in the case of municipal seizure, and with the same right of appeal or writ of error.

Act Aug. 5, 1909, c. 6, § 11, 36 Stat. 86.

See note under section 9 of this act.

Importation of neat cattle and hides thereof prohibited; suspension of prohibition.

Sec. 12. That the importation of neat cattle and the hides of neat cattle from any foreign country into the United States is prohibited: Provided, That the operation of this section shall be suspended as to any foreign country or countries, or any parts of such country or countries, whenever the Secretary of the Treasury shall officially determine, and give public notice thereof, that such importation will not tend to the introduction or spread of contagious or infectious diseases among the cattle of the United States; and the Secretary of the Treasury is hereby authorized and empowered, and it shall be his duty, to make all necessary orders and regulations to carry this section into effect, or to suspend the same as herein provided, and to send copies thereof to the proper officers in the United States and to such

officers or agents of the United States in foreign countries as he shall judge necessary.

Act Aug. 5, 1909, c. 6, § 12, 36 Stat. 86.

Provisions in the same language as those of this section and the section next following, contained in the Tariff Act of 1897, Act July 24, 1897, c. 11, §§ 25, 26, are superseded by these sections.

Violation of provisions of preceding section punishable.

Sec. 13. That any person convicted of a willful violation of any of the provisions of the preceding section shall be fined not exceeding five hundred dollars, or imprisoned not exceeding one year, or both, in the discretion of the court.

Act Aug. 5, 1909, c. 6, § 13, 36 Stat. 87.

See note under next preceding section of this act.

Importation of goods manufactured by convict labor prohibited.

Sec. 14. That all goods, wares, articles, and merchandise manufactured wholly or in part in any foreign country by convict labor shall not be entitled to entry at any of the ports of the United States, and the importation thereof is hereby prohibited, and the Secretary of the Treasury is authorized and directed to prescribe such regulations as may be necessary for the enforcement of this provision.

Act Aug. 5, 1909, c. 6, § 14, 36 Stat. 87.

Provisions, in the same language, of the Tariff Act of 1897, Act July 24, 1897, c. 11, § 31, Comp. St. 1901, p. 1701, are superseded by this section.

Discriminating duty on goods imported in foreign vessels.

Sec. 15. That a discriminating duty of ten per centum ad valorem, in addition to the duties imposed by law, shall be levied, collected, and paid on all goods, wares, or merchandise which shall be imported in vessels not of the United States, or which being the production or manufacture of any foreign country not contiguous to the United States, shall come into the United States from such contiguous country; but this discriminating duty shall not apply to goods, wares, or merchandise which shall be imported in vessels not of the United States entitled at the time of such importation by treaty or convention or Act of Congress to be entered in the ports of the United States on payment of the same duties as shall then be payable on goods, wares, and merchandise imported in vessels of the United States, nor to such foreign products or manufactures as shall be imported from such contiguous countries in the usual course of strictly retail trade.

Act Aug. 5, 1909, c. 6, § 15, 36 Stat. 87.

Provisions, in the same language except that in this section after the words "by treaty or convention," the words "or Act of Congress" are added, contained in the Tariff Act of 1897, Act July 24, 1897, c. 11, § 22, Comp. St. 1901, p. 1698, are superseded by this section.

Importation only in vessels of United States or of country of origin of goods.

Sec. 16. That no goods, wares, or merchandise, unless in cases provided for by treaty, shall be imported into the United States from any foreign port or place, except in vessels of the United States, or in such foreign vessels as truly and wholly belong to the citizens or subjects of that country of which the goods are the growth, production, or manufacture, or from which such goods, wares, or merchandise can only be, or most usually are, first shipped for transportation.

All goods, wares, or merchandise imported contrary to this section, and the vessel wherein the same shall be imported, together with her cargo, tackle, apparel, and furniture, shall be forfeited to the United States; and such goods, wares, or merchandise, ship, or vessel, and cargo shall be liable to be seized, prosecuted, and condemned in like manner, and under the same regulations, restrictions, and provisions as have been heretofore established for the recovery, collection, distribution, and remission of forfeitures to the United States by the several revenue laws.

Act Aug. 5, 1909, c. 6, § 16, 36 Stat. 87.

Provisions in the same language as those of this section and the section next following, contained in the Tariff Act of 1897, Act July 24, 1897, c. 11, §§ 23, 24, are superseded by these sections.

Restriction of preceding section not to apply to vessels of nation not maintaining similar regulation.

Sec. 17. That the preceding section shall not apply to vessels or goods, wares, or merchandise imported in vessels of a foreign nation which does not maintain a similar regulation against vessels of the United States.

Act Aug. 5, 1909, c. 6, § 17, 36 Stat. 87.

See note under preceding section of this act.

Importation, without payment of duty, of machinery for repair, to be exported.

Sec. 18. That machinery for repair may be imported into the United States without payment of duty, under bond, to be given in double the appraised value thereof, to be withdrawn and exported after said machinery shall have been repaired; and the Secretary of the Treasury is authorized and directed to prescribe such rules and regulations as may be necessary to protect the revenue against fraud and secure the identity and character of all such importations when again withdrawn and exported, restricting and limiting the export and withdrawal to the same port of entry where imported, and also limiting all bonds to a period of time of not more than six months from the date of the importation.

Act Aug. 5, 1909, c. 6, § 18, 36 Stat. 87.

Provisions, in the same language, of the Tariff Act of 1897, Act July 24, 1897, c. 11, § 19, Comp. St. 1901, p. 1697, are superseded by this section.

Importation in bond of materials for building ships for foreign account or foreign trade, and use thereof free of duty.

Sec. 19. That all materials of foreign production which may be necessary for the construction of vessels built in the United States for foreign account and ownership, or for the purpose of being employed in the foreign trade, including the trade between the Atlantic and Pacific ports of the United States, and all such materials necessary for the building of their machinery, and all articles necessary for their outfit and equipment, may be imported in bond under such regulations as the Secretary of the Treasury may prescribe; and upon proof that such materials have been used for such purposes no duties shall be paid thereon. But vessels receiving the benefit of this section shall not be allowed to engage in the coastwise trade of the United States more than six months in any one year except upon the payment to the United States of the duties of which a rebate is herein allowed: Pro-

vided, That vessels built in the United States for foreign account and ownership shall not be allowed to engage in the coastwise trade of the United States.

Act Aug. 5, 1909, c. 6, § 19, 36 Stat. 88.

Provisions in the same language as those of this section and the section next following, contained in the Tariff Act of 1897, Act July 24, 1897, c. 11, §§ 12, 13, are superseded by these sections.

Withdrawal from bond, free of duty, of articles for repair of ships in foreign trade.

Sec. 20. That all articles of foreign production needed for the repair of American vessels engaged in foreign trade, including the trade between the Atlantic and Pacific ports of the United States, may be withdrawn from bonded warehouses free of duty, under such regulations as the Secretary of the Treasury may prescribe.

Act Aug. 5, 1909, c. 6, § 20, 36 Stat. 88.

See note under preceding section of this act.

Sec. 21. [Amends Rev. St. § 2982.]

This section, amending Rev. St. § 2982, is set forth post, under Title XXXIV, "Collection of Duties upon Imports," c. 7.

Admission, free of duty, of merchandise from vessels sunk and abandoned.

Sec. 22. That whenever any vessel laden with merchandise, in whole or in part subject to duty, has been sunk in any river, harbor, bay, or waters subject to the jurisdiction of the United States, and within its limits, for the period of two years, and is abandoned by the owner thereof, any person who may raise such vessel shall be permitted to bring any merchandise recovered therefrom into the port nearest to the place where such vessel was so raised free from the payment of any duty thereupon, but under such regulations as the Secretary of the Treasury may prescribe.

Act Aug. 5, 1909, c. 6, § 22, 36 Stat. 88.

Provisions, in the same language, of the Tariff Act of 1897, Act July 24, 1897, c. 11, § 28, Comp. St. 1901, p. 1700, are superseded by this section.

Sec. 23. [Relates to bonded manufacturing warehouses.]

This section provides for the manufacture, in bonded warehouses, of articles in whole or in part of imported materials, or of materials subject to internal-revenue tax, and intended for exportation without being charged with duty, and without having an internal-revenue stamp affixed thereto. It is set forth in connection with the provisions relating to bonded warehouses, post, under Title XXXIV, "Collection of Duties upon Imports," c. 7.

Sec. 24. [Relates to smelting works as bonded warehouses.]

This section provides for the designation as bonded smelting warehouses of works of manufacturers engaged in smelting or refining ores and crude metals, and for the smelting and refining therein of ores and crude metals imported, without payment of duties. It is set forth in connection with the provisions relating to bonded warehouses, post, under Title XXXIV, "Collection of Duties upon Imports," c. 7.

Sec. 25. [Relates to drawback.]

This section provides for drawback of duties paid on imported materials used in the manufacture in the United States of articles exported. It is set forth post, under Title XXXIV, "Collection of Duties upon Imports," c. 9.

Duty on articles reimported after exportation free of internal revenue tax.

Sec. 26. That upon the reimportation of articles once exported, of the growth, product, or manufacture of the United States, upon which no internal tax has been assessed or paid, or upon which such tax has been paid and refunded by allowance or drawback, there shall be levied, collected, and paid a duty equal to the tax imposed by the internal-revenue laws upon such articles, except articles manufactured in bonded warehouses and exported pursuant to law, which shall be subject to the same rate of duty as if originally imported, but proof of the identity of such articles shall be made under general regulations to be prescribed by the Secretary of the Treasury.

Act Aug. 5, 1909, c. 6, § 26, 36 Stat. 90.

Provisions, in the same language, except the last clause of this section, requiring proof of identity of the articles mentioned, contained in the Tariff Act of 1897, Act July 24, 1897, c. 11, § 27, Comp. St. 1901, p. 1700, are superseded by this section.

Admission free of duty of lumber from forests of Maine on Saint John River and Saint Croix River, sawed or hewed in New Brunswick; limitation.

Sec. 27. That the produce of the forests of the State of Maine upon the Saint John River and its tributaries, owned by American citizens, and sawed or hewed in the Province of New Brunswick by American citizens, the same being otherwise unmanufactured in whole or in part, which is now admitted into the ports of the United States free of duty, shall continue for two years after the date of the passage of this Act and no longer to be so admitted, under such regulations as the Secretary of the Treasury shall from time to time prescribe.

That the produce of the forests of the State of Maine upon the Saint Croix River and its tributaries owned by American citizens, and sawed or hewed in the Province of New Brunswick by American citizens, the same being otherwise unmanufactured in whole or in part, shall be admitted for two years after the date of the passage of this Act and no longer into the ports of the United States free of duty, under such regulations as the Secretary of the Treasury shall from time to time prescribe.

Act Aug. 5, 1909, c. 6, § 27, 36 Stat. 91.

Provisions, in the same language except the limitation in this section "for two years after the date of the passage of this act," contained in the Tariff Act of 1897, Act July 24, 1897, c. 11, §§ 20, 21, Comp. St. 1901, pp. 1697, 1698, are superseded by this section.

Sec. 28. [Amends Act June 10, 1890, c. 407.]

This section amends Act June 10, 1890, c. 407, the Customs Administrative Act, relating to the collection of duties, and particularly to the entry of merchandise, appraisal, etc. Its provisions are set forth or referred to under Title XXXIV, "Collection of Duties on Imports," c. 4.

Besides the amendment of the original sections of said Act June 10, 1890, c. 407, two new sections are added thereto by this amendatory section, designated respectively as sections 29 and 30. Said new section 29 created a Court of Customs Appeals and prescribed its jurisdiction and powers, proceedings, etc. Its provisions are incorporated in and superseded by chapter 8 of the Judicial Code of March 3, 1911, set forth ante, under Title XII B, "The Judicial Code," §§ 188–199. Said new section 30 provided for the appointment of an Assistant Attorney-General, Deputy Assistant Attorney-General, and attorneys, in charge of

matters of reappraisement, etc., of imported goods and litigation incident thereto. It is set forth ante, under Title VIII, "The Department of Justice."

Effect of act as to goods previously imported; duties based on weight of merchandise to be on weight at time of entry.

Sec. 29. That on and after the day when this Act shall go into effect all goods, wares, and merchandise previously imported, for which no entry has been made, and all goods, wares, and merchandise previously entered without payment of duty and under bond for warehousing, transportation, or any other purpose, for which no permit of delivery to the importer or his agent has been issued, shall be subjected to the duties imposed by this Act and to no other duty, upon the entry or the withdrawal thereof: Provided, That when duties are based upon the weight of merchandise deposited in any public or private bonded warehouse, said duties shall be levied and collected upon the weight of such merchandise at the time of its entry.

Act Aug. 5, 1909, c. 6, § 29, 36 Stat. 108.

Provisions in the same language were contained in the Tariff Act of 1897, Act July 24, 1897, c. 11, § 33, Comp. St. 1901, p. 1701. A provision similar to the last proviso of this section was contained also in Act March 8, 1902, c. 140, § 5, 32 Stat. 54, superseded by this act.

Secs. 30–34. [Amend Rev. St. §§ 3362, 3368, 3392, and 3394.]

These five sections, amending Rev. St. §§ 3362, 3368, 3392, and 3394, are set forth under Title XXXV, "Internal Revenue," cc. 6, 7, each under the respective section amended thereby.

Sec. 35. [Relates to special tax on dealers in leaf tobacco.]

This section relates to internal revenue taxes on leaf tobacco and on dealers in leaf tobacco, and is set forth post, under Title XXXV, "Internal Revenue," c. 3.

Secs. 36, 37. [Relate to tonnage duties.]

These two sections relate to tonnage duties on certain vessels described therein, and are set forth post, under Title XLVIII, "Regulation of Commerce and Navigation," c. 3.

Sec. 38. [Relates to special tax on corporations.]

This section provides for a special excise tax on corporations, and is set forth post, under Title XXXV, "Internal Revenue," c. 3 A.

Sec. 39. [Relates to bonds to defray expenditures on account of Panama Canal.]

This section provides for issuing bonds of the United States to defray expenditures on account of the Panama Canal, and is set forth post, under Title XLII, "The Public Debt."

Sec. 40. [Amends Act June 13, 1898, c. 448, § 32.]

This section amends Act June 13, 1898, c. 448, § 32, authorizing the issue of certificates of indebtedness for loans to meet public expenditures, and is set forth post, under Title XLII, "The Public Debt."

Repeal; rights accrued, and suits, etc., brought; past offenses, and penalties, forfeitures, etc., incurred; limitations; provisions not repealed.

Sec. 41. That sections one to four, inclusive, of an Act entitled: "An Act to provide revenue for the Government and to encourage the industries of the United States," approved July twenty-fourth, eight-

een hundred and ninety-seven, and all Acts and parts of Acts inconsistent with the provisions of this Act, are hereby repealed, but the repeal of existing laws or modifications thereof embraced in this Act shall not affect any act done, or any right accruing or accrued, or any suit or proceeding had or commenced in any civil case before the said repeal or modification; but all rights and liabilities under said laws shall continue and may be enforced in the same manner, except as otherwise provided in section twenty-eight of this Act, as if said repeal or modifications had not been made. Any offenses committed and all penalties or forfeitures or liabilities incurred prior to the passage of this Act under any statute embraced in or changed, modified, or repealed by this Act may be prosecuted or punished in the same manner and with the same effect as if this Act had not been passed. All acts of limitation, whether applicable to civil causes and proceedings or to the prosecution of offenses or for the recovery of penalties or forfeitures embraced in or modified, changed, or repealed by this Act shall not be affected thereby; and all suits, proceedings, or prosecutions, whether civil or criminal, for causes arising or acts done or committed prior to the passage of this Act, may be commenced and prosecuted within the same time and with the same effect, except as otherwise provided in section twenty-eight of this Act, as if this Act had not been passed. That an Act entitled: "An Act to simplify the laws in relation to the collection of the revenues," approved June tenth, eighteen hundred and ninety, as amended by the Act of July twenty-fourth, eighteen hundred and ninety-seven, and as further amended by the Act of May twenty-seventh, nineteen hundred and eight, is not hereby repealed, but amended so as to read as in this Act provided. So much of section four of an Act entitled: "An Act making appropriations for sundry civil expenses of the Government for the fiscal year ending June thirtieth, nineteen hundred and seven, and for other purposes," approved June thirtieth, nineteen hundred and six, as relates to the appointment of a solicitor of customs and assistants, is hereby repealed.

Act Aug. 5, 1909, c. 6, § 41, 36 Stat. 118.

Sections 1–4 of Act July 24, 1897, c. 11, expressly repealed by this section, containing tariff provisions for which those of this act are substituted, are set forth in Comp. St. 1901, pp. 1626–1693.

The provisions of Act June 10, 1890, c. 407, as amended by said Act July 24, 1897, c. 11, § 32, and by Act May 27, 1908, c. 205, and mentioned in this section as not repealed but amended by this act, are set forth or referred to, as so further amended by section 28 of this act, post, under Title XXXIV, "Collection of Duties upon Imports," c. 4.

The provision of Act June 30, 1906, c. 3914, § 4, 34 Stat. 762, relating to the appointment of a Solicitor of Customs and assistants, repealed by this section, is omitted.

Time of taking effect of act.

Sec. 42. That unless otherwise herein specially provided, this Act shall take effect on the day following its passage.

Act Aug. 5, 1909, c. 6, § 42, 36 Stat. 118.

ACT JULY 26, 1911, c. 3. [H. R. 4412.]

An Act to Promote Reciprocal Trade Relations with the Dominion of Canada, and for Other Purposes. (37 Stat. 4.)

Duties on specified imports from Canada, when reciprocal rates are imposed by Canada on specified imports from United States, and exemption from duty of specified articles imported from Canada, when specified articles from United States are admitted into Canada free of duty.

Be it enacted, &c., That there shall be levied, collected, and paid upon the articles hereinafter enumerated, the growth, product or manufacture of the Dominion of Canada, when imported therefrom into the United States or any of its possessions (except the Philippine Islands and the islands of Guam and Tutuila), in lieu of the duties now levied, collected, and paid, the following duties, namely:

Fresh meats: Beef, veal, mutton, lamb, pork, and all other fresh or refrigerated meats excepting game, one and one-fourth cents per pound.

Bacon and hams, not in tins or jars, one and one-fourth cents per pound.

Meats of all kinds, dried, smoked, salted, in brine, or prepared or preserved in any manner, not otherwise herein provided for, one and one-fourth cents per pound.

Canned meats and canned poultry, twenty per centum ad valorem.

Extract of meat, fluid or not, twenty per centum ad valorem.

Lard and compounds thereof, cottolene and cotton stearine, and animal stearine, one and one-fourth cents per pound.

Tallow, forty cents per one hundred pounds.

Egg yolk, egg albumen, and blood albumen, seven and one-half per centum ad valorem.

Fish (except shellfish) by whatever name known, packed in oil, in tin boxes or cans, including the weight of the package: (a) when weighing over twenty ounces and not over thirty-six ounces each, five cents per package; (b) when weighing over twelve ounces and not over twenty ounces each, four cents per package; (c) when weighing twelve ounces each or less, two cents per package; (d) when weighing thirty-six ounces each or more, or when packed in oil, in bottles, jars, or kegs, thirty per centum ad valorem.

Tomatoes and other vegetables, including corn, in cans or other air-tight packages, and including the weight of the package, one and one-fourth cents per pound.

Wheat flour and semolina, and rye flour, fifty cents per barrel of one hundred and ninety-six pounds.

Oatmeal and rolled oats, including the weight of paper covering, fifty cents per one hundred pounds.

Corn meal, twelve and one-half cents per one hundred pounds.

Barley malt, forty-five cents per one hundred pounds.

Barley, pot, pearled, or patent, one-half cent per pound.

Buckwheat flour or meal, one-half cent per pound.

Split peas, dried, seven and one-half cents per bushel of sixty pounds.

Prepared cereal foods, not otherwise provided for herein, seventeen and one-half per centum ad valorem.

Bran, middlings, and other offals of grain used for animal food, twelve and one-half cents per one hundred pounds.

Macaroni and vermicelli, one cent per pound.

Biscuits, wafers, and cakes, when sweetened with sugar, honey, molasses, or other material, twenty-five per centum ad valorem.

Biscuits, wafers, cakes, and other baked articles, composed in whole or in part of eggs or any kind of flour or meal, when combined with chocolate, nuts, fruits, or confectionery; also candied peel, candied popcorn, candied nuts, candied fruits, sugar candy, and confectionery of all kinds, thirty-two and one-half per centum ad valorem.

Maple sugar and maple sirup, one cent per pound.

Pickles, included pickled nuts, sauces of all kinds, and fish paste or sauce, thirty-two and one-half per centum ad valorem.

Cherry juice and prune juice, or prune wine, and other fruit juices and fruit sirup, nonalcoholic, seventeen and one-half per centum ad valorem.

Mineral waters and imitations of natural mineral waters, in bottles or jugs, seventeen and one-half per centum ad valorem.

Essential oils, seven and one-half per centum ad valorem.

Grapevines; gooseberry, raspberry, and current bushes, seventeen and one-half per centum ad valorem.

Farm wagons and finished parts thereof, twenty-two and one-half per centum ad valorem.

Plows, tooth and disk harrows, harvesters, reapers, agricultural drills and planters, mowers, horserakes, cultivators; threshing machines, including windstackers, baggers, weighers, and self-feeders therefor and finished parts thereof imported for repair of the foregoing, fifteen per centum ad valorem.

Portable engines with boilers, in combination, horsepower and traction engines for farm purposes; hay loaders, potato diggers, fodder or feed cutters, grain crushers, fanning mills, hay tedders, farm or field rollers, manure spreaders, weeders, and windmills, and finished parts thereof imported for repair of the foregoing, except shafting, twenty per centum ad valorem.

Grindstones of sandstone, not mounted, finished or not, five cents per one hundred pounds.

Freestone, granite, sandstone, limestone, and all other monumental or building stone, except marble, breccia, and onyx, unmanufactured or not dressed, hewn, or polished, twelve and one-half per centum ad valorem.

Roofing slates, fifty-five cents per one hundred square feet.

Vitrified paving blocks, not ornamented or decorated in any manner, and paving blocks of stone, seventeen and one-half per centum ad valorem.

Oxide of iron, as a color, twenty-two and one-half per centum ad valorem.

Asbestos, further manufactured than ground; manufactures of asbestos or articles of which asbestos is the component material of chief value, including woven fabrics, wholly or in chief value of asbestos, twenty-two and one-half per centum ad valorem.

Printing ink, seventeen and one-half per centum ad valorem.

Cutlery, plated or not—pocketknives, penknives, scissors and shears, knives and forks for household purposes, and table steels, twenty-seven and one-half per centum ad valorem.

Bells and gongs, brass corners and rules for printers, twenty-seven and one-half per centum ad valorem.

Basins, urinals, and other plumbing fixtures, for bathrooms and lavatories; bathtubs, sinks, and laundry tubs of earthenware, stone, cement, or clay, or of other material, thirty-two and one-half per centum ad valorem.

Brass band instruments, twenty-two and one-half per centum ad valorem.

Clocks, watches, time recorders, clock and watch keys, clock cases, and clock movements, twenty-seven and one-half per centum ad valorem.

Printers' wooden cases and cabinets for holding type, twenty-seven and one-half per centum ad valorem.

Wood flour, twenty-two and one-half per centum ad valorem.

Canoes and small boats of wood, not power boats, twenty-two and one-half per centum ad valorem.

Feathers, crude, not dressed, colored, or otherwise manufactured, twelve and one-half per centum ad valorem.

Antiseptic surgical dressings, such as absorbent cotton, cotton wool, lint, lamb's wool, tow, jute, gauzes, and oakum, prepared for use as surgical dressings, plain or medicated; surgical trusses, pessaries, and suspensory bandages of all kinds, seventeen and one-half per centum ad valorem.

Plate glass, not beveled, in sheets or panes exceeding seven square feet each and not exceeding twenty-five square feet each, twenty-five per centum ad valorem.

Motor vehicles, other than for railways and tramways, and automobiles and parts thereof, not including rubber tires, thirty per centum ad valorem.

Iron or steel digesters for the manufacture of wood pulp, twenty-seven and one-half per centum ad valorem.

Musical instrument cases, fancy cases or boxes, portfolios, satchels, reticules, card cases, purses, pocketbooks, fly books for artificial flies, all the foregoing composed wholly or in chief value of leather, thirty per centum ad valorem.

Aluminum in crude form, five cents per pound.

Aluminum in plates, sheets, bars, and rods, eight cents per pound.

Laths, ten cents per one thousand pieces.

Shingles, thirty cents per thousand.

Sawed boards, planks, deals, and other lumber, planed or finished on one side, fifty cents per thousand feet, board measure; planed or finished on one side and tongued and grooved, or planed or finished on two sides, seventy-five cents per thousand feet, board measure; planed or finished on three sides, or planed and finished on two sides and tongued and grooved, one dollar and twelve and one-half cents per thousand feet, board measure; planed and finished on four sides, one dollar and fifty cents per thousand feet, board measure; and in estimating board measure under this schedule no deduction shall be made on board measure on account of planing, tonguing, and grooving.

Iron ore, including manganiferous iron ore, and the dross or residuum from burnt pyrites, ten cents per ton: Provided, That in levying and collecting the duty on iron ore no deduction shall be made

from the weight of the ore on account of moisture which may be chemically or physically combined therewith.

Coal slack or culm of all kinds, such as will pass through a half-inch screen, fifteen cents per ton.

Provided, That the duties above enumerated shall take effect whenever the President of the United States shall have satisfactory evidence and shall make proclamation that on the articles hereinafter enumerated, the growth, product, or manufacture of the United States, or any of its possessions (except the Philippine Islands and the islands of Guam and Tutuila), when imported therefrom into the Dominion of Canada, duties not in excess of the following are imposed, namely:

Fresh meats: Beef, veal, mutton, lamb, pork, and all other fresh or refrigerated meats excepting game, one and one-fourth cents per pound.

Bacon and hams, not in tins or jars, one and one-fourth cents per pound.

Meats of all kinds, dried, smoked, salted, in brine, or prepared or preserved in any manner, not otherwise herein provided for, one and one-fourth cents per pound.

Canned meats and canned poultry, twenty per centum ad valorem.

Extract of meat, fluid or not, twenty per centum ad valorem.

Lard, and compounds thereof, cottolene and cotton stearin, and animal stearin, one and one-fourth cents per pound.

Tallow, forty cents per one hundred pounds.

Egg yolk, egg albumen, and blood albumen, seven and one-half per centum ad valorem.

Fish (except shellfish), by whatever name known, packed in oil, in tin boxes or cans, including the weight of the package: (a) when weighing over twenty ounces and not over thirty-six ounces each, five cents per package; (b) when weighing over twelve ounces and not over twenty ounces each, four cents per package; (c) when weighing twelve ounces each or less, two cents per package; (d) when weighing thirty-six ounces each or more, or when packed in oil, in bottles, jars, or kegs, thirty per centum ad valorem.

Tomatoes and other vegetables, including corn, in cans or other air-tight packages, and including the weight of the package, one and one-fourth cents per pound.

Wheat flour and semolina; and rye flour, fifty cents per barrel of one hundred and ninety-six pounds.

Oatmeal and rolled oats, including the weight of paper covering, fifty cents per one hundred pounds.

Corn meal, twelve and one-half cents per one hundred pounds.

Barley malt, forty-five cents per one hundred pounds.

Barley, pot, pearled, or patent, one-half cent per pound.

Buckwheat flour or meal, one-half cent per pound.

Split peas, dried, seven and one-half cents per bushel of sixty pounds.

Prepared cereal foods, not otherwise provided for herein, seventeen and one-half per centum ad valorem.

Bran, middlings, and other offals of grain used for animal food twelve and one-half cents per one hundred pounds.

Macaroni and vermicelli, one cent per pound.

Biscuits, wafers, and cakes, when sweetened with sugar, honey, molasses, or other material, twenty-five per centum ad valorem.

Biscuits, wafers, cakes, and other baked articles, composed in whole or in part of eggs or any kind of flour or meal, when combined with chocolate, nuts, fruits, or confectionery; also candied peel, candied popcorn, candied nuts, candied fruits, sugar candy, and confectionery of all kinds, thirty-two and one-half per centum ad valorem.

Maple sugar and maple sirup, one cent per pound.

Pickles, including pickled nuts, sauces of all kinds, and fish paste or sauce, thirty-two and one-half per centum ad valorem.

Cherry juice and prune juice, or prune wine, and other fruit juices, and fruit sirup, nonalcoholic, seventeen and one-half per centum ad valorem.

Mineral waters and imitations of natural mineral waters, in bottles or jugs, seventeen and one-half per centum ad valorem.

Essential oils, seven and one-half per centum ad valorem.

Grapevines; gooseberry, raspberry, and currant bushes, seventeen and one-half per centum ad valorem.

Farm wagons, and finished parts thereof, twenty-two and one-half per centum ad valorem.

Plows, tooth and disk harrows, harvesters, reapers, agricultural drills and planters, mowers, horserakes, cultivators; thrashing machines, including windstackers, baggers, weighers, and self-feeders therefor, and finished parts thereof imported for repair of the foregoing, fifteen per centum ad valorem.

Portable engines with boilers, in combination, horsepower and traction engines, for farm purposes; hay loaders, potato diggers, fodder or feed cutters, grain crushers, fanning mills, hay tedders, farm or field rollers, manure spreaders, weeders, and windmills, and finished parts thereof imported for repair of the foregoing, except shafting, twenty per centum ad valorem.

Grindstones of sandstone, not mounted, finished or not, five cents per one hundred pounds.

Freestone, granite, sandstone, limestone, and all other monumental or building stone, except marble, breccia, and onyx, unmanufactured or not dressed, hewn or polished, twelve and one-half per centum ad valorem.

Roofing slates, fifty-five cents per one hundred square feet.

Vitrified paving blocks, not ornamented or decorated in any manner, and paving blocks of stone, seventeen and one-half per centum ad valorem.

Oxide of iron, as a color, twenty-two and one-half per centum ad valorem.

Asbestos further manufactured than ground: Manufactures of asbestos, or articles of which asbestos is the component material of chief value, including woven fabrics wholly or in chief value of asbestos, twenty-two and one-half per centum ad valorem.

Printing ink, seventeen and one-half per centum ad valorem.

Cutlery, plated or not: Pocketknives, penknives, scissors and shears, knives and forks for household purposes, and table steels, twenty-seven and one-half per centum ad valorem.

Bells and gongs, brass corners and rules for printers, twenty-seven and one-half per centum ad valorem.

Basins, urinals, and other plumbing fixtures for bathrooms and lavatories; bathtubs, sinks, and laundry tubs, of earthenware, stone, cement, or clay, or of other material, thirty-two and one-half per centum ad valorem.

Brass band instruments, twenty-two and one-half per centum ad valorem.

Clocks, watches, time recorders, clock and watch keys, clock cases, and clock movements, twenty-seven and one-half per centum ad valorem.

Printers' wooden cases and cabinets for holding type, twenty-seven and one-half per centum ad valorem.

Wood flour, twenty-two and one-half per centum ad valorem.

Canoes and small boats of wood, not power boats, twenty-two and one-half per centum ad valorem.

Feathers, crude, not dressed, colored or otherwise manufactured, twelve and one-half per centum ad valorem.

Antiseptic surgical dressings, such as absorbent cotton, cotton wool, lint, lamb's wool, tow, jute, gauzes, and oakum, prepared for use as surgical dressings, plain or medicated; surgical trusses, pessaries, and suspensory bandages of all kinds, seventeen and one-half per centum ad valorem.

Plate glass, not beveled, in sheets or panes exceeding seven square feet each, and not exceeding twenty-five square feet each, twenty-five per centum ad valorem.

Motor vehicles, other than for railways and tramways, and automobiles, and parts thereof, not including rubber tires, thirty per centum ad valorem.

Iron or steel digesters for the manufacture of wood pulp, twenty-seven and one-half per centum ad valorem.

Musical instrument cases, fancy cases or boxes, portfolios, satchels, reticules, card cases, purses, pocketbooks, fly books for artificial flies; all the foregoing composed wholly or in chief value of leather, thirty per centum ad valorem.

Cement, Portland, and hydraulic or water lime in barrels, bags, or casks, the weight of the package to be included in the weight for duty, eleven cents per one hundred pounds.

Trees: Apple, cherry, peach, pear, plum, and quince, of all kinds, and small peach trees known as June buds, two and one-half cents each.

Condensed milk, the weight of the package to be included in the weight for duty, two cents per pound.

Biscuits without added sweetening, twenty per centum ad valorem.

Fruits in air-tight cans or other air-tight packages, the weight of the cans or other packages to be included in the weight for duty, two cents per pound.

Peanuts, shelled, one cent per pound.

Peanuts, unshelled, one-half cent per pound.

Coal, bituminous, round and run of mine, including bituminous coal such as will not pass through a three-quarter inch screen, forty-five cents per ton.

That the articles mentioned in the following paragraphs, the growth, product, or manufacture of the Dominion of Canada, when imported therefrom into the United States or any of its possessions (except the Philippine Islands and the Islands of Guam and Tutuila), shall be exempt from duty, namely:

Live animals: Cattle, horses and mules, swine, sheep, lambs, and all other live animals.

Poultry, dead or alive.

Wheat, rye, oats, barley, and buckwheat, dried peas and beans, edible.

Corn, sweet corn, or maize.

Hay, straw, and cowpeas.

Fresh vegetables: Potatoes, sweet potates, yams, turnips, onions, cabbages, and all other vegetables in their natural state.

Fresh fruits: Apples, pears, peaches, grapes, berries, and all other edible fruits in their natural state, except lemons, oranges, limes, grapefruit, shaddocks, pomelos, and pineapples.

Dried fruits: Apples, peaches, pears, and apricots, dried, desiccated or evaporated.

Dairy products: Butter, cheese, and fresh milk and cream: Provided, That cans actually used in the transportation of milk or cream may be passed back and forth between the two countries free of duty, under such regulations as the respective Governments may prescribe.

Eggs of barnyard fowl, in the shell.

Honey.

Cottonseed oil.

Seeds: Flaxseed or linseed, cotton seed, and other oil seeds; grass seed, including timothy and clover seed; garden, field, and other seed not herein otherwise provided for, when in packages weighing over one pound each (not including flower seeds).

Fish of all kinds, fresh, frozen, packed in ice, salted, or preserved in any form, except sardines and other fish preserved in oil; and shellfish of all kinds, including oysters, lobsters, and clams in any state, fresh or packed, and coverings of the foregoing.

Seal, herring, whale, and other fish oil, including sod oil: Provided, That fish oil, whale oil, seal oil, and fish of all kinds, being the product of fisheries carried on by the fishermen of the United States, shall be admitted into Canada as the product of the United States, and, similarly, that fish oil, whale oil, seal oil, and fish of all kinds, being the product of fisheries carried on by the fishermen of Canada, shall be admitted into the United States as the product of Canada.

Salt.

Mineral waters, natural, not in bottles or jugs.

Timber, hewn, sided or squared otherwise than by sawing, and round timber used for spars or in building wharves.

Sawed boards, planks, deals, and other lumber, not further manufactured than sawed.

Paving posts, railroad ties, and telephone, trolley, electric-light, and telegraph poles of cedar or other woods.

Wooden staves of all kinds, not further manufactured than listed or jointed, and stave bolts.

Pickets and palings.

Plaster rock, or gypsum, crude, not ground.

Mica, unmanufactured or rough trimmed only, and mica, ground or bolted.

Feldspar, crude, powdered or ground.

Asbestos, not further manufactured than ground.

Fluorspar, crude, not ground.

Glycerine, crude, not purified.

Talc, ground, bolted, or precipitated, naturally or artificially, not for toilet use.

Sulphate of soda, or salt cake, and soda ash.

Extracts of hemlock bark.

Carbon electrodes.

Brass in bars and rods, in coil or otherwise, not less than six feet in length, or brass in strips, sheets, or plates, not polished, planished, or coated.

Cream separators of every description, and parts thereof imported for repair of the foregoing.

Rolled iron or steel sheets, or plates, number fourteen gauge or thinner, galvanized or coated with zinc, tin, or other metal, or not.

Crucible cast-steel wire, valued at not less than six cents per pound.

Galvanized iron or steel wire, curved or not, numbers nine, twelve, and thirteen wire gauge.

Typecasting and typesetting machines and parts thereof, adapted for use in printing offices.

Barbed fencing wire of iron or steel, galvanized or not.

Coke.

Rolled round wire rods in the coil, of iron or steel, not over three-eighths of an inch in diameter, and not smaller than number six wire gauge.

Provided, That the articles above enumerated, the growth, product, or manufacture of the Dominion of Canada, shall be exempt from duty when the President of the United States shall have satisfactory evidence and shall make proclamation that the following articles, the growth, product, or manufacture of the United States or any of its possessions (except the Philippine Islands and the Islands of Guam and Tutuila), are admitted into the Dominion of Canada free of duty, namely:

Live animals: Cattle, horses and mules, swine, sheep, lambs, and all other live animals.

Poultry, dead or alive.

Wheat, rye, oats, barley, and buckwheat; dried peas and beans, edible.

Corn, sweet corn, or maize (except into Canada for distillation).

Hay, straw, and cowpeas.

Fresh vegetables: Potatoes, sweet potatoes, yams, turnips, onions, cabbages, and all other vegetables in their natural state.

Fresh fruits: Apples, pears, peaches, grapes, berries, and all other edible fruits in their natural state.

Dried fruits: Apples, peaches, pears, and apricots, dried, desiccated, or evaporated.

Dairy products: Butter, cheese, and fresh milk and cream: Provided, That cans actually used in the transportation of milk or cream

may be passed back and forth between the two countries free of duty, under such regulations as the respective Governments may prescribe.

Eggs of barnyard fowl, in the shell.

Honey.

Cottonseed oil.

Seeds: Flaxseed or linseed, cotton seed, and other oil seeds; grass seed, including timothy and clover seed; garden, field, and other seed not herein otherwise provided for, when in packages weighing over one pound each (not including flower seeds).

Fish of all kinds, fresh, frozen, packed in ice, salted or preserved in any form, except sardines and other fish preserved in oil; and shellfish of all kinds, including oysters, lobsters, and clams in any state, fresh or packed, and coverings of the foregoing.

Seal, herring, whale, and other fish oil, including sod oil: Provided, That fish oil, whale oil, seal oil, and fish of all kinds, being the product of fisheries carried on by the fishermen of the United States, shall be admitted into Canada as the product of the United States, and similarly that fish oil, whale oil, seal oil, and fish of all kinds, being the product of fisheries carried on by the fishermen of Canada, shall be admitted into the United States as the product of Canada.

Salt.

Mineral waters, natural, not in bottles or jugs.

Timber, hewn, sided or squared otherwise than by sawing, and round timber used for spars or in building wharves.

Sawed boards, planks, deals, and other lumber, not further manufactured than sawed.

Paving posts, railroad ties, and telephone, trolley, electric light, and telegraph poles of cedar or other woods.

Wooden staves of all kinds, not further manufactured than listed or jointed, and stave bolts.

Pickets and palings.

Plaster rock or gypsum, crude, not ground.

Mica, unmanufactured or rough trimmed only, and mica, ground or bolted.

Feldspar, crude, powdered or ground.

Asbestos not further manufactured than ground.

Fluorspar, crude, not ground.

Glycerine, crude, not purified.

Talc, ground, bolted or precipitated, naturally or artificially, not for toilet use.

Sulphate of soda, or salt cake, and soda ash.

Extracts of hemlock bark.

Carbon electrodes.

Brass in bars and rods, in coil or otherwise, not less than six feet in length, or brass in strips, sheets, or plates, not polished, planished, or coated.

Cream separators of every description, and parts thereof imported for repair of the foregoing.

Rolled iron or steel sheets or plates, number fourteen gauge or thinner, galvanized or coated with zinc, tin, or other metal, or not.

Crucible cast-steel wire, valued at not less than six cents per pound.

Galvanized iron or steel wire, curved or not, numbers nine, twelve, and thirteen wire gauge.

Typecasting and typesetting machines and parts thereof, adapted for use in printing offices.

Barbed fencing wire of iron or steel, galvanized or not.

Coke.

Rolled round wire rods in the coil, of iron or steel, not over three-eighths of an inch in diameter, and not smaller than number six wire gauge.

Act July 26, 1911, c. 3, § 1, 37 Stat. 4.

Wood pulp, and paper and paper board manufactured from wood pulp, imported from Canada, to be free of duty, on condition that no export duty, etc., or restriction of the exportation be imposed.

Sec. 2. Pulp of wood mechanically ground; pulp of wood, chemical, bleached, or unbleached; news print paper, and other paper, and paper board, manufactured from mechanical wood pulp or from chemical wood pulp, or of which such pulp is the component material of chief value, colored in the pulp, or not colored, and valued at not more than four cents per pound, not including printed or decorated wall paper, being the products of Canada, when imported therefrom directly into the United States, shall be admitted free of duty, on the condition precedent that no export duty, export license fee, or other export charge of any kind whatsoever (whether in the form of additional charge or license fee or otherwise), or any prohibition or restriction in any way of the exportation (whether by law, order, regulation, contractual relation, or otherwise, directly or indirectly), shall have been imposed upon such paper, board, or wood pulp, or the wood used in the manufacture of such paper, board, or wood pulp, or the wood pulp used in the manufacture of such paper or board.

Act July 26, 1911, c. 3, § 2, 37 Stat. 11.

President authorized to negotiate trade agreements with Canada for purpose of further readjusting duties.

Sec. 3. That for the purpose of further readjusting the duties on importations into the United States of article or articles the growth, product, or manufacture of the Dominion of Canada, and of the exportation into the Dominion of Canada of article or articles the growth, product, or manufacture of the United States, the President of the United States is authorized and requested to negotiate trade agreements with the Dominion of Canada wherein mutual concessions are made looking toward freer trade relations and the further reciprocal expansion of trade and commerce: Provided, however, That said trade agreements before becoming operative shall be submitted to the Congress of the United States for ratification or rejection.

Act July 26, 1911, c. 3, § 3, 37 Stat. 12.

TITLE XXXIV.

COLLECTION OF DUTIES UPON IMPORTS.

CHAPTER ONE.

Collection-Districts, Ports, and Officers.

Sec. 2517.

Districts in Maine; Belfast.

Vinalhaven is made a subport of entry in the district of Belfast by Act April 12, 1904, c. 1245, set forth below.

ACT APRIL 12, 1904, c. 1245. [H. R. 7292.]

An Act Making Vinalhaven, Maine, a Subport of Entry. (33 Stat. 171.)

Vinalhaven; subport of entry.

Be it enacted, &c., That Vinalhaven, in the State of Maine, be, and is hereby, constituted a subport of entry in the customs collection district of Belfast, Maine.

Act April 12, 1904, c. 1245, 33 Stat. 171.

Sec. 2525. [*As amended* 1897.]

Districts in Vermont; Vermont.

Immediate transportation privileges are extended to the subport of Alburg by Act Feb. 24, 1908, c. 36, set forth post, under chapter 7 of this Title.

Sec. 2527. [*As amended* 1875, 1877, 1884.]

Districts in Massachusetts; Gloucester.

Immediate transportation privileges are extended to the port of Gloucester by Act March 1, 1905, c. 1300, set forth post, under chapter 7 of this Title.

Sec. 2529.

[Amended. Act July 1, 1902, c. 1372.]

This section is amended by the reduction of the two appraisers at the port of Boston, authorized by the fifth subsection thereof, to one, by Act July 1, 1902, c. 1372, set forth below.

The appointment of an additional assistant appraiser at the port of Boston is authorized by Act April 28, 1904, c. 1783, set forth below.

ACT JULY 1, 1902, c. 1372.

An Act to Diminish the Number of Appraisers at the Ports of Philadelphia and Boston, and for Other Purposes. (32 Stat. 715.)

Appraisers at Boston and Philadelphia; salary.

Be it enacted, &c., That sections numbered twenty-five hundred and twenty-nine and twenty-five hundred and forty-four of the Revised

Statutes of the United States are hereby so amended that there shall be one appraiser of merchandise at each of said ports instead of two, as now provided by law.

The salary of said appraisers shall be four thousand dollars each per annum, instead of three thousand dollars each, as now established by law.

Act July 1, 1902, c. 1372, 32 Stat. 715.

Rev. St. §§ 2529, 2544, amended by this act, are set forth in Comp. St. 1901, pp. 1723, 1741.

The appointment of an additional assistant appraiser at Boston is authorized by Act April 28, 1904, c. 1783, set forth below.

ACT APRIL 28, 1904, c. 1783. [S. 4955.]

An Act to Provide for the Appointment of an Additional Assistant Appraiser at the Port of Boston. (33 Stat. 538.)

Additional assistant appraiser at Boston; salary.

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized to appoint an additional assistant appraiser at the port of Boston, State of Massachusetts, to be paid out of any money in the Treasury not otherwise appropriated, at a salary not exceeding two thousand five hundred dollars per annum.

Act April 28, 1904, c. 1783, 33 Stat. 538.

Previous provisions for the appointment of assistant appraisers at Boston are contained in Rev. St. § 2529, subsec. 5, Comp, St. 1901, p. 1723.

Sec. 2533. [*As amended* 1887.]

Districts in Connecticut; New London; Fairfield.

Immediate transportation privileges are extended to the port of New London, in the district of New London, by Act June 25, 1910, c. 398, set forth post, under chapter 7 of this Title.

Norwalk is made a subport of entry in the district of Fairfield by Act Feb. 2, 1905, c. 293, set forth below.

Paragraph 5 of this section is amended, by changing the name of the district of Fairfield to the district of Bridgeport, and changing the port of entry, etc., by Act Feb. 11, 1908, c. 21, set forth below.

Immediate transportation privileges are extended to the ports of Norwalk, Stamford, and Greenwich by Act Feb. 24, 1908, c. 35, set forth post, under chapter 7 of this Title.

ACT FEB. 2, 1905, c. 293. [H. R. 16790.]

An Act Making Norwalk, Connecticut, a Subport of Entry. (33 Stat. 629.)

Norwalk; subport of entry.

Be it enacted, &c., That Norwalk, in the State of Connecticut, be, and is hereby, constituted a subport of entry in the customs collection district of Fairfield, Connecticut.

Act Feb. 2, 1905, c. 293, 33 Stat. 629.

Norwalk is continued a subport of entry by Act Feb. 11, 1908, c. 21, § 1, set forth below.

ACT FEB. 11, 1908, c. 21. [H. R. 9217.]

An Act Amending Sections Twenty-Five Hundred and Thirty-Three and Twenty-Five Hundred and Thirty-Four of Revised Statutes, so as to Change the Name of the Fairfield Collection District. (35 Stat. 7.)

Amendment of Rev. St. § 2533, par. 5.

Be it enacted, &c., That paragraph five of section twenty-five hundred and thirty-three of the Revised Statutes of the United States of America is hereby amended so that said paragraph shall read as follows:

Districts in Connecticut; Bridgeport.

"Fifth. The district of Bridgeport, to comprise all the waters and shores in the State of Connecticut west of the district of New Haven, in which Bridgeport shall be the port of entry, and Norwalk and Stamford subports of entry, and Greenwich and Stratford ports of delivery."

Act Feb. 11, 1908, c. 21, § 1, 35 Stat. 7.

Immediate transportation privileges are extended to the ports of Norwalk, Stamford, and Greenwich by Act Feb. 24, 1908, c. 35, set forth post, under chapter 7 of this Title.

Sec. 2. [Amends Rev. St. § 2534.]

This section, amending Rev. St. § 2534, is set forth post, under that section.

Sec. 2534. [*As amended* 1887.]

Officers in Connecticut; Fairfield.

Paragraph 5 of this section is amended, by changing the name of the district and the provision as to the place of residence of the collector, by Act Feb. 11, 1908, § 2, set forth below.

ACT FEB. 11, 1908, c. 21, § 2. [H. R. 9217.]

Amendment of Rev. St. § 2534, par. 5.

Sec. 2. That paragraph five of section twenty-five hundred and thirty-four of the Revised Statutes of the United States of America is hereby amended so that said paragraph shall read as follows:

Officers in Connecticut; Bridgeport.

"Fifth. In the district of Bridgeport, a collector, who shall reside at Bridgeport."

Act Feb. 11, 1908, c. 21, § 2, 35 Stat. 7.

Sec. 2535.

Districts in New York; Champlain; Oswego; Niagara.

Rouses Point and Malone are made subports of entry in the district of Champlain, and immediate transportation privileges are extended to said subports, by Act Feb. 17, 1905, c. 580, set forth below.

Utica is made a port of delivery in the district of Oswego, and immediate transportation privileges are extended to said subport, by Act March 24, 1904, c. 815, set forth below.

Immediate transportation privileges are extended to the port of Niagara Falls by Act March 2, 1903, c. 982, set forth post, under chapter 7 of this Title.

ACT MARCH 24, 1904, c. 815. [H. R. 4074.]

An Act Constituting Utica, New York, a Port of Delivery, and for Other Purposes. (33 Stat. 145.)

Utica; port of delivery; immediate transportation privileges; deputy collector.

Be it enacted, &c., That Utica, in the State of New York, be, and is hereby, constituted a port of delivery, in the customs-collection district

of Oswego, New York, and that the privileges of immediate transportation of dutiable merchandise conferred by the seventh section of the Act of June tenth, eighteen hundred and eighty, entitled "An Act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes," be, and the same are hereby, extended to said port; and there shall be appointed a deputy collector of customs, to be nominated by the collector of customs at Oswego, New York.

Act March 24, 1904, c. 815, 33 Stat. 145.

ACT FEB. 17, 1905, c. 580. [S. 6337.]

An Act for the Establishment of Subports of Entry at Rouses Point and Malone, New York. (33 Stat. 718.)

Rouses Point and Malone; subports of entry; immediate transportation privileges.

Be it enacted, &c., That Rouses Point, New York, and Malone, New York, be, and are hereby, established as subports of entry in the customs collection district of Champlain, State of New York, and that the privileges of the first section of the Act approved June tenth, eighteen hundred and eighty, relating to the transportation of dutiable merchandise without appraisement be, and the same are hereby, extended to said subports.

Act Feb. 17, 1905, c. 580, 33 Stat. 718.

Sec. 2536.

Officers in New York.

This section is amended by increasing the number of assistant appraisers at the port of New York, provided for by subdivision 2, set forth in Comp. St. 1901, p. 1735, from ten to twelve, one to be designated as special deputy appraiser and two as deputy appraisers, by Act Feb. 1, 1907, c. 874, set forth below.

Oswego.

The appointment of a deputy collector at Utica, which is made a port of delivery in the district of Oswego, is authorized by Act March 24, 1904, c. 815, set forth above.

ACT FEB. 1, 1907, c. 444. [S. 7147.]

An Act to Amend Section Twenty-five hundred and thirty-six of the Revised Statutes, Relative to Assistant Appraisers at the Port of New York, and Further Defining their Powers, Duties, and Compensation. (34 Stat. 874.)

Amendment of Rev. St. § 2536.

Be it enacted, &c., That section twenty-five hundred and thirty-six of the Revised Statutes be, and the same is hereby, amended as follows:

Port of New York; assistant appraisers.

Section 1. That from and after the approval of this Act the subdivision numbered two of section twenty-five hundred and thirty-six of the Revised Statutes be, and the same is hereby, amended by striking out the words "and ten assistant appraisers who shall reside at the

port of New York" and inserting in place thereof the words "and twelve assistant appraisers who shall reside at the port of New York."

Act Feb. 1, 1907, c. 444, § 1, 34 Stat. 874.

Rev. St. § 2536, subd. 2, amended by this act, is set forth in Comp. St. 1901, p. 1735.

Special deputy appraiser and deputy appraisers; powers and duties; compensation.

Sec. 2. That of such assistant appraisers, one shall be designated by the appraiser of merchandise in the district of New York, with the approval of the Secretary of the Treasury, as special deputy appraiser, and two, with like approval, as deputy appraisers; and any such designation may be revoked by the appraiser, with the approval or by the direction of the Secretary of the Treasury, at any time, and another designation made in place thereof. Such special deputy and deputies, respectively, shall at all times, in addition to the duties of assistant appraiser, exercise and perform such functions, powers, and duties appertaining to the office of appraiser as the said appraiser shall, under his hand and seal, respectively assign to them. Such special deputy and deputies shall be subject to the control and direction of the appraiser in the exercise of the functions, powers, and duties appertaining to the office of appraiser, and the said appraiser may revise and correct the reports of such special deputy and deputies as he may judge proper, and he may at any time revoke the authority so conferred on them to exercise the functions of appraiser. Such special deputy and deputies shall each receive during the time they are so designated, in addition to the salary as assistant appraisers, compensation at the rate of five hundred dollars per annum.

Act Feb. 1, 1907, c. 444, § 2, 34 Stat. 874.

Sec. 2542.

Officers in New Jersey; Burlington.

The collector of the district of Burlington, who was required, by Rev. St. § 2542, subsec. 6, to reside at the port of Trenton, may reside at any point within the district, in the discretion of the Secretary of the Treasury, by a provision of Act April 28, 1904, c. 1762, § 1, set forth below.

ACT APRIL 28, 1904, c. 1762, § 1. [H. R. 14416.]

Burlington; residence of collector.

Customs Service in New Jersey: The collector of the district of Burlington, in the State of New Jersey, may reside at any point within the district, in the discretion of the Secretary of the Treasury.

Act April 28, 1904, c. 1762, § 1, 33 Stat. 465.

This is a provision of the sundry civil appropriation act for the fiscal year ending June 30, 1905, cited above.

Sec. 2543.

Districts in Pennsylvania; Philadelphia; Erie.

Chester is made a subport of entry in the district of Philadelphia by Act Jan. 25, 1904, c. 35, set forth below.

Corry is made a port of delivery in the district of Erie, and immediate transportation privileges are extended to it, by Act March 3, 1909, c. 261, set forth below.

ACT JAN. 25, 1904, c. 35. [S. 652.]

An Act Making Chester, Pennsylvania, a Subport of Entry. (33 Stat. 9.)

Chester; subport of entry.

Be it enacted, &c., That Chester, in the State of Pennsylvania, be, and is hereby, constituted a subport of entry in the customs collection district of Philadelphia, Pennsylvania.

Act Jan. 25, 1904, c. 35, 33 Stat. 9.

ACT MARCH 3, 1909, c. 261. [H. R. 24327.]

An Act to Make Corry, Pennsylvania, a Port of Delivery in the District of Erie, Pennsylvania, and Extending to It the Privileges of Section Seven of the Act of June Tenth, Eighteen Hundred and Eighty. (35 Stat. 780.)

Corry; port of delivery; immediate transportation privileges.

Be it enacted, &c., That Corry, Pennsylvania, be, and the same is hereby, made and constituted a port of delivery in the district of Erie, Pennsylvania, and that the privileges of section seven of the Act approved June tenth, eighteen hundred and eighty, governing the immediate transportation of dutiable merchandise without appraisement be, and the same are hereby, extended thereto.

Act March 3, 1909, c. 261, 35 Stat. 780.

Sec. 2544.

[Amended. Act July 1, 1902, c. 1372.]

This section is amended by the reduction of the two appraisers at the port of Philadelphia, authorized by the first subsection thereof, to one, by Act July 1, 1902, c. 1372, set forth ante. under Rev. St. § 2529.

The appointment of an appraiser in the district of Pittsburg is authorized by Act Jan. 30, 1904, c. 40, set forth below.

ACT JAN. 30, 1904, c. 40. [H. R. 6804.]

An Act Providing for the Appointment of a Customs Appraiser at Pittsburg, Pennsylvania. (33 Stat. 9.)

Officers in Pennsylvania; Pittsburg; appraiser; salary.

Be it enacted, &c., That there shall be in the customs collection district of Pittsburg, in the State of Pennsylvania, an appraiser, to be appointed by the President, by and with the advice and consent of the Senate, and with compensation at the rate of three thousand dollars per annum.

Act Jan. 30, 1904, c. 40, 33 Stat. 9.

Sec. 2546.

District of Delaware.

Lewes is made a subport of entry in the district of Delaware by Act April 28, 1904, c. 1785, set forth below.

ACT APRIL 28, 1904, c. 1785. [S. 5169.]

An Act Making Lewes, Delaware, a Subport of Entry. (33 Stat. 539.)

Lewes; subport of entry.

Be it enacted, &c., That Lewes, in the State of Delaware, be, and is hereby, constituted a subport of entry in the customs collection district of Delaware.

Act April 28, 1904, c. 1785, 33 Stat. 539.

Sec. 2555.

[Amended. Act May 7, 1902, c. 778.]

The first subsection of this section is amended by Act May 7, 1902, c. 778, set forth below.

A deputy collector at Manteo, in the district of Albemarle, in the State of North Carolina, is authorized by Act Feb. 25, 1905, c. 799, set forth below.

Immediate transportation privileges are extended to the port of Wilmington, N. C., by Act Dec. 23, 1902, c. 11, set forth post, under chapter 7 of this Title.

ACT MAY 7, 1902, c. 778.

An Act Providing for the Removal of the Port of Entry in the Albemarle Collection of Customs District, North Carolina, from Edenton, North Carolina, to Elizabeth City, North Carolina. (32 Stat. 190.)

Districts in North Carolina; Albemarle; Elizabeth City, port of entry.

Be it enacted, &c., That section two thousand five hundred and fifty-five of the Revised Statutes of the United States, second edition, eighteen hundred and seventy-eight, be amended by striking out the word "Edenton" in the last line of the first subsection and inserting in lieu thereof the words "Elizabeth City."

Act May 7, 1902, c. 778, 32 Stat. 190.

Rev. St. § 2555, amended by this act, is set forth in Comp. St. 1901, p. 1750.

Sec. 2556.

Officers in North Carolina; Albemarle.

The appointment of a deputy collector at Manteo, in the district of Albemarle, is authorized by Act Feb. 25, 1905, c. 799, set forth below.

ACT FEB. 25, 1905, c. 799. [S. 4609.]

An Act to Authorize the Secretary of the Treasury to Appoint a Deputy Collector of Customs at Manteo, North Carolina. (33 Stat. 814.)

Deputy collector at Manteo in district of Albemarle; powers and duties; compensation.

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized and directed to appoint a deputy collector of customs at Manteo, in the district of Albemarle, North Carolina, who shall be empowered to grant enrollments and licenses to vessels and to perform such other duties relating to customs and commerce and navigation as the Secretary may direct, and be paid such compensation as he may deem proper.

Act Feb. 25, 1905, c. 799, § 1, 33 Stat. 814.

Compensation of collector for district of Albemarle not affected.

Sec. 2. That the compensation and emoluments of the collector of customs for the district of Albemarle, in the State of North Carolina, shall be continued to be paid on the same basis as heretofore.

Act Feb. 25, 1905, c. 799, § 2, 33 Stat. 815.

Time of taking effect of act.

Sec. 3. That this Act shall take effect July first, nineteen hundred and five.

Act Feb. 25, 1905, c. 799, § 3, 33 Stat. 815.

Sec. 2562.

Districts in Florida; St. Johns, Key West, Pensacola.

The name of the Saint Johns collection district is changed to the Jacksonville collection district, by Act June 23, 1910, c. 355, set forth below.

St. Joseph Bay Harbor is transferred from the Pensacola collection district and added to the Apalachicola collection district by Act Feb. 6, 1911, c. 38, set forth below.

Saint Andrews is made a subport of entry in the district of Pensacola, by Act March 3, 1911, c. 217, set forth below.

Immediate transportation privileges are extended to the subport of Knights Key by Act Feb. 11, 1908, c. 22, set forth post, under chapter 7 of this Title.

ACT JUNE 23, 1910, c. 355. [S. 4711.]

An Act Changing the Name of the Saint Johns Collection District, in the State of Florida, to the Jacksonville Collection District. (36 Stat. 592.)

Districts in Florida; St. Johns; name changed to Jacksonville collection district.

Be it enacted, &c., That the name of the collection district in the State of Florida now known as the Saint Johns collection district be, and the same is hereby, changed to the Jacksonville collection district.

Act June 23, 1910, c. 355, 36 Stat. 592.

ACT FEB. 4, 1911, c. 38. [H. R. 20366.]

An Act to Transfer Saint Joseph Bay, of the Pensacola Collection District, in the State of Florida, to the Apalachicola Collection District. (36 Stat. 897.)

St. Joseph Bay Harbor transferred from district of Pensacola to district of Apalachicola.

Be it enacted, &c., That Saint Joseph Bay Harbor, in the State of Florida, be transferred from the Pensacola collection district, and the same is hereby added to the Apalachicola collection district.

Act Feb. 6, 1911, c. 39, 36 Stat. 897.

ACT MARCH 3, 1911, c. 217. [S. 10559.]

An Act to Designate Saint Andrews, Florida, as a Subport of Entry. (36 Stat. 1080.)

St. Andrews; subport of entry; officers.

Be it enacted, &c., That Saint Andrews, in the State of Florida, is hereby made a subport of entry in the district of Pensacola, and the necessary customs officers may, in the discretion of the Secretary of the Treasury, be stationed at said subport with authority to enter and clear vessels, receive duties, fees, and other moneys, and perform such other services as, in his judgment, the interest of commerce may require, and said officers shall receive such compensation as he may allow.

Act March 3, 1911, c. 217, 36 Stat. 1080.

Sec. 2564.

District in Alabama; Mobile.

Birmingham is made a subport of entry, and immediate transportation privileges are extended to said subport, by Act March 3, 1911, c. 228, set forth below.

ACT MARCH 3, 1911, c. 228. [H. R. 29708.]

An Act to Constitute Birmingham, in the State of Alabama, a Subport of Entry. (36 Stat. 1086.)

Birmingham; subport of entry; immediate transportation privileges.

Be it enacted, &c., That Birmingham, in the State of Alabama, be, and the same is hereby, constituted a subport of entry in the customs collection district of Mobile, and that the privileges of section seven of the Act approved June tenth, eighteen hundred and eighty, governing the immediate transportation of dutiable merchandise without appraisement, be, and the same are hereby, extended to the said subport of Birmingham, Alabama.

Act March 3, 1911, c. 228, 36 Stat. 1086.

Sec. 2566.

[Amended. Act April 22, 1904, c. 1414, § 1.]

This section is amended by Act April 22, 1904, c. 1414, § 1, set forth below, by changing the port of entry and ports of delivery in the district of Pearl River, mentioned in subsection 1.

Scranton is made a subport of entry in the district of Pearl River, by Act July 2, 1909, c. 3, set forth below.

ACT MARCH 3, 1875, c. 150.

East Pascagoula; port of delivery.

East Pascagoula, made by Act March 3, 1875, c. 150, set forth in Comp. St. 1901, p. 1761, a port of delivery in the district of Pearl River, is not included in the ports mentioned in Rev. St. § 2566, as amended by Act April 22, 1904, c. 1414, § 1, set forth below; but by Rev. St. § 2567, as amended by section 2 of the same act, also set forth below, the appointment of a deputy collector, who shall reside at Scranton or Pascagoula, is authorized.

ACT APRIL 22, 1904, c. 1414. [H. R. 10956.]

An Act to Amend Sections Twenty-five hundred and sixty-six and Twenty-five hundred and sixty-seven of the Revised Statutes of the United States, Eighteen hundred and seventy-eight, so as to Remove the Port of Entry for the District of Pearl River from Shieldsboro to Gulfport, and for Other Purposes. (33 Stat. 242.)

Amendment of Rev. St. § 2566.

Be it enacted, &c., That section twenty-five hundred and sixty-six of the Revised Statutes of the United States, eighteen hundred and seventy-eight, be, and the same is hereby, amended so as to read as follows:

Districts in Mississippi.

"Sec. 2566. There shall be in the State of Mississippi three collection districts, as follows:

Pearl River.

"First. The district of Pearl River, which comprises all the waters and shore of the Gulf of Mexico and of Lake Borgne, within the State, in which Gulfport shall be the port of entry, and Ship Island, Scranton, and Horn Island ports of delivery.

Act April 22, 1904, c. 1414, § 1, 33 Stat. 242.

Rev. St. § 2566, amended by this section, is set forth in Comp. St.

1901, p. 1760. The amendment changes the port of entry and ports of delivery in the district of Pearl River.

Scranton is made a subport of entry in the district of Pearl River, by Act July 2, 1909, c. 3, set forth below.

Natchez.

"Second. The district of Natchez, to comprise all the waters and shores of the Mississippi River within the State of Mississippi south of the range line between townships thirteen and fourteen, in which Natchez shall be the port of entry and Grand Gulf a port of delivery.

Act April 22, 1904, c. 1414, § 1, 33 Stat. 243.

Vicksburg.

"Third. The district of Vicksburg, to comprise all the waters and shores of the Mississippi River within the State of Mississippi north of the range line between townships thirteen and fourteen, in which Vicksburg shall be the port of entry."

Act April 22, 1904, c. 1414, § 1, 33 Stat. 243.

Sec. 2. [Amends Rev. St. § 2567.]

This section, amending Rev. St. § 2567, is set forth post, under that section.

Time of taking effect of act.

Sec. 3. That this Act take effect and be in force from and after its passage.

Act April 22, 1904, c. 1414, § 3, 33 Stat. 243.

ACT JULY 2, 1909, c. 3. [H. R. 10887.]

An Act to Make Scranton, in the State of Mississippi, a Subport of Entry, and for Other Purposes. (36 Stat. 11.)

Scranton; subport of entry; officers.

Be it enacted, &c., That Scranton, in the State of Mississippi, is hereby made a subport of entry in the district of Pearl River, and the necessary customs officers stationed at said port may, in the discretion of the Secretary of the Treasury, enter and clear vessels, receive duties, fees, and other moneys, and perform such other service as, in his judgment, the interest of commerce may require.

Act July 2, 1909, c. 3, 36 Stat. 11.

Sec. 2567.

[Amended. Act April 22, 1904, c. 1414, § 2.]

This section is amended by Act April 22, 1904, c. 1414, § 2, set forth below, by changing the provisions relating to officers for the district of Pearl River, mentioned in subsection 1.

ACT APRIL 22, 1904, c. 1414, § 2. [H. R. 10956.]

Amendment of Rev. St. § 2567.

Sec. 2. That section twenty-five hundred and sixty-seven of the Revised Statutes of the United States, eighteen hundred and seventy-eight, be, and the same is hereby, amended so as to read as follows:

Officers in Mississippi.

"Sec. 2567. There shall be in the collection districts in the State of Mississippi the following officers:

Pearl River.

"First. In the district of Pearl River, a collector who shall reside at the port of Gulfport, a deputy collector who shall reside at Bay Saint Louis (Shieldsboro), a deputy collector who shall reside at Scranton or Pascagoula, as the Secretary of the Treasury shall designate, and a deputy collector who shall reside at Biloxi, together with such other officers as may be necessary for the proper performance of the business of the district, who shall be designated and appointed by the Secretary of the Treasury: Provided, That the Secretary of the Treasury shall have the right to fix the compensation of such deputy collectors and of such other officers as he is by this bill authorized to designate.

Act April 22, 1904, c. 1414, § 2, 33 Stat. 243.

This section is part of an act amending Rev. St. § 2566, as well as Rev. St. § 2567, the other sections of which are set forth above.

Rev. St. § 2567, amended by this section, is set forth in Comp. St. 1901, p. 1761. The amendment changes the provisions relating to officers in the district of Pearl River.

Provisions relating to officers at Scranton, made a subport of entry, are contained in Act July 2, 1909, c. 3, set forth ante, under Rev. St. § 2566.

Natchez.

"Second. In the district of Natchez, a collector who shall reside at Natchez.

Act April 22, 1904, c. 1414, § 2, 33 Stat. 243.

Vicksburg.

"Third. In the district of Vicksburg, a collector."

Act April 22, 1904, c. 1414, § 2, 33 Stat. 243.

Sec. 2568. [*As amended* 1882.]

Districts in Louisiana; New Orleans.

Dayton, Ohio, is made a port of delivery in the district of New Orleans, and immediate transportation privileges are extended to said port, by Act April 12, 1904, c. 1246, set forth below.

Baton Rouge, Louisiana, is made a subport of entry, and the territory included in said subport is described, by Act April 27, 1910, c. 193, set forth below.

ACT FEB. 28, 1881, c. 91.

Chattanooga; port of delivery.

Immediate transportation privileges are extended to the port of Chattanooga, by Act Feb. 11, 1908, c. 20, set forth post, under chapter 7 of this Title.

ACT APRIL 12, 1904, c. 1246. [H. R. 13212.]

An Act for the Establishment of Dayton, Ohio, as a Port of Delivery. (33 Stat. 171.)

Dayton, Ohio; port of delivery; immediate transportation privileges; surveyor.

Be it enacted, &c., That Dayton, Ohio, be, and is hereby, established as a port of delivery in the customs collection district of New Orleans, Louisiana, and that the privileges of the seventh section of the Act approved June tenth, eighteen hundred and eighty, governing the immediate transportation of dutiable merchandise without appraisement, be, and are hereby, extended to said port; and there

shall be appointed a surveyor of customs to reside at Dayton, who shall receive a salary to be determined by the Secretary of the Treasury.

Act April 12, 1904, c. 1246, 33 Stat. 171.

Columbus, Ohio, was also made a port of delivery, and immediate transportation privileges extended to said port, and a surveyor thereat authorized, by Act Feb. 9, 1889, c. 121, set forth in Comp. St. 1901, p. 1798.

ACT APRIL 27, 1910, c. 193. [H. R. 20823.]

An Act to Make Baton Rouge, in the State of Louisiana, a Subport of Entry, and for Other Purposes. (36 Stat. 335.)

Baton Rouge; subport of entry; officers.

Be it enacted, &c., That Baton Rouge, in the State of Louisiana, is hereby made a subport of entry in the district of New Orleans, and the necessary customs officers stationed at said port may, in the discretion of the Secretary of the Treasury, enter and clear vessels, receive duties, fees, and other moneys, and perform such other service as, in his judgment, the interest of commerce may require.

Act April 27, 1910, c. 193, § 1, 36 Stat. 335.

Baton Rouge; subport; territory included.

Sec. 2. That the limits of the subport of Baton Rouge, as herein created, shall be as follows: Both sides of the Mississippi River, extending from Conrads Point on the south to Scotts Bluff on the north at the point where the west line of section sixty-seven, township six, south of range one west, Greensburg land district, intersects the left bank of the Mississippi River, including all territory comprised within the following boundaries, to wit: North by a due east and west line drawn through said last-named point and extending four miles east and three miles west therefrom; on the south by a due east and west line, drawn through the extreme western point of Conrads Point and extending four miles east and three miles west therefrom; on the east by a straight line connecting the eastern termini of said north and south boundary lines and west by a straight line connecting the western termini of said north and south boundary lines.

Act April 27, 1910, c. 193, § 2, 36 Stat. 335.

Sec. 2569. [*As amended* 1882.]

Officers in Louisiana; New Orleans.

The appointment of a surveyor at Dayton, Ohio, which is made a port of delivery in the district of New Orleans, is required by Act April 12, 1904, c. 1246, set forth ante, under Rev. St. § 2568.

Provisions relating to officers at Baton Rouge, made a subport of entry, are contained in Act April 27, 1910, § 1, set forth ante, under Rev. St. § 2568.

Sec. 2578. [*As amended* 1877, 1890, 1892.]

Districts in Texas; Galveston; Brazos de Santiago.

Texas City is made a subport of entry in the district of Galveston, and immediate transportation privileges are extended to said subport, by Act Feb. 17, 1905, c. 582, set forth below.

An additional collection district, comprising a portion of the state of Texas previously embraced in the district of Galveston, is established, to be known as the district of Sabine, in which Port Arthur is to be the port of entry, and Sabine a subport of entry, and immediate transporta-

tion privileges are extended to said subport, by Act June 19, 1906, c. 3436, set forth below.

Immediate transportation privileges are extended to the port of Brownsville, by Act Aug. 17, 1911, c. 23, set forth post, under chapter 7 of this Title.

ACT FEB. 17, 1905, c. 582. [H. R. 16799.]

An Act Making Texas City, Texas, a Subport of Entry in the Customs Collection District of Galveston. (33 Stat. 719.)

Texas City; subport of entry; immediate transportation privileges; deputy collector.

Be it enacted, &c., That Texas City, in the State of Texas, be, and is hereby, made a subport of entry in the customs collection district of Galveston, and that the privileges of section one of the Act approved June tenth, eighteen hundred and eighty, governing the immediate transportation of dutiable goods without appraisement be, and the same are hereby, extended to such subport, and a deputy collector of customs shall be appointed, who shall reside at said subport.

Act Feb. 17, 1905, c. 582, 33 Stat. 719.

ACT JUNE 19, 1906, c. 3436. [H. R. 10715.]

An Act to Establish an Additional Collection District in the State of Texas, and for Other Purposes. (34 Stat. 302.)

Districts in Texas; Sabine; Port Arthur ship canal, etc., to be conveyed to United States; charges for use of docks, etc.

Be it enacted, &c., That an additional collection district in the State of Texas shall be, and is hereby, established, to be known as the district of Sabine, to comprise all of that portion of the State of Texas formerly embraced in the district of Galveston and now hereby detached therefrom, beginning on the Gulf of Mexico at the center of the stream of Sabine Pass; thence, north with the center of the stream of Sabine Pass to Sabine Lake; thence with the center of the stream of Sabine Lake to a point directly opposite to the Sabine River; thence north with the east shores of the Sabine River to the north boundary line of Shelby County, Texas; thence west to the Neches River; thence down said river with its west shores to a north boundary line of Jefferson County; thence in a westerly direction with the said north boundary line to the east boundary line of Liberty County, Texas; thence south to the Gulf of Mexico; thence in an easterly direction along the Gulf shores to the place of beginning; that Port Arthur, in the county of Jefferson, shall be the port of entry for said district, and Sabine, in the county of Jefferson, shall be a subport of entry: Provided, That there shall be conveyed to the United States, free of cost, a valid title to the line of water communication between Taylors Bayou and Sabine Pass, known as the Port Arthur Ship Canal, together with a valid title to the existing turning basin and to the artificial slip on which the lumber dock of the Port Arthur Canal and Dock Company is built; and the Secretary of War is hereby authorized to accept the said waterways as the property of the United States upon the delivery to him of a clear and indefeasible title thereto; and the said waterways shall thereupon become free public waters of the United States, and be subject to the laws heretofore enacted and that may be hereafter enacted by Congress for the maintenance, preservation, protection, and regulation of navigable waters: Pro-

vided further, That the company or corporation conveying title to said canal as aforesaid shall also convey to the United States, free of cost, the fee to a strip of land one hundred and fifty feet wide along the westerly margin of the canal, except that where the right of way of the Southern Pacific Railroad Company prevents the transfer of such strip of land along the westerly margin of said canal there shall be conveyed such strip on the easterly margin thereof as may be necessary to make up such one hundred and fifty feet of width, with the reservation that until Congress shall have authorized and provided for the enlargement and widening of said canal the said company or corporation, its successors or assigns, shall have the right to control, occupy, and use the said strip of land and every part thereof in the same manner and to the same extent as before the execution and delivery of the conveyance, and also the right to transfer, lease, sell, quitclaim, or otherwise dispose of said property and every part thereof, subject to the grant made to the United States: And provided further, That this Act shall take effect only when the foregoing requirements shall have been fully complied with to the satisfaction of the Secretary of War. And the charges for the use of said docks and wharves shall be just and reasonable and shall not be greater than charges for similar services at other ports of the United States on the Gulf of Mexico.

Act June 19, 1906, c. 3436, § 1, 34 Stat. 302.

Immediate transportation privileges are extended to the port of Port Arthur by Act April 6, 1908, c. 135, and Act May 23, 1908, c. 187, § 4, set forth post, under chapter 7 of this Title.

Collector for district of Sabine; residence; compensation.

Sec. 2. That a collector for the district of Sabine aforesaid shall be appointed by the President, with the advice and consent of the Senate of the United States, who shall hold his office upon the terms and for the time prescribed by law for the like offices in other districts. The said collector shall reside at Port Arthur, the port of entry, and shall receive a salary of one thousand dollars a year in addition to the fees allowed by law, the total compensation not to exceed in the aggregate three thousand dollars.

Act June 19, 1906, c. 3436, § 2, 34 Stat. 303.

Sabine; subport of entry; immediate transportation privileges; deputy collector.

Sec. 3. That Sabine, in the State of Texas, shall be, and is hereby, made a subport of entry and delivery in the customs district of Sabine, with the privileges of immediate transportation, as defined by section seven of the Act of June tenth, eighteen hundred and eighty, entitled "An Act to amend the Statutes in relation to immediate transportation of dutiable goods, and for other purposes," being chapter one hundred and ninety, volume twenty-one of the Statutes at Large; that a deputy collector and such other officers of the customs as may be deemed necessary by the Secretary of the Treasury shall be appointed to reside at said subport; and that, subject to the supervision of the collector at Port Arthur, the deputy collector of said subport is hereby authorized to license and enroll, enter and clear vessels, receive entries, collect duties, fees, and other moneys, and generally to perform the functions prescribed by law for collectors of customs, and perform such

other services and receive such compensation as in the judgment of the Secretary of the Treasury the exigencies of commerce may require.

Act June 19, 1906, c. 3496, § 3, 34 Stat. 303.

Sec. 2579. [*As amended* 1877, 1889, 1890.]

Officers in Texas; Galveston.

The appointment of a deputy collector at Texas City, which is made a subport of entry in the district of Galveston, is authorized by Act Feb. 17, 1905, c. 582, set forth ante, under Rev. St. § 2578.

The appointment of a collector for the additional district of Sabine, established by Act June 19, 1906, c. 3436, § 1, set forth above, is authorized by section 2 of said act, and the appointment of a deputy collector and other officers at Sabine, which is made a subport of entry in said district, is authorized by section 3 of said act, also set forth ante, under Rev. St. § 2578.

Sec. 2581.

ACT APRIL 29, 1890, c. 171.

District of Arizona; officers.

A subport of entry at Naco, in the District of Arizona, is established, and a deputy collector to reside at that subport is to be appointed, by Act June 28, 1902, c. 1304, set forth below.

ACT JUNE 28, 1902, c. 1304.

An Act for the Establishment of a Subport of Entry at Naco, Arizona. (32 Stat. 484.)

District of Arizona; Naco, subport of entry; deputy collector.

Be it enacted, &c., That Naco, in the district of Arizona, Territory of Arizona, shall be established a subport of entry, and a deputy collector shall be appointed, who shall reside at said subport of entry and receive such compensation as the Secretary of the Treasury may allow.

Act June 28, 1902, c. 1304, 32 Stat. 484.

ACT MARCH 18, 1904, c. 715. [S. 201.] [*As amended* 1906, S. 3263.]

An Act to Establish a Port of Delivery at Salt Lake City, Utah. (33 Stat. 85.)

Salt Lake City, Utah; port of delivery; immediate transportation privileges.

Be it enacted, &c., That Salt Lake City, in the State of Utah, be, and is hereby, constituted a port of delivery, and that the privileges of the seventh section of the Act approved June tenth, eighteen hundred and eighty, governing the transportation of dutiable merchandise without appraisement, be, and the same are hereby, extended to said port.

Act March 18, 1904, c. 715, § 1, 33 Stat. 85.

Surveyor at Salt Lake City, Utah; salary.

Sec. 2. That there shall be appointed a surveyor of customs to reside at said port, whose salary shall be one thousand five hundred dollars per annum, in lieu of all fees and commissions of every kind whatsoever.

Act March 18, 1904, c. 715, § 2, 33 Stat. 85. Act June 23, 1906, c. 3519, 34 Stat. 452.

This section as originally enacted fixed the salary of the surveyor at $1,000 per annum. It is amended by increasing the salary to $1,500, by Act June 23, 1906, c. 3519, cited above.

Sec. 2582. [*As amended* 1877, 1882.]

Districts in California; San Francisco.

Monterey and Port Harford are made subports of entry, and provisions for the performance of the duties of the customs officers at said subports are made, by Act May 23, 1908, c. 187, §§ 1, 2, set forth below.

Act Feb. 24, 1906, c. 507, which contained special provisions for the entry and clearance, at San Luis Obispo, Port Harford, and Monterey, of vessels arriving there in ballast and clearing with cargoes of petroleum and its products, is repealed by Act May 23, 1908, c. 187, § 3, also set forth below.

ACT MAY 23, 1908, c. 187. [S. 3153.]

An Act to Make Monterey and Port Harford, in the State of California, Subports of Entry, and for Other Purposes. (35 Stat. 245.)

Monterey and Port Harford, subports of entry; performance of duties of customs officers.

Be it enacted, &c., That Monterey and Port Harford, in the State of California, are hereby made subports of entry in the district of San Francisco, and the necessary customs officers may, in the discretion of the Secretary of the Treasury, be stationed at each of said subports with authority to enter and clear vessels, receive duties, fees, and other moneys, and perform such other services as, in his judgment, the interest of commerce may require, and said officers shall receive such compensation as he may allow.

Act May 23, 1908, c. 187, § 1, 35 Stat. 245.

Detail of officers temporarily to said subports from other ports in district.

Sec. 2. That in lieu of stationing deputy collectors or other customs officers permanently at either of said subports in said district, the Secretary of the Treasury may, in his discretion, authorize the necessary officers to be detailed from time to time, from the port of entry, or from another subport within such district to enter or clear vessels, receive duties, fees, or other moneys, and perform such other services as, in his judgment, the interests of commerce may require.

Act May 23, 1908, c. 187, § 2, 35 Stat. 245.

Repeal of Act Feb. 24, 1906, c. 507.

Sec. 3. That the Act approved February twenty-fourth, nineteen hundred and six, entitled "An Act to allow the entry and clearance of vessels at San Luis Obispo, Port Harford, and Monterey, California," is hereby repealed.

Act May 23, 1908, c. 187, § 3, 35 Stat. 245.

Act Feb. 24, 1906, c. 507, 34 Stat. 23, repealed by this section, provided for deputing an officer of the district to proceed to San Luis Obispo, Port Harford, or Monterey, to receive entries of vessels arriving there in ballast and clear them with cargoes of petroleum and its products only.

Sec. 4. [Relates to port of Port Arthur, Tex.]

This section extends the privileges of section 1 of the immediate transportation act to the port of Port Arthur, Tex. It is set forth post, under chapter 7 of this Title.

Secs. 5, 6. [Relate to subport of Petoskey, Mich.]

Section 5 of this act makes Petoskey, Mich., a subport of entry in the district of Grand Rapids, and provides for the performance of the duties of the customs officers at said subport. It is set forth post, under Rev. St. § 2599.

Section 6 of this act extends the privileges of section 7 of the immediate transportation act to said subport of Petoskey, Mich. It is set forth post, under chapter 7 of this Title.

Sec. 7. [Relates to subport of Saint Vincent, Minn.]

This section extends the privileges of section 1 of the immediate transportation act to the subport of Saint Vincent, Minn. It is set forth post, under chapter 7 of this Title.

Secs. 2586, 2587.

[Amended. Act June 22, 1910, c. 311.]

These sections are amended as to collection districts and officers in Oregon, by Act June 22, 1910, c. 311, set forth below.

The district of Puget Sound comprises the State of Washington, by Act Aug. 28, 1890, c. 814, set forth in Comp. St. 1901, p. 1783.

ACT JUNE 22, 1910, c. 311. [S. 538.]

An Act to Amend Sections Twenty-five hundred and eighty-six and Twenty-five hundred and eighty-seven of the Revised Statutes of the United States, as Amended by the Acts of April Twenty-fifth, Eighteen hundred and eighty-two, and August Twenty-eighth, Eighteen hundred and ninety, Relating to Collection Districts in Oregon. (36 Stat. 579.)

Amendment of Rev. St. § 2586.

Be it enacted, &c., That section twenty-five hundred and eighty-six of the Revised Statutes of the United States be amended so as to read as follows:

Districts in Oregon.

"Sec. 2586. There shall be in the State of Oregon four collection districts, as follows:

Coos Bay.

"First. The district of Coos Bay, to comprise all of the waters and shores of that part of the State of Oregon lying south and east of the north bank of the Siuslaw River and west of the summit of the Coast Range of mountains; in which Coos Bay, in Coos County, shall be the port of entry, and Ellensburg, at the mouth of the Rogue River; Port Orford and Gardiner, on the Umpqua River, ports of delivery.

Act June 22, 1910, c. 311, § 1, 36 Stat. 579.

Yaquina.

"Second. The district of Yaquina, to comprise all the waters and shores lying north and east of the north bank of the Siuslaw River to the forty-fifth degree of north latitude and west of the summit of the Coast Range of mountains; in which Yaquina shall be the port of entry and Newport a port of delivery.

Act June 22, 1910, c. 311, § 1, 36 Stat. 579.

Astoria.

"Third. The district of Astoria, to comprise all the waters and shores lying within the territory described as follows: Beginning at

the summit of the Coast Mountains, on the forty-fifth degree north latitude, running thence west to the Pacific Ocean, thence north to where the north bank of the Columbia River intersects the Pacific Ocean, thence easterly and southerly along but excluding the north bank of the Columbia River to where one hundred and twenty-two degrees forty-six minutes fifty-five seconds west longitude intersects forty-five degrees fifty-one minutes north latitude, thence westerly to the summit of the Coast Mountains, thence southerly along the summit of said Coast Mountains to the place of beginning; in which Astoria shall be the port of entry.

Act June 22, 1910, c. 311, § 1, 36 Stat. 579.

Portland.

"Fourth. The district of Portland, to comprise all the waters and shores in the State of Oregon, excluding the north bank of the Columbia River between the States of Oregon and Washington, not described in the collection districts of Coos Bay, Yaquina, and Astoria; in which Portland shall be the port of entry."

Act June 22, 1910, c. 311, § 1, 36 Stat. 579.

Rev. St. § 2586, amended by this section, is set forth in Comp. St. 1901, p. 1780.

Amendment of Rev. St. § 2587.

Sec. 2. That section twenty-five hundred and eighty-seven of the Revised Statutes of the United States be amended so as to read as follows:

Officers in Oregon.

"Sec. 2587. There shall be in the collection districts in the State of Oregon the following officers:

Coos Bay.

"First. In the district of Coos Bay a collector, who shall reside at Empire City, and three deputy collectors, who may be appointed by the collector, with the approval of the Secretary of the Treasury, and of whom one shall reside at Ellensburg, one at Port Orford, and one at Gardiner.

Act June 22, 1910, c. 311, § 2, 36 Stat. 579.

Yaquina.

"Second. In the district of Yaquina a collector, who shall reside at Yaquina, and who shall receive a salary of one thousand dollars a year, with the fees allowed by law and a commission on all customs moneys collected and accounted for by him, such salary, fees, and commissions not to exceed the sum of two thousand five hundred dollars per year.

Act June 22, 1910, c. 311, § 2, 36 Stat. 579.

Astoria.

"Third. In the district of Astoria a collector, who shall reside at Astoria, and who shall receive a salary of three thousand dollars a year, and storage charges not exceeding three hundred dollars per annum in lieu of all compensation now allowed by law.

Act June 22, 1910, c. 311, § 2, 36 Stat. 580.

Portland; discontinuance of Port Orford, Gardiner, Ellensburg, and Newport as ports of delivery not affected by act.

"Fourth. In the district of Portland a collector, who shall receive a salary of six thousand dollars a year, in lieu of present salary, fees,

commissions, storage, and all perquisites of every name and nature; and an appraiser, who shall receive a salary of three thousand dollars a year, both of whom shall reside at Portland, Oregon: Provided, however, That nothing in this Act shall be construed as in any way affecting the action heretofore taken by the Secretary of the Treasury under the provisions of section two hundred and fifty-three of the Revised Statutes in discontinuing Port Orford, Gardiner, Ellensburg, and Newport as ports of delivery, nor as requiring customs officers to be stationed at such places."

Act June 22, 1910, c. 311, § 2, 36 Stat. 580.

Rev. St. § 2587, amended by this section, is set forth in Comp. St. 1901, p. 1784.

Rev. St. § 253, mentioned in subsection 4 of this section, is set forth in Comp. St. 1901, p. 139.

ACT AUG. 28, 1890, c. 814, § 2.

Tacoma and Seattle; subports of entry and delivery; immediate transportation privileges.

Privileges under section 7 of the immediate transportation act having been granted to Tacoma and Seattle, subports of entry and delivery in the district of Puget Sound, in the State of Washington, by Act Aug. 28, 1890, c. 814, § 2, Comp. St. 1901, p. 1783, privileges under section 1 also are extended to both ports, by Act July 1, 1902, c. 1359, set forth post, under chapter 7 of this Title.

Immediate transportation privileges are extended to the subports of Blaine and Sumas by Act Feb. 23, 1909, c. 171, set forth post, under chapter 7 of this Title.

Sec. 2591.

ACT MARCH 16, 1896, c. 58, § 1.

District of Alaska.

Instead of Sitka, the port of entry for the district of Alaska as reorganized and established by Act March 16, 1896, c. 58, § 1, set forth in Comp. St. 1901, p. 1786, Juneau is made the port of entry for the district, by Act April 28, 1904, c. 1807, set forth post, under Rev. St. § 2592.

Sec. 2592.

[Amended. Act April 28, 1904, c. 1807.]

This section is amended by Act April 28, 1904, c. 1807, set forth below.

ACT APRIL 28, 1904, c. 1807. [H. R. 1925.]

An Act Providing for the Removal of the Port of Entry in the Customs Collection District in Alaska from Sitka, Alaska, to Juneau, Alaska. (33 Stat. 554.)

Amendment of Rev. St. § 2592; residence of collector; Juneau port of entry.

Be it enacted, &c., That section twenty-five hundred and ninety-two of the Revised Statutes of the United States, second edition, eighteen hundred and seventy-eight, be amended by striking out the word "Sitka" in the last line of the section and inserting in lieu thereof the word "Juneau." The collector of customs for the customs collection district of Alaska shall reside at Juneau, which is

hereby made and constituted the port of entry for said district instead of Sitka.

Act April 28, 1904, c. 1807, 33 Stat. 554.

Rev. St. § 2592, amended by this act, is set forth in Comp. St. 1901, p. 1787. The previous provision making Sitka the port of entry for the district of Alaska was contained in Act March 16, 1896, c. 58, § 1, set forth in Comp. St. 1901, p. 1786.

Sec. 2593.

[Amended. Act June 28, 1902, c. 1307.]

This section is amended by Act June 28, 1902, c. 1307, set forth below.

ACT JUNE 28, 1902, c. 1307.

An Act to Amend Section Twenty-Five Hundred and Ninety-Three of the Revised Statutes, Relating to Ports of Entry. (32 Stat. 485.)

Amendment of Rev. St. § 2593.

Be it enacted, &c., That section twenty-five hundred and ninety-three, Revised Statutes, be, and the same is hereby, amended so as to read as follows:

District of Montana and Idaho.

"Sec. 2593. There shall be in the States of Montana and Idaho one collection district, as follows:

"The district of Montana and Idaho to comprise the States of Montana and Idaho, and the port of entry shall be Great Falls, Montana."

Act June 28, 1902, c. 1307, 32 Stat. 485.

Rev. St. § 2593, mentioned in and amended by this act, is set forth in Comp. St. 1901, p. 1787.

Eastport, Idaho, is made a subport of entry in the district of Montana and Idaho, and immediate transportation privileges are extended to it, by Act June 13, 1910, c. 289, set forth below.

ACT JUNE 13, 1910, c. 289. [S. 7177.]

An Act Establishing Eastport, Idaho, a Subport of Entry in the Customs-collection District of Montana and Idaho, and for Other Purposes. (36 Stat. 467.)

Eastport, Idaho; subport of entry; immediate transportation privileges.

Be it enacted, &c., That Eastport, Idaho, be, and the same is hereby, established a subport of entry in the customs-collection district of Montana and Idaho, and that the privileges of the first section of the Act approved June tenth, eighteen hundred and eighty, governing the immediate transportation of dutiable merchandise without appraisement, be, and the same are hereby, extended to the said subport of Eastport, Idaho.

Act June 13, 1910, c. 289, 36 Stat. 467.

Sec. 2594.

ACT OCT. 1, 1890, c. 1267, § 1.

District of North Dakota and South Dakota.

Portal, N. D., is made a subport of entry, and immediate transportation privileges are extended to said subport, by Act Jan. 22, 1903, c. 197, set forth below.

ACT JAN. 22, 1903, c. 197.

An Act to Establish Portal, North Dakota, a Subport of Entry and Extend thereto the Privileges of the First Section of the Act Approved June Tenth, Eighteen Hundred and Eighty. (32 Stat. 780.)

Portal; subport of entry; immediate transportation privileges.

Be it enacted, &c., That Portal, North Dakota, be, and is hereby, designated a subport of entry in the customs collection district of North and South Dakota, and that the privileges of the first section of the Act approved June tenth, eighteen hundred and eighty, entitled "An Act to amend the statutes in relation to the immediate transportation of dutiable goods, and for other purposes," be, and the same are hereby, extended to said subport.

Act Jan. 22, 1903, c. 197, 32 Stat. 780.

Sec. 2595. [*As amended* 1888.]

Districts in Minnesota; Minnesota.

Ranier is made a subport of entry in the district of Minnesota, and immediate transportation privileges are extended to it, by Act Feb. 27, 1909, c. 226, set forth below.

Immediate transportation privileges are extended to Saint Vincent by Act May 23, 1908, c. 187, § 7, set forth post, under chapter 7 of this Title.

ACT FEB. 27, 1909, c. 226. [S. 9017.]

An Act for the Establishment of a Subport of Entry at Ranier, Minnesota. (35 Stat. 659.)

Ranier, subport of entry; immediate transportation privileges.

Be it enacted, &c., That Ranier, Minnesota, be, and is hereby, established as a subport of entry in the customs collection district of Minnesota, and that the privileges of the first section of the Act approved June tenth, eighteen hundred and eighty, entitled "An Act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes," being chapter one hundred and ninety, volume twenty-one, of the Statutes at Large, be, and the same are hereby, extended to said subport.

Act Feb. 27, 1909, c. 226, 35 Stat. 659.

Sec. 2599. [*As amended* 1890.]

Districts in Michigan.

Petoskey is made a subport of entry, by Act May 23, 1908, c. 187, § 5, set forth below; and immediate transportation privileges are extended to said subport by section 6 of that act, set forth below.

ACT MAY 23, 1908, c. 187, § 5. [S. 3153.]

Petoskey, subport of entry; performance of duties of officers.

Sec. 5. That Petoskey, in the State of Michigan, is hereby made a subport of entry in the district of Grand Rapids, and the necessary customs officers may, in the discretion of the Secretary of the Treasury, be stationed at said subport with authority to enter and clear vessels, receive merchandise shipped in bond, collect duties and make delivery of same, receive duties, fees, and other moneys, and perform such

other service as, in his judgment, the interest of commerce may require, and said officers shall receive such compensation as he may allow.

Act May 23, 1908, c. 187, § 5, 35 Stat. 245.

The privileges of section 7 of the immediate transportation act are extended to Petoskey by section 6 of this act, set forth post, under chapter 7 of this Title.

Sec. 2601. [*As amended* 1895.]

District of Indiana and Illinois; Chicago.

Coal City, Ill., is made a port of delivery in the district of Chicago, and immediate transportation privileges are extended to said port, by Act April 28, 1904, c. 1825, set forth below.

Immediate transportation privileges are extended to Peoria, Ill., by Act April 27, 1904, c. 1627, set forth post, under chapter 7 of this Title.

ACT APRIL 28, 1904, c. 1825. [H. R. 12899.]

An Act Constituting Coal City, Grundy County, Illinois, a Port of Delivery. (33 Stat. 574.)

Coal City, Ill.; port of delivery; immediate transportation privileges.

Be it enacted, &c., That Coal City, Grundy County, Illinois, be, and hereby is, constituted a port of delivery in the customs collection district of Chicago, Cook County, Illinois, and that the privileges of immediate transportation of dutiable merchandise conferred by the seventh section of the Act of June tenth, eighteen hundred and eighty, entitled "An Act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes," be, and the same are hereby, extended to said port.

Act April 28, 1904, c. 1825, 33 Stat. 574.

Sec. 2602.

Officers in Indiana and Illinois; Chicago.

The appointment of a naval officer for the district of Chicago is required by Act Feb. 6, 1904, c. 151, set forth below.

ACT FEB. 6, 1904, c. 151. [S. 540.]

An Act Providing for an Additional Officer in the District of Chicago, in the Collection District of Indiana and Illinois. (33 Stat. 11.)

Naval officer for district of Chicago; salary.

Be it enacted, &c., That there shall be in the district of Chicago, in the collection district of Indiana and Illinois, in addition to the officers now provided for by law, a naval officer for the district, who shall perform the duties pertaining to that office, and shall receive a salary of five thousand dollars a year.

Act Feb. 6, 1904, c. 151, 33 Stat. 11.

Secs. 2609, 2610.

[Superseded. Act June 10, 1890, c. 407, § 13.]

These sections, set forth in Comp. St. 1901, p. 1801, which provided for the appointment, etc., of merchant appraisers, are superseded by the provisions relating to appraisers of Act June 10, 1890, c. 407, § 13, set forth, as amended by Act Aug. 5, 1909, c. 6, § 28, post, in chapter 6 of this Title, under Rev. St. § 2932.

CHAPTER TWO.

Qualifications, Pay, and Duties of Officers.

Sec. 2621.

Duties of collector where naval officers and surveyors are appointed.

The authority, power, and jurisdiction, in relation to the exclusion from residence, within the United States, of Chinese, vested by law or treaty in the collectors of customs, are conferred upon such officers under the control of the Commissioner General of Immigration as the Secretary of Commerce and Labor may designate therefor, by provisions of Act Feb. 14, 1903, c. 552, § 7, ante, under Title XII A, "The Department of Commerce and Labor."

Duties in respect to consignments of game from Alaska are imposed on the collectors of customs at Seattle, Portland, and San Francisco, and all collectors and deputy collectors are required to assist in the enforcement of Act June 7, 1902, c. 1037, 32 Stat. 327, for the protection of game in Alaska, as amended by Act May 11, 1908, c. 162, 35 Stat. 102, by provisions of sections 6 and 7 of said amendatory act, 35 Stat. 105.

Sec. 2630.

Deputy collectors.

The deputy collector at Manteo in the district of Albemarle, North Carolina, is empowered to grant enrollments and licenses to vessels and to perform such other duties relating to customs and commerce and navigation as the Secretary of the Treasury may direct, by Act Feb. 25, 1905, c. 799, § 1, set forth ante, under chapter 1 of this Title.

The deputy collector at the subport of Naco, in the district of Arizona, is to receive such compensation as the Secretary of the Treasury may allow, by Act June 28, 1902, c. 1304, set forth ante, under chapter 1 of this Title.

The deputy collector at the subport of Sabine, in the district of Sabine, established by Act June 19, 1906, c. 3436, is authorized to license and enroll, enter and clear vessels, receive entries, collect duties, fees, etc., and perform the functions of collectors and other services as may be required, by section 3 of said act, set forth ante, under section 2578.

The Secretary of the Treasury is authorized to appoint a deputy collector and other customs officers at ports and subports of entry in the several customs collection districts, and deputy collectors thus appointed are to have authority to receive entries, collect duties, and perform any and all functions prescribed by law for collectors, by Act Feb. 6, 1907, c. 471, set forth below.

ACT FEB. 6, 1907, c. 471. [H. R. 19749.]

An Act to Prescribe the Duties of Deputy Collectors of Customs. (34 Stat. 880.)

Appointment of deputy collectors and other officers; powers, duties, and bonds of deputy collectors.

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized to appoint a deputy collector of customs and other customs officers at ports and subports of entry in the several customs collection districts, and deputy collectors thus appointed shall have authority to receive entries, collect duties, and to perform any and all functions prescribed by law for collectors of customs, subject to such regulations and restrictions as the Secretary of the Treasury shall prescribe: Provided, That whenever the Secretary of the Treas-

ury shall appoint a deputy collector at a port of entry where there is no collector, he shall designate the collector through whom such deputy shall report, but the bond of such deputy shall run to the Government, and the deputy shall be financially responsible directly to the Government.

Act Feb. 6, 1907, c. 471, 34 Stat. 880.

Sec. 2649.

Special agents to examine books, accounts, etc., of collectors, etc.

The number and compensation of special agents to be appointed under this section are prescribed by provisions of Act March 4, 1911, c. 285, § 1, set forth below.

ACT MARCH 3, 1891, c. 542, § 1.

[Superseded. Act March 4, 1911, c. 285, § 1.]

The provisions of this act, set forth in Comp. St. 1901, p. 1820, relating to the number and compensation of agents to examine books, accounts, etc., of collectors, etc., are superseded by the provisions of Act March 4, 1911, c. 285, § 1, set forth below.

ACT MARCH 4, 1911, c. 285, § 1. [H. R. 32909.]

Supervising agent and special agents to examine books, accounts, etc., of collecters; number and compensation.

Hereafter the number and compensation of special agents to be appointed by the Secretary of the Treasury under section twenty-six hundred and forty-nine of the Revised Statutes of the United States, shall be as follows:

One supervising agent who shall supervise and direct the special agents of the Treasury Department and who shall receive, in addition to the necessary traveling expenses actually incurred by him, a compensation of four thousand five hundred dollars per annum;

Ten special agents who shall each receive, in addition to the necessary traveling expenses actually incurred by him, a compensation to be fixed by the Secretary of the Treasury, not to exceed twelve dollars per day;

Ten special agents who shall each receive, in addition to the necessary traveling expenses actually incurred by him, a compensation to be fixed by the Secretary of the Treasury, not to exceed ten dollars per day; and

Ten special agents who shall each receive, in addition to the necessary traveling expenses actually incurred by him, a compensation to be fixed by the Secretary of the Treasury not to exceed eight dollars per day.

Act March 4, 1911, c. 285, § 1, 36 Stat. 1393.

These are provisions of the sundry civil appropriation act for the fiscal year ending June 30, 1912, cited above.

Previous similar provisions of Act March 3, 1891, c. 542, § 1, set forth in Comp. St. 1901, p. 1820, are superseded by those of this act.

Sec. 2659.

ACT JUNE 22, 1874, c. 391, § 23. [*As amended* 1879.]

Salaries of certain collectors, naval officers, and surveyors.

The salary of the naval officer for the district of Chicago is fixed at $5,000 a year, by Act Feb. 6, 1904, c. 151, set forth ante, under chapter 1 of this Title.

Sec. 2673.

Collector for Oregon.

The salaries of the collectors in the districts of Yaquina, Astoria, and Portland, in Oregon, are fixed by Rev. St. § 2587, as amended by Act June 22, 1910, c. 311, § 2, set forth ante, under chapter 1 of this Title.

Sec. 2702.

Deputy collectors.

The deputy collector at Manteo in the district of Albemarle, North Carolina, is to be paid such compensation as the Secretary of the Treasury may deem proper, by Act Feb. 25, 1905, c. 799, § 1, set forth ante, under chapter 1 of this Title.

The deputy collector at Sabine, in the district of Sabine, Texas, is to perform such services and receive such compensation as in the judgment of the Secretary of the Treasury the exigencies of commerce may require, by Act June 19, 1906, c. 3436, § 3, set forth ante, under chapter 1 of this Title.

The Secretary of the Treasury is authorized to increase and fix the compensation of deputy collectors, not to exceed $3,500 per annum, by Act March 4, 1909, c. 314, § 3, set forth post, under Rev. St. § 2746.

Sec. 2705.

Deputy naval officers.

The Secretary of the Treasury is authorized to increase and fix the compensation of deputy naval officers, not to exceed $3,000 per annum, by Act March 4, 1909, c. 314, § 4, set forth post, under Rev. St. § 2746.

Sec. 2718.

Surveyors.

The salary of the Surveyor at the port of Dayton, Ohio, is to be determined by the Secretary of the Treasury, by Act April 12, 1904, c. 1246, ante, under chapter 1 of this Title.

The salary of the surveyor at Salt Lake City, Utah, is fixed at $1,000 per annum, in lieu of all fees and commissions, by Act March 18, 1904, c. 715, § 2, set forth ante, under chapter 1 of this Title.

Sec. 2723.

Deputy surveyors.

The Secretary of the Treasury is authorized to increase and fix the compensation of deputy surveyors, not to exceed $3,000 per annum, by Act March 4, 1909, c. 314, § 4, set forth post, under Rev. St. § 2746.

Secs. 2725, 2726.

[Superseded. Act June 10, 1890, c. 407, §§ 12, 13.]

These sections, set forth in Comp. St. 1901, p. 1844, which prescribed the compensation of merchant appraisers and the salary of the general appraiser at New York, are superseded by the provisions relating to general appraisers and appraisers of Act June 10, 1890, c. 407, §§ 12, 13, set forth, as amended by Act Aug. 5, 1909, c. 6, § 28, post, in chapter 6 of this Title, under Rev. St. § 2932.

Sec. 2728.

Appraisers at Boston and other ports.

At each of the ports of Boston and Philadelphia there is but one appraiser, instead of two, as previously provided, and their salary is $4,000 each per annum, instead of $3,000, as fixed by this section, by Act July 1, 1902, c. 1372, ante, under chapter 1 of this Title.

Sec. 2729.

ACT MARCH 3, 1891, c. 540.

Appraiser at New York; salary.

The provision of this act fixing the salary of the appraiser at the port of New York at $6,000 is superseded by the provision of Act March 4, 1907, c. 2919, § 1, set forth below.

ACT MARCH 4, 1907, c. 2919, § 1. [H. R. 25851.]

Appraiser at New York; salary.

Hereafter the salary of the appraiser of merchandise at the port of New York shall be at the rate of eight thousand dollars per annum.

Act March 4, 1907, c. 2919, § 1, 34 Stat. 1373.

This is a provision of the deficiency appropriation act for the fiscal year ending June 30, 1907, cited above. It supersedes the provision of Act March 3, 1891, c. 540, set forth in Comp. St. 1901, p. 1845, which fixed the salary of the appraiser at $6,000.

Sec. 2730. [*As amended* 1875.]

Appraisers at Providence and other ports.

An appraiser in the district of Pittsburg, with compensation at the rate of $3,000 per annum, is authorized by Act Jan. 30, 1904, c. 40, ante, under chapter 1 of this Title.

The salary of the appraiser at Chicago, which by Rev. St. § 2730, Comp. St. 1901, p. 1845, was $3,000 a year, is fixed at $4,500 by a provision of Act June 30, 1906, c. 3914, § 4, set forth below.

The salary of the appraiser at San Francisco, which by Rev. St. § 2730, Comp. St. 1901, p. 1845, was $3,000 a year, is fixed at $4,000 by Act Jan. 23, 1911, c. 25, set forth below.

ACT JUNE 30, 1906, c. 3914, § 4. [H. R. 19844.]

Appraiser at Chicago; salary.

And the salary of the Appraiser of Merchandise for the port of Chicago is hereby fixed at four thousand five hundred dollars.

Act June 30, 1906, c. 3914, § 4, 34 Stat. 763.

This is a provision of section 4 of the sundry civil appropriation act for the fiscal year ending June 30, 1907, cited above. It supersedes so much of Rev. St. § 2730, Comp. St. 1901, p. 1845, as fixed the salary of the appraiser at Chicago at $3,000.

ACT JAN. 23, 1911, c. 25. [S. 1997.]

An Act to Limit and Fix the Compensation of the Appraiser of Merchandise at the Port of San Francisco. (36 Stat. 894.)

Appraiser at San Francisco; salary.

Be it enacted, &c., That the appraiser of merchandise at San Francisco shall receive a salary of four thousand dollars per annum.

Act Jan. 23, 1911, c. 25, § 1, 36 Stat. 894.

Repeal.

Sec. 2. That all laws and parts of laws inconsistent herewith are repealed.

Act Jan. 23, 1911, c. 25, § 2, 36 Stat. 894.

So much of Rev. St. § 2730, Comp. St. 1901, p. 1845, as fixes the salary of the appraiser at San Francisco at $3,000, is superseded by this act.

Sec. 2732.

Assistant appraisers at Boston and other ports.

An additional assistant appraiser at the port of Boston, at a salary not exceeding $2,500 per annum, is authorized by Act April 28, 1904, c. 1783, ante, under chapter 1 of this Title.

Provisions for the performance, temporarily, of the duties of ap-

praisers and assistant appraisers, in cases of vacancy in the office, or of sickness, disability, or absence, are contained in Act March 3, 1905, c. 1413, set forth below.

The Secretary of the Treasury is authorized to increase and fix the compensation of assistant appraisers, not to exceed $3,500 per annum, by Act March 4, 1909, c. 314, § 3, set forth post, under Rev. St. § 2746.

ACT MARCH 3, 1905, c. 1413. [S. 4069.]

An Act to Provide for the Performance, Temporarily, of the Duties of Appraisers and Assistant Appraisers of Merchandise. (33 Stat. 983.)

Performance of duties of appraiser or assistant appraiser during vacancy in office.

Be it enacted, &c., That in case of a vacancy occurring, by reason of death or otherwise, in the office of appraiser or assistant appraiser of merchandise in any customs collection district the Secretary of the Treasury may designate some officer or employee within the district to perform the duties of the office, without additional compensation, until the vacancy shall have been filled.

Act March 3, 1905, c. 1413, § 1, 33 Stat. 983.

Performance of duties of appraiser or assistant appraiser, during his sickness, disability, or absence from office.

Sec. 2. That in case of the sickness, disability, or occasional and necessary absence from his office of an appraiser of merchandise in any customs collection district it shall be lawful for the appraiser to nominate, and the Secretary of the Treasury to confirm, an assistant appraiser or other officer of the customs in the same customs collection district, who shall perform the functions of the appraiser, without additional compensation, during such absence: Provided, That in no case shall any person enter upon or discharge the duties of the appraiser or assistant appraiser of merchandise until he shall have taken the oath required by law of such officer.

Act March 3, 1905, c. 1413, § 2, 33 Stat. 983.

Sec. 2737.

Power of Secretary to increase compensation of inspectors.

The Secretary of the Treasury is authorized to increase the compensation of inspectors, not to exceed $6 per diem, by Act March 4, 1909, c. 314, § 2, set forth post, under Rev. St. § 2746.

ACT JUNE 10, 1890, c. 189, § 1.

Compensation of night inspectors of customs.

Additional compensation to inspectors at New York, for work at unusual hours and for expenses, is authorized by Act Dec. 16, 1902, c. 2, set forth below.

ACT DEC. 16, 1902, c. 2.

An Act Regulating the Duties and Fixing the Compensation of the Customs Inspectors at the Port of New York. (32 Stat. 753.)

Inspectors at New York; additional compensation.

Be it enacted, &c., That the Secretary of the Treasury is hereby authorized to increase the compensation of inspectors of customs at the port of New York as he may think advisable and proper, by adding to their present compensation a sum not exceeding one dol-

lar per day, which additional compensation shall be for work now performed by them at unusual hours, for which no compensation is now allowed, and shall include work performed by said inspectors at night in examining passengers' baggage, and also as reimbursement for expenses incurred by them for meals and transportation while in the discharge or performance of their official duties.

Act Dec. 16, 1902, c. 2, 32 Stat. 753.

Sec. 2739.

Weighers.

The Secretary of the Treasury is authorized to increase and fix the compensation of assistant weighers, not to exceed $4 per diem, by Act March 4, 1909, c. 314, § 6, set forth post, under Rev. St. § 2746.

Sec. 2743.

[Amended. Act July 1, 1902, c. 1379.]

This section is amended by increasing the salary of the special examiner at Philadelphia, by Act July 1, 1902, c. 1379, set forth below.

The Secretary of the Treasury is authorized to increase and fix the compensation of special examiners of drugs, not to exceed $3,500 per annum, by Act March 4, 1909, c. 314, § 3, set forth post, under Rev. St. § 2746.

ACT JULY 1, 1902, c. 1379.

An Act to Amend Section Twenty-Seven Hundred and Forty-Three of the Revised Statutes of the United States Concerning the Examination of Drugs. (32 Stat. 730.)

Special examiner of drugs at Philadelphia.

Be it enacted, &c., That section twenty-seven hundred and forty-three of the Revised Statutes be, and it hereby is, so amended that the special examiner of drugs, medicines, chemicals, chemical preparations, dyes, dyestuffs, paints, oils, varnishes, and other similar articles, at Philadelphia, Pennsylvania, shall receive a salary of one thousand eight hundred dollars per annum, and shall be paid each year quarterly.

Act July 1, 1902, c. 1379, 32 Stat. 730.

Rev. St. § 2743, mentioned in and amended by this act, is set forth in Comp. St. 1901, p. 1848.

Sec. 2745.

Examiners and subordinate officers.

The Secretary of the Treasury is authorized to increase and fix the compensation of examiners of merchandise, examiners of tea, and examiners and special examiners of drugs, not to exceed $3,500 per annum, by Act March 4, 1909, c. 314, § 3, set forth post, under Rev. St. § 2746.

Sec. 2746. [*As amended* 1877.]

[Amended. Act March 4, 1909, c. 314, § 5.]

This section is expressly amended by Act March 4, 1909, c. 314, § 5, set forth below.

ACT MARCH 4, 1909, c. 314. [H. R. 21003.]

An Act Fixing the Compensation of Certain Officials in the Custom Service, and for Other Purposes. (35 Stat. 1065.)

Laborers; compensation.

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized to increase and fix the compensation of laborers in the customs service, as he may think advisable, to a rate not exceeding eight hundred and forty dollars per annum.

Act March 4, 1909, c. 314, § 1, 35 Stat. 1065.

Inspectors; compensation.

Sec. 2. That the Secretary of the Treasury be, and he is hereby, authorized to increase and fix the compensation of inspectors of customs, as he may think advisable, not to exceed in any case the rate of six dollars per diem, and in all cases where the maximum compensation is paid no allowance shall be made for meals or other expenses incurred by inspectors when required to work at unusual hours.

Act March 4, 1909, c. 314, § 2, 35 Stat. 1065.

Deputy collectors, assistant appraisers, examiners, etc.; compensation.

Sec. 3. That the Secretary of the Treasury be, and he is hereby, authorized to increase and fix the compensation of deputy collectors, assistant appraisers and examiners of merchandise, examiners of tea, and examiners and special examiners of drugs, in the customs service, as he may think advisable, not to exceed in any case three thousand five hundred dollars per annum.

Act March 4, 1909, c. 314, § 3, 35 Stat. 1065.

Deputy naval officers and deputy surveyors; compensation.

Sec. 4. That the Secretary of the Treasury be, and he is hereby, authorized to increase and fix the compensation of deputy naval officers and deputy surveyors of customs, as he may think advisable, not to exceed in any case three thousand dollars per annum.

Act March 4, 1909, c. 314, § 4, 35 Stat. 1065.

Amendment of Rev. St. § 2746.

Sec. 5. That section twenty-seven hundred and forty-six of the Revised Statutes of the United States be, and the same is hereby, amended so as to read as follows, to wit:

Additional compensation to customs officers at San Francisco.

"Sec. 2746. An additional compensation of twenty-five per centum may be continued, at the discretion of the Secretary of the Treasury, to the appraisers, deputy collectors, deputy surveyors, deputy naval officers, and weighers at the port of San Francisco: Provided, however, That the compensation so fixed shall not exceed the maximum amounts fixed by law."

Act March 4, 1909, c. 314, § 5, 35 Stat. 1065.

Rev. St. § 2746, as amended by Act Feb. 27, 1887, c. 69, further amended by this section, is set forth in Comp. St. 1901, p. 1849.

Assistant weighers; compensation.

Sec. 6. That the Secretary of the Treasury be, and he is hereby, authorized to increase and fix the compensation of assistant weighers in the customs service as he may think advisable, not to exceed in any case the rate of four dollars per diem.

Act March 4, 1909, c. 314, § 6, 35 Stat. 1065.

Sec. 7. [Relates to the salary of the Treasurer of the United States.]

This section, which provides that the salary of the Treasurer of the United States shall be $8,000 per annum, is set forth ante, under Title VII, "The Department of the Treasury," c. 5.

Repeal.

Sec. 8. That all laws and parts of laws inconsistent with this Act are hereby repealed.

Act March 4, 1909, c. 314, § 8, 35 Stat. 1066.

CHAPTER THREE.

Revenue Cutters and Boats.

Sec. 2747.

Revenue-cutters.

The Secretary of the Treasury is authorized to provide and equip two new revenue cutters, and when either of them shall be placed in service, one of the revenue cutters previously in service is to be retired, by Act April 21, 1910, c. 182, §§ 1, 3, 36 Stat. 326.

Sec. 2749.

Number of officers and men.

The number, rank, pay, etc., of commissioned officers of the Revenue-Cutter Service are prescribed, and provisions for their retirement, etc., are made, by Act April 12, 1902, c. 501, and provisions subsequent thereto, set forth below.

ACT APRIL 12, 1902, c. 501.

An Act to Promote the Efficiency of the Revenue-Cutter Service. (32 Stat. 100.)

Officers.

Be it enacted, &c., That on and after the passage of this Act the commissioned officers of the Revenue-Cutter Service shall be as follows: Captains, first lieutenants, second lieutenants, third lieutenants, captain of engineers, chief engineers, first assistant engineers, second assistant engineers, and constructor; and the captain of engineers, chief engineers, first assistant engineers, second assistant engineers shall have the rank of captain, first, second, and third lieutenants, respectively; and the constructor shall have the rank of first lieutenant: Provided, however, There shall be no increase in the number of officers upon the active list over the present number in each class or grade.

Act April 12, 1902, c. 501, § 1, 32 Stat. 100.

The provisions of this act supersede those of Rev. St. § 2750, and other sections of the same chapter of the Revised Statutes and provisions of subsequent acts collected under this chapter in Comp. St. 1901, pp. 1851-1854.

A captain commandant and six senior captains, and an engineer in chief and six senior engineers, are authorized to be appointed from the active lists of captains and of engineer officers of certain grades, respectively and after such appointments are made the active lists of captains and of engineer officers with the rank of first lieutenant are to re-

main at 31 and 28, respectively, by Act April 16, 1908, c. 145, §§ 1–4, set forth below.

The office of captain of engineers was abolished, and the appointment of an engineer in chief was authorized, by provisions of Act Feb. 27, 1906, c. 510, 34 Stat. 30; but these provisions are superseded by those for the appointment of an engineer in chief contained in Act April 16, 1908, c. 145, §§ 1–4, set forth below.

Engineer officers having the rank of captain, first lieutenant, second lieutenant, or third lieutenant are to have the title of captain of engineers, first lieutenant of engineers, second lieutenant of engineers, and third lieutenant of engineers, respectively, and the titles of chief engineer, first assistant engineer, and second assistant engineer are abolished, by Act April 16, 1908, c. 145, § 10, set forth below.

The number of officers on the active list in the grade of third lieutenant was not to exceed 37, by Act June 23, 1906, c. 3520, § 1, set forth below: but the number is increased 5 by Act April 16, 1908, c. 145, § 13, set forth below.

The number of cadets of the line is regulated, and the qualifications and requisites for appointment as such are prescribed, by Act June 23, 1906, c. 3520, § 2, set forth below; and the appointment of two civilian instructors in the service is authorized, by section 4 of said act, also set forth below.

For appointment into the grade of second assistant engineer, service of a probationary term as cadet engineer is required, and certain limits of age are prescribed as a qualification, by Act June 23, 1906, c. 3520, § 3, set forth below.

The commissioning of a chief engineer of the service as a constructor for engineering duty is authorized by Act June 23, 1906, c. 3520, § 6, set forth below.

Enlistments and punishments in the service are regulated by Act May 26, 1906, c. 2556, set forth below.

Rank of officers; rank when co-operating with Navy; no control by officers over vessels, officers, or men of naval service, nor by naval officers over vessels, officers, or men of Revenue-Cutter Service.

Sec. 2. That the said commissioned officers shall rank as follows: Captains with majors in the Army and lieutenant-commanders in the Navy; first lieutenants with captains in the Army and lieutenants in the Navy; second lieutenants with first lieutenants in the Army and lieutenants (junior grade) in the Navy; third lieutenants with second lieutenants in the Army and ensigns in the Navy: Provided, That whenever forces of the Navy and Revenue-Cutter Service shall be serving in cooperation pursuant to law (section twenty-seven hundred and fifty-seven, Revised Statutes), the officers of the Revenue-Cutter Service shall rank as follows: Captains with and next after lieutenant-commanders in the Navy; first lieutenants with and next after lieutenants in the Navy; second lieutenants with and next after lieutenants (junior grade) in the Navy; third lieutenants with and next after ensigns in the Navy: Provided further, That no provision of this Act shall be construed as giving any officer of the Revenue-Cutter Service military or other control at any time over any vessel, officer, or man of the naval service. Nor shall any naval officer exercise such military or other control over any vessel, officer, or man of the Revenue-Cutter Service, except by direction of the President.

Act April 12, 1902, c. 501, § 2, 32 Stat. 100.

Rev. St. § 2757, mentioned in this section, is set forth in Comp. St. 1901, p. 1856.

Provisions as to the rank of the captain commandant, senior captains,

engineer in chief, and senior engineers authorized by Act April 16, 1908, c. 145, are contained in section 1 of that act, set forth below.

The burial of officers, dying in the service, etc., in national cemeteries, is authorized by a provision of Act March 4, 1911, c. 285, § 1, set forth below.

Pay and allowances of officers.

Sec. 3. That the commissioned officers of the United States Revenue-Cutter Service shall hereafter receive the same pay and allowances, except forage, as are now or may hereafter be provided by law for officers of corresponding rank in the Army, including longevity pay.

Act April 12, 1902, c. 501, § 3, 32 Stat. 100.

This section supersedes Rev. St. § 2753, Comp. St. 1901, p. 1854, and other provisions prescribing the pay of officers of the service.

The pay of officers on the retired or permanent waiting-orders list is prescribed by section 9 of this act, set forth below.

Officers detailed for duty in the Life-Saving Service are not entitled to mileage when traveling on duty connected with said service, but are to receive actual necessary traveling expenses, by a provision of Act July 1, 1902, c. 1351, post, under Title XLVIII, "Regulation of Commerce and Navigation," c. 5.

An officer need not make oath to his pay accounts, by Act June 23, 1906, c. 3520, § 5, set forth below.

Retirement; age; incapacity.

Sec. 4. That when any officer in the Revenue-Cutter Service has reached the age of sixty-four years he shall be retired by the President from active service; and when any officer has become incapable of performing the duties of his office he shall be either placed upon the retired waiting-orders list or dropped from the service by the President, as hereinafter provided.

Act April 12, 1902, c. 501, § 4, 32 Stat. 100.

The provisions of this and following sections of this act supersede those of Act March 2, 1895, c. 189, § 1, Comp. St. 1901, p. 1853.

Retiring board; composition; proceedings.

Sec. 5. That the Secretary of the Treasury, under the direction of the President, shall from time to time assemble a Revenue-Cutter Service retiring board, composed of officers of the Revenue-Cutter Service and medical officers of the Marine-Hospital Service, consisting of not less than five commissioned officers, two-fifths of whom shall be selected from medical officers of the Marine-Hospital Service, for the purpose of examining and reporting on such officers of the Revenue-Cutter Service as may be ordered by the Secretary of the Treasury to appear before it; and the members of said board shall be sworn, in every case, to discharge their duties honestly and impartially, the oath to be administered to the members by the president of the board, and to him by the junior member or recorder; and such board shall inquire into and determine the facts touching the nature and occasion of the disability of any officer who appears to be incapable of performing the duties of his office, and shall have such powers as may be necessary for that purpose; and when the board finds an officer incapacitated for active service it shall also find and report the cause which in its judgment has produced his incapacity, whether such cause is an incident of service, whether due to his own vicious habits, or the infirmities of age, or physical or men-

tal disability. The proceedings and decisions of the board shall be transmitted to the Secretary of the Treasury, and shall by him be laid before the President for his approval or disapproval and his orders in the case.

Act April 12, 1902, c. 501, § 5, 32 Stat. 100.

Retirement for incapacity resulting from incident of service, age, or disability; assignment of retired officers to duty.

Sec. 6. That when a board finds that an officer is incapacitated for active service, and that his incapacity is the result of an incident of service, or is due to the infirmities of age, or physical or mental disability, and not his own vicious habits, and such decision is approved by the President, he shall be retired from active service and placed upon a retired waiting-orders list. Officers thus retired may be assigned to such duties as they may be able to perform, in the discretion of the Secretary of the Treasury.

Act April 12, 1902, c. 501, § 6, 32 Stat. 101.

Removal from service for incapacity resulting from vicious habits.

Sec. 7. That when a board finds that an officer is incapacitated for active service, and that such incapacity is the result of his own vicious habits and not due to any incident of service, and its decision shall be approved by the President, the officer shall be dropped from the service.

Act April 12, 1902, c. 501, § 7, 32 Stat. 101.

Promotions to fill vacancies consequent on retirement; examinations for promotion.

Sec. 8. That when any commissioned officer is retired from active service, the next officer in rank shall be promoted according to the established rules of the service, and the same rule of promotion shall be applied successively to the vacancies consequent upon such retirement: Provided, That all promotions shall be subject to examination to determine the professional qualifications of the candidates, and such examination shall be wholly written before a board of officers of the Revenue-Cutter Service, and their physical qualifications shall be reported upon by a board of medical officers of the Marine-Hospital Service; and such board shall be convened by the Secretary of the Treasury whenever the exigencies of the service require.

Act April 12, 1902, c. 501, § 8, 32 Stat. 101.

The examinations and requirements for promotion provided by this section are not required for promotion to the grades created by Act April 16, 1908, c. 145, by section 4 of that act, set forth below.

Pay of officers on retired or permanent waiting-orders list; longevity pay not allowed after retirement.

Sec. 9. That all officers borne upon the retired or permanent waiting-orders list at the date of the passage of this Act, or hereafter, shall receive seventy-five per centum of the duty pay, salary, and increase of the rank upon which they have been or may be retired: Provided, That no longevity increase of pay shall be allowed for any length of service accruing after retirement.

Act April 12, 1902, c. 501, § 9, 32 Stat. 101.

The rank and pay on retirement of officers having served as captain commandant or as engineer in chief are prescribed by Act April 16, 1908, c. 145, § 1, set forth below.

Repeal.

Sec. 10. That all laws or parts of laws inconsistent or in conflict with the provisions of this Act be, and the same are hereby, repealed.

Act April 12, 1902, c. 501, § 10, 32 Stat. 101.

ACT MAY 26, 1906, c. 2556. [S. 4129.]

An Act to Regulate Enlistments and Punishments in the United States Revenue-Cutter Service. (34 Stat. 200.)

Term of enlistment; regulations of enlistments, and for government of the Service.

Be it enacted, &c., That all persons composing the enlisted force of the Revenue-Cutter Service shall be enlisted for a term not to exceed three years, in the discretion of the Secretary of the Treasury, who shall prepare regulations governing such enlistments and for the general government of the Service.

Act May 26, 1906, c. 2556, § 1, 34 Stat. 200.

Punishments by commanders of vessels.

Sec. 2. That no commander of a vessel of the Revenue-Cutter Service shall inflict upon any commissioned or warrant officer under his command any other punishment than private reprimand, suspension from duty, arrest, or confinement, and such suspension, arrest, or confinement shall not continue longer than ten days, unless a further period be necessary to bring the offender to trial; nor shall he inflict or cause to be inflicted upon any other person under his command for a single offense, or at any one time, any other punishment than confinement, with or without single irons, on board ship; confinement, on bread and water, with or without single irons, on board ship; deprivation of liberty on shore for a period not exceeding three months; extra duties, and, in case of absence without leave falling short of desertion, forfeiture of two days' pay for each day of unauthorized absence: Provided, That such confinement shall not continue longer than ten days, unless further confinement be necessary to bring the offender to trial, and, when on bread and water, a full ration shall be served every third day: Provided, That all punishments inflicted by the commander or by his order, except reprimand, shall be fully entered upon the ship's log.

Act May 26, 1906, c. 2556, § 2, 34 Stat. 200.

Revenue-Cutter Service courts; organization; jurisdiction of offenses; punishments; proceedings.

Sec. 3. That offenses against the discipline of the Revenue-Cutter Service too grave in character to be adequately dealt with directly by the commanding officer, as hereinbefore provided, may be punished by Revenue-Cutter Service courts, to be convened by or under the direction of the Secretary of the Treasury. Such courts shall consist of not less than three commissioned officers of the Revenue-Cutter Service, and shall, under rules approved by the Secretary of the Treasury, be governed in their organization and procedure substantially in accordance with naval courts, but the jurisdiction of Revenue-Cutter Service courts shall be limited to the following offenses, namely: Disobeying lawful order of superior officer, refusing to obey lawful order of superior officer; striking, assaulting, or attempting or threatening to strike or assault a superior officer while in the execution of the duties of his office; drunkenness on duty; drunkenness; gambling; misap-

propriation of mess funds; misuse of Government property or supplies; fraudulently signing vouchers; theft in an amount under one hundred dollars; scandalous conduct tending to the destruction of good morals; desertion; absence from duty without leave or after leave has expired; neglect of duty; conduct unbecoming an officer and a gentleman; malicious or willful destruction of public property; aiding or enticing others to desert; smuggling liquor on board a vessel of the Revenue-Cutter Service; cruelty toward or oppression or maltreatment of any subordinate person in the Service; using obscene or abusive language; violating or refusing obedience to any lawful order or regulation issued by the Secretary of the Treasury or the President. Such courts shall have power to impose upon a commissioned officer none other than the following punishments, namely: Summary dismissal from the Service; suspension from duty for a period of two years or any part thereof upon reduced pay, which shall in no case be less than one-half nor more than three-fourths of the duty pay of such officer; reduction of rank in his own grade; retention of his present number on the official register for a specified time; imprisonment for a period not to exceed two years; official reprimand. The only punishments that may be imposed by such courts upon any person in the Revenue-Cutter Service other than a commissioned officer shall be the following, namely: Dishonorable discharge; forfeiture of not to exceed two months' pay; imprisonment on land for a period not to exceed one year; confinement aboard ship not to exceed one month; confinement in single irons, on bread and water, or on diminished rations, not exceeding thirty days, but a full ration shall in all cases be given at least every third day; confinement in single irons; reduction to next inferior rating; deprivation of liberty for a period not to exceed three months; extra duties, and the imposing of these punishments will be regulated in accordance with rules prescribed by the Secretary of the Treasury. A commissioned officer of the said Service may be designated by the convening authority as official prosecutor to prosecute the case in the interests of the Government, and whose general powers and duties will be prescribed by the Secretary of the Treasury. The proceedings, findings, and sentences of Revenue-Cutter Service courts shall be subject to review by the Secretary of the Treasury, as the convening authority, and the records of such courts shall be filed in the division of Revenue-Cutter Service, Treasury Department, and no sentence of such court shall be carried into effect until approved by the said Secretary: Provided, That in the case of a commissioned officer a sentence of dismissal shall not be carried into effect until approved by the President of the United States.

Act May 26, 1906, c. 2556, § 3, 34 Stat. 200.

Presidents and recorders of Revenue-Cutter Service courts are authorized to administer oaths, by Act April 16, 1908, c. 145, § 12, set forth below.

Place of execution of sentence of imprisonment.

Sec. 4. That the Secretary of the Treasury may designate, as the place of execution of the sentence of a Revenue-Cutter Service court involving imprisonment, any prison or penitentiary that receives Federal prisoners.

Act May 26, 1906, c. 2556, § 4, 34 Stat. 201.

Arrest of deserters; rewards therefor; deserters not to be re-employed in Service, or enlisted in military or naval service.

Sec. 5. That it shall be lawful for the commanding officer of a vessel of the Revenue-Cutter Service to apprehend and arrest or cause to be apprehended and arrested, by the force under his command, a deserter from the Revenue-Cutter Service wherever found, and shall have authority to call upon all persons to assist in such arrests, and all persons so assisting are hereby invested with the power and authority of deputy United States marshals, and shall deliver the offender on board of the vessel from which he deserted: Provided, That a reward for the apprehension and delivery of a deserter from the Revenue-Cutter Service, as hereinbefore provided, not to exceed fifteen dollars, may be offered by the commanding officer of the vessel from which the person deserted, and this reward, or any part thereof, may be deducted and paid from money due said deserter: Provided, That no person who has deserted from the Revenue-Cutter Service shall afterwards be employed in said Service, or enlisted in any other military or naval service under the United States, unless he shall have delivered himself aboard the vessel from which he deserted, or been apprehended, and the disability shall have been removed by a board of commissioned officers of the said Service convened for a consideration of the case, and the action of the said board shall have been approved by the Secretary of the Treasury.

Act May 26, 1906, c. 2556, § 5, 34 Stat. 201.

Delivery to civil authorities of offenders against discipline of service.

Sec. 6. That the jurisdiction conferred by this Act for the punishment of offenses against the discipline of the Revenue-Cutter Service shall not be regarded as exclusive, but offenders may, in the discretion of the Secretary of the Treasury, be turned over to the civil authorities for trial by any court having jurisdiction of the offense.

Act May 26, 1906, c. 2556, § 6, 34 Stat. 201.

Delivery to civil authorities of offenders against other laws.

Sec. 7. That for offenses against the laws of the United States other than those specified in this Act, offenders shall be turned over to the civil authorities for trial.

Act May 26, 1906, c. 2556, § 7, 34 Stat. 201.

ACT JUNE 23, 1906, c. 3520. [S. 3044.]

An Act to Promote the Efficiency of the Revenue-Cutter Service. (34 Stat. 452.)

Third lieutenants; limit of number on active list; promotion of cadets.

Be it enacted, &c., That on and after the passage of this Act the number of officers on the active list in the grade of third lieutenant in the Revenue-Cutter Service shall not exceed thirty-seven: Provided, That until such time as the grade of third lieutenant shall be filled as provided in this Act there may be advanced to that grade any cadet of the line who has served not less than two years as such cadet, and is recommended for advancement by the Secretary of the Treasury.

Act June 23, 1906, c. 3520, § 1, 34 Stat. 452.

The number of officers allowed in the grades of second lieutenant and third lieutenant and second lieutenant of engineers and third lieutenant of engineers is increased 5 in each grade, by Act April 16, 1908, c. 145, § 13, set forth below.

Cadets of line; number; qualifications for appointment; examinations; obligation to serve as officer; dismissal from service.

Sec. 2. That hereafter the number of cadets of the line allowed in the Revenue-Cutter Service shall be such as to provide for filling the vacancies that may occur in the grade of third lieutenant in said Service: Provided, That a person to be eligible for appointment as a cadet of the line shall produce satisfactory evidence of good moral character, shall be not less than eighteen nor more than twenty-four years of age at the time of appointment, and shall pass a satisfactory physical examination by a board of officers of the Public Health and Marine-Hospital Service, and a satisfactory educational examination, which must in all cases be written and strictly competitive, by a board of commissioned officers of the Revenue-Cutter Service, both examinations to be conducted under such regulations as shall be prescribed by the Secretary of the Treasury: Provided, That no person who has been dismissed or compelled to resign from the Military Academy or from the Naval Academy of the United States for hazing, or for any other improper conduct, shall be eligible for appointment as a cadet in the Revenue-Cutter Service: Provided, That no person shall become a cadet of the line who does not obligate himself, in such manner as the Secretary of the Treasury may prescribe, to serve at least three years as an officer in said Service after graduation, if his services be so long required: And provided further, That the Secretary of the Treasury may summarily dismiss from the Service any cadet who, during his probationary term, is found unsatisfactory in either studies or conduct, or may be deemed not adapted for a career in the Service.

Act June 23, 1906, c. 3520, § 2, 34 Stat. 452.

Previous provisions relating to cadets, contained in Act July 31, 1876, c. 246, Comp. St. 1901, p. 1852, and in Act Feb. 25, 1903, c. 755, § 1, 32 Stat. 869, may be regarded as superseded by this act.

Second assistant engineers; probation term as cadet engineer; requirements as to age.

Sec. 3. That hereafter appointments into the grade of second assistant engineer in the Revenue-Cutter Service shall be as at present, except that, before being commissioned, the candidate who has successfully passed the required examinations shall serve a probationary term of not less than six months as a cadet engineer to determine his fitness for a commission in said Service, and during which probationary term he shall receive a salary of seventy-five dollars per month and one ration per day: Provided, That no person shall be commissioned a second assistant engineer who is less than twenty-one or more than twenty-six years of age, nor until he shall have served the probationary term herein required.

Act June 23, 1906, c. 3520, § 3, 34 Stat. 452.

The titles of chief engineer, first assistant engineer, and second assistant engineer are abolished, and other titles are prescribed for such officers, by Act April 16, 1908, c. 145, § 10, set forth below.

Civilian instructors.

Sec. 4. The Secretary of the Treasury is hereby authorized to employ two civilian instructors in the Revenue-Cutter Service, one at a salary of two thousand dollars per annum and one at a salary of one thousand eight hundred dollars per annum.

Act June 23, 1906, c. 3520, § 4, 34 Stat. 453.

Officers' pay accounts; oath not necessary.

Sec. 5. That hereafter it shall not be necessary for any commissioned officer of the Revenue-Cutter Service to make oath to his pay accounts.

Act June 23, 1906, c. 3520, § 5, 34 Stat. 453.

Chief engineer as constructor for engineering duty.

Sec. 6. That a chief engineer of the Revenue-Cutter Service, to be selected for his special ability in naval construction from the present list of chief engineers by the Secretary of the Treasury, may be commissioned a constructor for engineering duty in said Service with the rank, pay, and emoluments now provided by law for a chief engineer: Provided, That the vacancy created in the list of chief engineers by such transfer shall not be filled by promotion or otherwise, but the number of chief engineers now authorized by law shall be reduced by one, and that no additional expense shall be incurred by reason of commissioning such chief engineer a constructor.

Act June 23, 1906, c. 3520, § 6, 34 Stat. 453.

Previous provisions relating to chief engineers and a constructor are contained in Act April 12, 1902, c. 501, § 1, set forth above.

The title of chief engineer is abolished by Act April 16, 1908, c. 145, § 10, set forth below.

ACT APRIL 16, 1908, c. 145. [S. 24.]

An Act to Increase the Efficiency of the Personnel of the Revenue-Cutter Service. (35 Stat. 61.)

Captain commandant, senior captains, engineer in chief, and senior engineers; rank, pay, etc.; duties; filling vacancies; retirement.

Be it enacted, &c., That on and after the passage of this Act the President be, and is hereby, authorized to appoint in the Revenue-Cutter Service, by and with the advice and consent of the Senate, one captain commandant for a period of four years who may be reappointed for further periods of four years each, who shall act as chief of the division of Revenue-Cutter Service, with the rank of a colonel in the Army and a captain in the Navy, and who shall have the pay and allowances of a colonel in the Army; six senior captains, who shall perform duty in connection with the construction of vessels and the inspection of their armament and crews and such other duties as the Secretary of the Treasury or the President may prescribe, each with the rank of a lieutenant-colonel in the Army and a commander in the Navy, and who shall each have the pay and allowances of a lieutenant-colonel in the Army; one engineer in chief for a period of four years who may be reappointed for further periods of four years each, with the rank of a lieutenant-colonel in the Army and a commander in the Navy, and who shall have the pay and allowances of a lieutenant-colonel in the Army; and six senior engineers, who shall perform duty in connection with the construction and inspection of the machinery of vessels and such other duties as the Secretary of the Treasury may prescribe, each with the rank of a major in the Army and a lieutenant-commander in the Navy, and who shall each have pay and allowances of a major in the Army: Provided, That the position vacated by an officer appointed captain commandant or engineer in chief shall be filled by promotion according to existing law. That any officer who shall hereafter serve as captain commandant

shall, when retired, be retired with the rank of captain commandant and with the pay of a colonel in the Army on the retired list, and that an officer whose term of service as captain commandant has expired may be appointed a senior captain and shall be an additional number in that grade, but if not so appointed, he shall resume the lineal position he would have held in his previous grade, as an additional number: Provided further, That any officer who shall hereafter serve as engineer in chief shall, when retired, be retired with the rank of engineer in chief and with the pay of a lieutenant-colonel in the Army on the retired list, and that an officer whose term of service as engineer in chief has expired may be appointed a senior engineer and shall be an additional number in that grade, but if not so appointed, he shall resume the lineal position he would have held in his previous grade, as an additional number. Additional numbers in the grades of senior captain and senior engineer shall at no time exceed two in each grade on the active list.

Act April 16, 1908, c. 145, § 1, 35 Stat. 61.

Selection of captain commandant and engineer in chief, and promotion of senior captains and senior engineers; filling vacancies.

Sec. 2. That the captain commandant shall be selected from the active list of line officers not below the grade of captain; that the six senior captains shall be made by promotion from the active list of captains in the order of seniority; that the engineer in chief shall be selected from the active list of engineer officers not below the rank of first lieutenant; that the six senior engineers shall be made by promotion from the active list of engineer officers of the rank of first lieutenant in the order of seniority. When a vacancy occurs in any of the grades created by this Act, it shall be filled in accordance with the provisions of this section.

Act April 16, 1908, c. 145, § 2, 35 Stat. 62.

Numbers on active lists of captains and of engineer officers with rank of first lieutenant.

Sec. 3. That when the appointments herein provided are made the active list of captains in the Revenue-Cutter Service shall be reduced by six and the active list of engineer officers with the rank of first lieutenant by six, and the said lists shall remain thereafter at thirty-one and twenty-eight, respectively.

Act April 16, 1908, c. 145, § 3, 35 Stat. 62.

Requirements for promotion to grades created by act.

Sec. 4. That the examinations and requirements for promotion provided in section eight of the Act approved April twelfth, nineteen hundred and two, entitled "An Act to promote the efficiency of the Revenue-Cutter Service," shall not be required for promotion to the grades created by this Act.

Act April 16, 1908, c. 145, § 4, 35 Stat. 62.

Act April 12, 1902, c. 501, § 8, mentioned in this section, is set forth above.

Rank and pay on retirement of officers with creditable record who served during the civil war.

Sec. 5. That any officer of the Revenue-Cutter Service with a creditable record who served during the civil war in the land or naval forces of the United States shall, when retired, have the rank and receive three-fourths of the duty pay and increase of the next higher

grade; and the provisions of this section shall apply to officers of the said Service now on the retired list.

Act April 16, 1908, c. 145, § 5, 35 Stat. 62.

Rank and pay of captain on retired list who served as chief of division of Revenue-Cutter Service.

Sec. 6. That the captain now on the retired list who served as chief of the division of Revenue-Cutter Service for ten years and until March twenty-sixth, nineteen hundred and five, shall have the rank and receive three-fourths of the duty pay and increase of the highest grade provided for in this Act.

Act April 16, 1908, c. 145, § 6, 35 Stat. 62.

Pay, etc., of constructor or surgeon with rank of first lieutenant after fifteen years' service.

Sec. 7. That a constructor or surgeon, with the rank of first lieutenant, after fifteen years' service in the Revenue-Cutter Service shall have the pay and allowances of a captain.

Act April 16, 1908, c. 145, § 7, 35 Stat. 62.

The burial of men, dying in the service, or in a destitute condition after honorable discharge, is authorized by a provision of Act March 4, 1911, c. 285, § 1, set forth below.

Increase of pay of enlisted force; additional pay for length of service as warrant or petty officers; examination or probation before appointment as warrant or petty officer; enlisted men, or warrant or petty officers on waiting orders.

Sec. 8. That the pay of the enlisted force of the Revenue-Cutter Service shall be increased twenty per centum over the pay that they are now receiving. That all warrant and petty officers of the Revenue-Cutter Service shall receive ten per centum increase of pay for every five years of service as such warrant or petty officers, such increase not to exceed forty per centum of the pay of their grade or rating: Provided, That no warrant or petty officer shall be appointed or rated as such without a suitable examination or period of probation to determine his fitness for his grade or rating. That an enlisted man or a warrant or petty officer who has served thirty years in the Service shall, upon suitable application, be placed on waiting orders and receive seventy-five per centum of the pay and increase of his grade or rating: Provided, That such enlisted man, warrant or petty officer may be assigned to such duties as he may be able to perform.

Act April 16, 1908, c. 145, § 8, 35 Stat. 62.

No pension is to be allowed to any commissioned officer, warrant officer, or enlisted man, either on the active or retired list, by a provision of Act May 27, 1908, c. 200, § 1, set forth post, under Title LVII, "Pensions."

Promotion of third lieutenants or engineer officers with rank of third lieutenants.

Sec. 9. That a third lieutenant or an engineer officer with the rank of third lieutenant who has served five years in his grade shall, upon passing the examinations now required by law, be eligible to promotion to the next higher grade: Provided, That there shall be no increase in the total number of lieutenants nor in the total number of engineer officers below the rank of first lieutenant authorized by law: Provided further, That nothing in this section shall be construed to prevent promotions to fill vacancies as now provided by law.

Act April 16, 1908, c. 145, § 9, 35 Stat. 63.

Titles of engineer officers; precedence between line and engineer officers of same rank.

Sec. 10. That engineer officers who now have or who may hereafter have the rank of captain, first lieutenant, second lieutenant, or third lieutenant in the Revenue-Cutter Service shall hereafter have the title of captain of engineers, first lieutenant of engineers, second lieutenant of engineers, and third lieutenant of engineers, respectively, and the titles of chief engineer, first assistant engineer, and second assistant engineer are hereby abolished. That precedence between line and engineer officers of the same rank shall be determined by length of continuous service as a commissioned officer.

Act April 16, 1908, c. 145, § 10, 35 Stat. 63.

Enlisted men; clothing allowances.

Sec. 11. That an enlisted man upon first entering the Revenue-Cutter Service shall have credited to his account the sum of forty-five dollars, and upon each subsequent enlistment the sum of twenty dollars, for uniform clothing, and such amount shall be paid to said enlisted man at the expiration of his term of enlistment if he has served a full term as prescribed by the Secretary of the Treasury and has received an honorable discharge.

Act April 16, 1908, c. 145, § 11, 35 Stat. 63.

Administration of oaths by presidents and recorders of Revenue-Cutter Service courts and commanding officers of vessels.

Sec. 12. That the presidents and recorders of Revenue-Cutter Service courts and commanding officers of vessels of the Revenue-Cutter Service be, and are hereby, authorized to administer oaths of allegiance and such other oaths as may be necessary for the proper conduct of said Service; and that commanding officers of vessels of the Revenue-Cutter Service be, and are hereby, authorized to administer oaths generally in Alaska.

Act April 16, 1908, c. 145, § 12, 35 Stat. 63.

Increase of numbers of officers in certain grades.

Sec. 13. That the number of officers allowed in the grades of second lieutenant and third lieutenant and second lieutenant of engineers and third lieutenant of engineers is hereby increased five in each of said grades.

Act April 16, 1908, c. 145, § 13, 35 Stat. 63.

Repeal.

Sec. 14. That all Acts or parts of Acts inconsistent herewith are hereby repealed.

Act April 16, 1908, c. 145, § 14, 35 Stat. 63.

ACT MARCH 4, 1911, c. 285, § 1. [H. R. 32909.]

Burial in national cemeteries of officers and men dying in service, etc.

* * That officers and men of the Revenue-Cutter Service dying in the service of the United States, or dying in a destitute condition after having been honorably discharged from the service, may be buried in any national cemetery free of cost, under the regulations now or hereafter provided for the burial of officers and men of the Army in national cemeteries.

Act March 4, 1911, c. 285, § 1, 36 Stat. 1389.

This is a proviso annexed to an appropriation for expenses of the Revenue Cutter Service in the sundry civil appropriation act for the fiscal year ending June 30, 1912, cited above.

Sec. 2750.

[Superseded. Act April 12, 1902, c. 501, § 1.]

This section is superseded by the provisions relating to the grades of engineers in the service contained in Act April 12, 1902, c. 501, § 1, Act June 23, 1906, c. 3520, § 3, and Act April 16, 1908, c. 145, set forth ante, under Rev. St. § 2749.

Sec. 2752.

ACT JULY 31, 1876, c. 246.

[Superseded. Act June 23, 1906, c. 3520, § 2.]

The provisions of Act July 31, 1876, c. 246, set forth in Comp. St. 1901, p. 1852, relating to cadets in the Revenue Marine Service, and the provisions of Act Feb. 25, 1903, c. 755, § 1, 32 Stat. 869, that the probationary term of such cadets should be three years, are superseded by the provisions of Act June 23, 1906, c. 3520, § 2, set forth ante, under Rev. St. § 2749.

ACT JULY 31, 1894, c. 174, § 1.

Engineer in chief.

The provisions of this act set forth in Comp. St. 1901, p. 1852, so far as they relate to an engineer in chief of the Service, and the subsequent provisions relating to such engineer in chief contained in Act May 28, 1896, c. 252, § 1, and Act June 4, 1897, c. 2, § 1, set forth in Comp. St. 1901, p. 1853, may be regarded as superseded by those of Act Feb. 27, 1906, c. 510, 34 Stat. 30, and Act April 16, 1908, c. 145, §§ 1–4, set forth ante, under Rev. St. § 2749.

ACT MARCH 2, 1895, c. 189, § 1.

[Superseded. Act April 12, 1902, c. 501, §§ 5–9.]

The provisions of this section, set forth in Comp. St. 1901, p. 1853, are superseded by the subsequent provisions relating to the same subjects contained in Act April 12, 1902, c. 501, §§ 5–9, set forth ante, under Rev. St. § 2749.

ACT MAY 28, 1896, c. 252, § 1.

[Superseded. Act Feb. 27, 1906, c. 510.]

See note under Act July 31, 1894, c. 171, § 1, above.

ACT JUNE 4, 1897, c. 2, § 1.

[Superseded. Act Feb. 27, 1906, c. 510.]

See note under Act July 31, 1894, c. 174, § 1, above.

ACT JULY 1, 1898, c. 546, § 1.

[Superseded. Act April 12, 1902, c. 501, §§ 1–3.]

The provisions of this act, set forth in Comp. St. 1901, p. 1854, relating to the constructor in the service, are superseded by the subsequent provisions, similar in effect, of Act April 12, 1902, c. 501, §§ 1–3, set forth ante, under Rev. St. § 2749.

Further provisions for commissioning a chief engineer of the service as constructor for engineering duty are contained in Act June 23, 1906, c. 3520, § 6, set forth ante, under Rev. St. § 2749.

Sec. 2753.

[Superseded. Act April 12, 1902, c. 501, § 3.]

The provisions of this section, set forth in Comp. St. 1901, p. 1854, relating to the compensation of officers of the service, are superseded by the subsequent provisions of Act April 12, 1902, c. 501, § 3, set forth ante, under Rev. St. § 2749.

Sec. 2754.

Wages of petty officers and crews.

Provisions for increase of pay of the enlisted force are contained in Act April 16, 1908, c. 145, § 8, set forth ante, under Rev. St. § 2749.

Sec. 2756.

ACT JULY 1, 1898, c. 546, § 1.

Clothing for enlisted men.

Provisions for clothing allowances to enlisted men are contained in Act April 16, 1908, c. 145, § 11, set forth ante, under Rev. St. § 2749.

Sec. 2757.

Revenue officers to co-operate with the Navy.

No provision of the act to promote the efficiency of the Revenue-Cutter Service, Act April 12, 1902, c. 501, set forth above, is to be construed as giving any officer of the service control over any vessel, officer, or man of the naval service, nor shall any officer of the naval service exercise control over any vessel, officer, or man of the Revenue-Cutter Service, except by direction of the President, by a proviso annexed to section 2 of that act.

Sec. 2758.

Powers of the Secretary of the Treasury.

The Secretary of the Treasury is further authorized to make transfers, etc., of stations, etc., of revenue cutters, by Act April 21, 1910, c. 182, § 2, set forth below.

The Secretary of the Treasury is authorized to have constructed a steam vessel specially fitted for destroying, etc., wrecks, derelicts, and other floating dangers to navigation, to be operated and maintained by the Revenue-Cutter Service, by Act May 12, 1906, c. 2454, set forth below.

The construction for and under supervision of the Revenue-Cutter Service, of an ocean-going tug, for service in saving life and property in the vicinity of the North Pacific coast of the United States, to be manned and operated by the Revenue-Cutter Service, in co-operation with a life-saving station to be established at or near Neah Bay, Wash., is authorized by Act April 19, 1906, c. 1640, §§ 2, 3, set forth below.

ACT APRIL 19, 1906, c. 1640, §§ 2, 3. [S. 5026.]

Ocean-going tug to be constructed for Revenue-Cutter Service, for saving life and property in vicinity of North Pacific coast.

SEC. 2. That there shall be constructed, for and under the supervision of the Revenue-Cutter Service, a first-class ocean-going tug, for service in saving life and property in the vicinity of the north Pacific coast of the United States, which said tug shall be equipped with wireless-telegraph apparatus, surfboats, and such other modern life and property saving appliances as may be deemed useful in assisting vessels and rescuing persons and property from the perils of the sea at a cost not to exceed one hundred and seventy thousand dollars.

Act April 19, 1906, c. 1640, § 2, 34 Stat. 123.

This section and the section next following are part of the act cited above, section 1 of which, authorizing the establishment of a life-saving station at or near Neah Bay, Wash., is set forth post, under Title XLVIII, "Regulation of Commerce and Navigation," c. 5.

An appropriation for the construction of the tug provided for by this act is made, and a contract therefor is authorized, by provisions of Act June 30, 1906, c. 3914, § 1, 34 Stat. 702.

Ocean-going tug to be manned and operated by Revenue-Cutter Service, and to co-operate with life saving station at or near Neah Bay, Wash.

Sec. 3. That said tug shall be manned and operated by the Revenue-Cutter Service, and, under such regulations as the Secretary of the Treasury may prescribe, shall cooperate with the life-saving station hereby authorized to be established.

Act April 19, 1906, c. 1640, § 3, 34 Stat. 123.
See note under preceding section.

ACT MAY 12, 1906, c. 2454. [S. 5683.]

An Act to Provide for the Removal of Derelicts and Other Floating Dangers to Navigation. (34 Stat. 190.)

Steam vessel for removal of derelicts, etc., to be operated by Revenue-Cutter Service.

Be it enacted, &c., That the Secretary of the Treasury is hereby authorized to have constructed, at a cost not to exceed two hundred and fifty thousand dollars, a steam vessel specially fitted for and adapted to service at sea in bad weather, for the purpose of blowing up or otherwise destroying or towing into port wrecks, derelicts, and other floating dangers to navigation, said vessel to be operated and maintained by the Revenue-Cutter Service under such regulations as the Secretary of the Treasury may prescribe.

Act May 12, 1906, c. 2454, 34 Stat. 190.
An appropriation for the construction of the vessel provided for by this act is made, and a contract therefor is authorized, by provisions of Act June 30, 1906, c. 3914, § 1, 34 Stat. 703.

ACT APRIL 21, 1910, c. 182, § 2. [S. 1381.]

Powers of the Secretary of the Treasury; changes of stations, etc., of revenue cutters.

Sec. 2. That the Secretary of the Treasury is hereby authorized from time to time to make such transfer and change of stations of revenue cutters as he may deem desirable for the best interests of the service, and in his discretion to direct any revenue cutter to cruise in any waters to perform the duties of the Revenue-Cutter Service.

Act April 21, 1910, c. 182, § 2, 36 Stat. 326.
This section is part of an act authorizing the Secretary of the Treasury to provide two new revenue cutters, etc., cited above.

Sec. 2760.

Powers and duties of officers of revenue-cutters.

Provisions allowing the detailing of officers of the Revenue-Cutter Service, not exceeding ten, in the District of Columbia, contained in Act March 4, 1907, c. 2918, § 1, are set forth below.

ACT MARCH 4, 1907, c. 2918, § 1. [H. R. 25745.]

Detail of officers of Revenue-Cutter Service in District of Columbia.

That nothing in the Acts approved August fifth, eighteen hundred and eighty-two, and June twenty-second, nineteen hundred and six, making appropriations for the legislative, executive, and judicial expenses of the Government, shall be construed to prohibit the detailing of officers of the Revenue-Cutter Service in the District of Columbia for such periods as the Secretary of the Treasury may deem necessary, but the number of officers so detailed shall not exceed ten.

Act March 4, 1907, c. 2918, § 1, 34 Stat. 1309.
This is a provision of the sundry civil appropriation act for the fiscal

year ending June 30, 1908, cited above. The provisions of Act Aug. 5, 1882, c. 389, § 4, mentioned therein, are set forth in Comp. St. 1901, p. 86, and those of Act June 22, 1906, c. 3514, § 6, also mentioned therein, are set forth ante, under Title IV, "Provisions Applicable to all the Executive Departments."

Sec. 2762.

Further duties of officers.

All officers of revenue-cutters are required to assist in the enforcement of Act June 7, 1902, c. 1037, 32 Stat. 327, for the protection of game in Alaska, as amended by Act May 11, 1908, c. 162, 35 Stat. 102, by provisions of section 7 of said amendatory act, 35 Stat. 105.

CHAPTER FOUR.

Entry of Merchandise.

Sec. 2770.

Where vessels from foreign ports may enter and unlade.

The laws relating to entry, clearance, and manifests of vessels arriving from or going to foreign ports apply to voyages each way between the Philippine Islands and the United States and possessions thereof, and all laws relating to the collection and protection of customs duties apply in the case of vessels and goods arriving from said islands in the United States and its possessions, by provisions of Act July 1, 1902, c. 1369, § 84, set forth below.

ACT JULY 1, 1902, c. 1369, § 84.

Application of laws relating to shipping, customs duties, seamen, health, etc., to vessels making voyages between the Philippine Islands and the United States, vessels and goods arriving from said Islands, seamen on voyages going to said Islands, etc.; application of laws concerning transit of merchandise through the United States, to merchandise destined to any of its possessions or from them to foreign countries; effect of act on previous provisions.

That the laws relating to entry, clearance, and manifests of steamships and other vessels arriving from or going to foreign ports shall apply to voyages each way between the Philippine Islands and the United States and the possessions thereof, and all laws relating to the collection and protection of customs duties not inconsistent with the Act of Congress of March eighth, nineteen hundred and two, "temporarily to provide revenue for the Philippine Islands," shall apply in the case of vessels and goods arriving from said Islands in the United States and its aforesaid possessions.

The laws relating to seamen on foreign voyages shall apply to seamen on vessels going from the United States and its possessions aforesaid to said Islands, the customs officers there being for this purpose substituted for consular officers in foreign ports.

The provisions of chapters six and seven, title forty-eight, Revised Statutes, so far as now in force, and any amendments thereof, shall apply to vessels making voyages either way between ports of the United States or its aforesaid possessions and ports in said Islands; and the provisions of law relating to the public health and quarantine shall apply in the case of all vessels entering a port of the United States or its aforesaid possessions from said Islands, where the cus-

toms officers at the port of departure shall perform the duties required by such law of consular officers in foreign ports.

Section three thousand and five, Revised Statutes, as amended, and other existing laws concerning the transit of merchandise through the United States, shall apply to merchandise arriving at any port of the United States destined for any of its insular and continental possessions, or destined from any of them to foreign countries.

Nothing in this Act shall be held to repeal or alter any part of the Act of March eighth, nineteen hundred and two, aforesaid, or to apply to Guam, Tutuila, or Manua, except that section eight of an Act entitled "An Act to revise and amend the tariff laws of the Philippine Archipelago," enacted by the Philippine Commission on the seventeenth of September, nineteen hundred and one, and approved by an Act entitled "An Act temporarily to provide revenues for the Philippine Islands, and for other purposes," approved March eighth, nineteen hundred and two, is hereby amended so as to authorize the Civil Governor thereof in his discretion to establish the equivalent rates of the money in circulation in said Islands with the money of the United States as often as once in ten days.

Act July 1, 1902, c. 1369, § 84, 32 Stat. 711.

This section is part of an act temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes, cited above.

The provisions of Act March 8, 1902, c. 140, mentioned in this section, are set forth or referred to ante, under Title XXXIII, "Duties upon Imports."

The laws relating to entry, clearance, and manifests of vessels, mentioned in this section, are contained in this chapter of the Revised Statutes, and in Title XLVIII, "Regulation of Commerce and Navigation," c. 2, and subsequent provisions, set forth in Comp. St. 1901, pp. 1858–1907, 2839–2848; and the laws relating to the collection, etc., of customs duties, also mentioned therein, are contained in this Title of the Revised Statutes and subsequent provisions, set forth in Comp. St. 1901, pp. 1705–2037.

The laws relating to seamen on foreign voyages, mentioned in this section, are contained in Rev. St. Title LIII, and subsequent provisions, set forth in Comp. St. 1901, pp. 3061–3125.

Rev. St. Title XLVIII, cc. 6, 7, mentioned in this section and amendments thereof, are set forth in Comp. St. 1901, pp. 2929–2949; and provisions relating to public health and quarantine, also mentioned therein, are contained in Rev. St. Title LVIII, "The Public Health," and subsequent provisions, set forth in Comp. St. 1901, pp. 3305–3319.

Rev. St. § 3005, as amended, mentioned in this section, is set forth in Comp. St. 1901, p. 1982.

The authentication of invoices of merchandise subject to duty, shipped to the United States from the Philippine Islands, may be made by the collector or a deputy collector of customs, by an amendment of Rev. St. § 2844, by Act June 28, 1906, c. 3569, which is incorporated in Rev. St. § 2844, as set forth post, in this chapter.

Sec. 2774.

ACT JUNE 5, 1894, c. 92, § 1.

[Repealed. Act Feb. 13, 1911, c. 46, § 6.]

This section, set forth in Comp. St. 1901, p. 1863, which authorized preliminary entries of certain steamships, is repealed by section 6 of Act Feb. 13, 1911, c. 46, the preceding sections of which make more comprehensive provisions for preliminary entry of any vessel from a

foreign port, and for the lading or unlading of such vessels at night. Said act is set forth post, in chapter 5 of this Title, under Rev. St. § 2871.

Sec. 2785.

Requisites of an entry of goods generally.

Provisions requiring a license to transact business as a custom-house broker, and relating to the issue, revocation, etc., of such licenses, are contained in Act June 10, 1910, c. 283, set forth below.

ACT JUNE 10, 1910, c. 283. [S. 6173.]

An Act to License Custom-house Brokers. (36 Stat. 464.)

Custom-house brokers; licenses to transact business.

Be it enacted, &c., That the collector or chief officer of the customs at any port of entry or delivery shall, upon application, issue to any person of good moral character, being a citizen of the United States a license to transact business as a custom-house broker in the collection district in which such license is issued, and on and after sixty days from the approval of this Act no person shall transact business as a custom-house broker without a license granted in accordance with this provision; but this Act shall not be so construed as to prohibit any person from transacting business at a custom-house pertaining to his own importations.

Act June 10, 1910, c. 283, § 1, 36 Stat. 464.

Revocation of license; proceedings; decision by Secretary of the Treasury.

Sec. 2. That the collector or chief officer of the customs may at any time, for good and sufficient reasons, serve notice in writing upon any custom-house broker so licensed to show cause why said license shall not be revoked, which notice shall be in the form of a statement specifically setting forth the grounds of complaint. The collector or chief officer of customs shall within ten days thereafter notify the custom-house broker in writing of a hearing to be held before him within five days upon said charges. At such hearing the custom-house broker may be represented by counsel, and all proceedings, including the proof of the charges and the answer thereto, shall be presented, with right of cross-examination to both parties, and a stenographic record of the same shall be made and a copy thereof shall be delivered to the custom-house broker. At the conclusion of such hearing the collector or chief officer of customs shall forthwith transmit all papers and the stenographic report of the hearing, which shall constitute the record in the case, to the Secretary of the Treasury for his action. Thereupon the said Secretary of the Treasury shall have the right to revoke the license of any custom-house broker, in which case formal notice shall be given such custom-house broker within ten days.

Act June 10, 1910, c. 283, § 2, 36 Stat. 464.

Revocation of license; review of decision by court; proceedings.

Sec. 3. That any licensed custom-house broker aggrieved by the decision of the Secretary of the Treasury may, within thirty days thereafter, and not afterwards, apply to the United States circuit court for the circuit in which the collection district is situated for a

review of such decision. Such application shall be made by filing in the office of the clerk of said court a petition praying relief in the premises. Thereupon the court shall immediately give notice in writing of such application to the Secretary of the Treasury, who shall forthwith transmit to said court the record and evidence taken in the case, together with a statement of his decision therein. The filing of such application shall operate as a stay of the revocation of the license. The matter may be brought on to be heard before the said court in the same manner as a motion, by either the United States district attorney or the attorney for the custom-house broker, and the decision of said United States circuit court for the circuit in which the collection district is situated shall be upon the merits as disclosed by the record and be final, and the proceedings remanded to the Secretary of the Treasury for further action to be taken in accordance with the terms of the decree.

Act June 10, 1910, c. 283, § 3, 36 Stat. 465.

Regulations for carrying act into effect.

Sec. 4. That the Secretary of the Treasury shall prescribe regulations necessary or convenient for carrying this Act into effect.

Act June 10, 1910, c. 283, § 4, 36 Stat. 465.

Definition of "person."

Sec. 5. That the word person wherever used in this Act shall include persons, copartnerships, associations, joint stock associations and corporations.

Act June 10, 1910, c. 285, § 5, 36 Stat. 465.

Sec. 2787.

[Amended. Act March 2, 1905, c. 1306.]

This section is amended by Act March 2, 1905, c. 1306, set forth below.

ACT MARCH 2, 1905, c. 1306. [H. R. 16646.]

An Act to Amend Section Twenty-seven hundred and eighty-seven of the Revised Statutes of the United States. (33 Stat. 826.)

Amendment of Rev. St. § 2787.

Be it enacted, &c., That section twenty-seven hundred and eighty-seven of the Revised Statutes of the United States be, and is hereby, amended so as to read as follows:

Bond by agent [factor, etc.; cancellation of bond; general bond by agent, factor, or common carrier].

"Sec. 2787. Whenever any entry is made with the collector of any district of merchandise imported into the United States subject to duty by any agent, factor, or person, other than the person to whom it belongs or to whom it is ultimately consigned, the collector shall take a bond with surety from such agent, factor, or person in the penal sum of an amount equal to double the estimated duties, with condition that the actual owner or consignee of such merchandise shall deliver to the collector a full and correct account of the merchandise imported by him, or for him on his own account, or consigned to his care, in the same manner and form as required in respect to any entry previous to the landing of merchandise; which account shall be verified by a like oath, as in the case of an entry, to be taken and subscribed before

any judge of the United States, or the judge of any court of record of a State, or before any collector of the customs, or before any properly qualified notary whose seal shall be attested by the clerk of the county in which he is resident, or before any notary public designated by the Secretary of the Treasury. In case of the payment of the duties at the time of entry by any factor or agent on the merchandise entered by him, the condition of the bond shall be to produce the account of the proper owner or consignee, verified in manner as before directed, within ninety days from the date of such bond.

"The bond in no case shall be for less than one hundred dollars, and may not be required when the entered value of the merchandise does not exceed one hundred dollars. In the event of failure to produce the declaration of the owner or ultimate consignee within the time herein prescribed the bond may be cancelled, at the discretion of the Secretary of the Treasury, upon due proof that the factor or agent who entered the merchandise exercised proper diligence in the effort to fulfill the requirements of this Act."

Provided, That with the approval of the Secretary of the Treasury any agent, factor, or common carrier engaged in the entry of merchandise at the port of first arrival may give a general penal bond at said port for the production of the oaths of owners or ultimate consignees. Said bond shall be fixed by the Secretary of the Treasury at an amount sufficient in his opinion to cover all obligations to the United States that may accrue, and the record and cancellation of liabilities under said general bond shall be in accordance with such rules as he may prescribe.

Act March 2, 1905, c. 1306, 33 Stat. 826.

Rev. St. § 2787, amended by this act, is set forth in Comp. St. 1901, p. 1869. The amendment changes and adds to the language of the section as originally enacted, to read as in the first paragraph as set forth here, and adds thereto the last two paragraphs.

Sec. 2792.

[Amended. Act May 28, 1908, c. 212, § 1.]

This section is amended by Act May 28, 1908, c. 212, § 1, set forth below.

ACT MAY 28, 1908, c. 212, § 1. [H. R. 21815.]

Amendment of Rev. St. § 2792.

Be it enacted, &c., That section twenty-seven hundred and ninety-two of the Revised Statutes be, and is hereby, amended by adding thereto, thirty days after the passage of this Act, the following:

Passenger vessels engaged triweekly or oftener in trade with foreign ports exempt from fees and tonnage taxes.

"Any passenger vessel engaged triweekly or oftener in trade between ports of the United States and foreign ports shall be exempt from entrance and clearance fees and tonnage taxes while such service triweekly or oftener is maintained."

Act May 28, 1908, c. 212, § 1, 35 Stat. 424.

Rev. St. § 2792, amended by this section, is set forth in Comp. St. 1901, p. 1870.

The section as so amended is not amended or repealed by Act Aug. 5, 1909, c. 6, § 36, relating to tonnage duties, by a provision of that section, set forth post, under Title XLVIII, "Regulation of Commerce and Navigation," c. 3.

Sec. 2793.

Enrolled or licensed vessels.

This section is not amended or repealed by Act Aug. 5, 1909, c. 6, § 36, relating to tonnage duties, by a provision of that section, set forth post, under Title XLVIII, "Regulation of Commerce and Navigation," c. 3.

Sec. 2839.

ACT JUNE 10, 1890, c. 407. [*As amended* 1897, 1898.]

[Amended. Act Aug. 5, 1909, c. 6, § 28.]

This act, the Customs Administrative Act of 1890, the provisions of which, as amended by Act July 24, 1897, c. 11, § 32, and Act May 17, 1898, c. 341, are set forth in Comp. St. 1901, pp. 1886–1898, is further amended by the Tariff Act of 1909, Act Aug. 5, 1909, c. 6, § 28, set forth below.

Said Act June 10, 1890, c. 407, as originally enacted and as previously amended, consisted of 30 sections, of which section 30 prescribed the time when the act should go into effect. Of the preceding 29 sections, section 15, providing for review by the courts of decisions of the Board of General Appraisers, is omitted from the act as further amended, and the remaining 28 sections are amended thereby, constituting sections 1–28 thereof. A new section, designated as section 29, was added, which created a Court of Customs Appeals and prescribed its jurisdiction and powers, proceedings, etc. Its provisions are incorporated in and superseded by chapter 8 of the Judicial Code of March 3, 1911, set forth ante, under Title XII B, "The Judicial Code," §§ 188–198. Another new section, designated as section 30, was also added, which provides for the appointment of an Assistant Attorney-General, a Deputy Assistant Attorney-General, and attorneys, in charge of matters of reappraisement, etc., of imported goods and litigation incident thereto. Said section 30 is set forth ante, under Title VIII, "The Department of Justice."

A previous amendment of section 20 of said Act June 10, 1890, c. 407, by Act Dec. 15, 1902, c. 1, 32 Stat. 753, is omitted from the similar provision contained in section 19, as amended, set forth post, under chapter 7 of this Title.

The provisions of this act as amended by Act July 24, 1897, c. 11, apply to all articles coming into the United States from the Philippine Archipelago, by Act March 8, 1902, c. 140, § 8, set forth below.

ACT MARCH 8, 1902, c. 140, § 8.

Provisions of customs-administration act applicable to articles coming from the Philippine Archipelago.

That the provisions of the Act entitled "An Act to simplify the laws in relation to the collection of revenues," approved June tenth, eighteen hundred and ninety, as amended by an Act entitled "An Act to provide for the Government and to encourage the industries of the United States," approved July twenty-fourth, eighteen hundred and ninety-seven, shall apply to all articles coming into the United States from the Philippine Archipelago.

Act March 8, 1902, c. 140, § 8, 32 Stat. 55.

This section is part of an act temporarily to provide revenue for the Philippine Islands, and for other purposes, cited above.

ACT AUG. 5, 1909, c. 6, § 28. [H. R. 1438.]

Amendment of Act June 10, 1890, c. 407.

That the Act entitled "An Act to simplify the laws in relation to the collection of the revenues," approved June tenth, eighteen hundred and ninety, as amended, be further amended to read as follows:

Merchandise imported deemed property of consignee; holder of bill of lading deemed consignee; effect of abandonment to underwriters.

"Sec. 1. That all merchandise imported into the United States shall, for the purpose of this Act, be deemed and held to be the property of the person to whom the same is consigned; and the holder of a bill of lading duly indorsed by the consignee therein named, or, if consigned to order, by the consignor, shall be deemed the consignee thereof; and in case of the abandonment of any merchandise to the underwriters the latter may be recognized as the consignee.

Act Aug. 5, 1909, c. 6, § 28, 36 Stat. 91.

Act June 10, 1890, c. 407, § 1, amended by this section, is set forth in Comp. St. 1901, p. 1886.

Provisions similar to those of said section as originally enacted were contained in Rev. St. § 3058, as amended by Act Feb. 23, 1887, c. 221. Further provisions, added to Rev. St. § 3058, by said amendment, in respect to abandonment of merchandise to underwriters or salvors, are not repealed by this act, by a proviso annexed to section 28, set forth below.

Invoices; requisites.

"Sec. 2. That all invoices of imported merchandise shall be made out in the currency of the place or country from whence the importations shall be made, or, if purchased, in the currency actually paid therefor, shall contain a correct, complete and detailed description of such merchandise, and of the packages, wrappings or other coverings containing it, and shall be made in triplicate or in quadruplicate in case of merchandise intended for immediate transportation without appraisement, and signed by the person owning or shipping the same, if the merchandise has been actually purchased, or by the manufacturer or owner thereof, if the same has been procured otherwise than by purchase, or by the duly authorized agent of such purchaser, seller, manufacturer or owner.

Act Aug. 5, 1909, c. 6, § 28, 36 Stat. 91.

Act June 10, 1890, c. 407, § 2, amended by this section, is set forth in Comp. St. 1901, p. 1887.

Entry of merchandise without invoice, when permitted, is provided for by section 4, set forth below.

Invoices to be produced to consular officer; declaration to be indorsed thereon.

"Sec. 3. That all such invoices shall, at or before the shipment of the merchandise, be produced to the consular officer of the United States of the consular district in which the merchandise was manufactured or purchased, as the case may be, for export to the United States, and shall have indorsed thereon, when so produced, a declaration signed by the purchaser, seller, manufacturer, owner, or agent, setting forth that the invoice is in all respects correct and true, and was made at the place from which the merchandise is to be exported to the United States; that it contains, if the merchandise was obtained by purchase, a true and full statement of the time when, the place where, the person from whom the same was purchased, and the actual cost thereof, and of all charges thereon, as provided by this Act; and that no discounts, bounties, or drawbacks are contained in the invoice but such as have been actually allowed thereon; and when obtained in any other manner than by purchase, the actual market value or wholesale price thereof, at the time of exportation to the United States, in the principal markets of the country from whence exported;

that such actual market value is the price at which the merchandise described in the invoice is freely offered for sale to all purchasers in said markets, and that it is the price which the manufacturer or owner making the declaration would have received, and was willing to receive, for such merchandise sold in the ordinary course of trade in the usual wholesale quantities, and that it includes all charges thereon as provided by this Act, and the actual quantity thereof; and that no different invoice of the merchandise mentioned in the invoice so produced has been or will be furnished to anyone. If the merchandise was actually purchased, the declaration shall also contain a statement that the currency in which such invoice is made out is that which was actually paid for the merchandise by the purchaser.

Act Aug. 5, 1909, c. 6, § 28, 36 Stat. 91.

Act June 10, 1890, c. 407, § 3, amended by this section is set forth in Comp. St. 1901, p. 1887.

Declarations to be filed with the collector on entry of merchandise are provided for by section 5, set forth below.

Entry of importation without invoice; affidavit; verified statement; production of letters, papers, etc.; books, periodicals, in parts, etc.; bond for production of invoice.

"Sec. 4. That, except in case of personal effects accompanying the passenger, no importation of any merchandise exceeding one hundred dollars in value shall be admitted to entry without the production of a duly certified invoice thereof as required by law, or of an affidavit made by the owner, importer or consignee, before the collector or his deputy, showing why it is impracticable to produce such invoice; and no entry shall be made in the absence of a certified invoice, upon affidavit as aforesaid, unless such affidavit be accompanied by a statement in the form of an invoice, or otherwise, showing the actual cost of such merchandise, if purchased, or if obtained otherwise than by purchase, the actual market value or wholesale price thereof at the time of exportation to the United States in the principal markets of the country from which the same has been imported; which statement shall be verified by the oath of the owner, importer, consignee or agent desiring to make entry of the merchandise, to be administered by the collector or his deputy, and it shall be lawful for the collector or his deputy to examine the deponent under oath, touching the sources of his knowledge, information or belief, in the premises, and to require him to produce any letter, paper or statement of account in his possession, or under his control, which may assist the officers of customs in ascertaining the actual value of the importation or any part thereof, and in default of such production, when so requested, such owner, importer, consignee or agent shall be thereafter debarred from producing any such letter, paper or statement for the purpose of avoiding any additional duty, penalty or forfeiture incurred under this Act, unless he shall show to the satisfaction of the court or the officers of the customs, as the case may be, that it was not in his power to produce the same when so demanded; and no merchandise shall be admitted to entry under the provisions of this section unless the collector shall be satisfied that the failure to produce a duly certified invoice is due to causes beyond the control of the owner, consignee or agent thereof: Provided, That the Secretary of the Treasury may make regulations by which books, magazines and other

periodicals published and imported in successive parts, numbers, or volumes, and entitled to be imported free of duty, shall require but one declaration for the entire series. And when entry of merchandise exceeding one hundred dollars in value is made by a statement in the form of an invoice, the collector shall require a bond for the production of a duly certified invoice.

Act Aug. 5, 1909, c. 6, § 28, 36 Stat. 92.

Act June 10, 1890, c. 407, § 4, amended by this section, is set forth in Comp. St. 1901, p. 1888.

Personal effects accompanying the passenger are included in the Free List of the Tariff Act of 1909, par. 709, set forth ante, under Title XXXIII, "Duties upon Imports."

Books, etc., and other publications entitled to be imported free of duty, are described in the Free List of the Tariff Act of 1909, pars. 516–520, set forth ante, under Title XXXIII, "Duties upon Imports."

Declaration to accompany invoice on entry.

"Sec. 5. That whenever merchandise imported into the United States is entered by invoice, one of the following declarations, according to the nature of the case, shall be filed with the collector of the port at the time of entry by the owner, importer, consignee, or agent, which declaration so filed shall be duly signed by the owner, importer, consignee, or agent before the collector, or before a notary public or other officer duly authorized by law to administer oaths and take acknowledgments, who may be designated by the Secretary of the Treasury to receive such declarations and to certify to the identity of the persons making them, under regulations to be prescribed by the Secretary of the Treasury; and every officer so designated shall file with the collector of the port a copy of his official signature and seal: Provided, That if any of the invoices or bills of lading of any merchandise imported in any one vessel which should otherwise be embraced in said entry, have not been received at the date of the entry, the declaration may state the fact, and thereupon such merchandise, of which the invoices or bills of lading are not produced, shall not be included in such entry, but may be entered subsequently.

"Declaration of Consignee, Importer, or Agent, Where Merchandise has been Actually Purchased.

"I, ——— ———, do solemnly and truly declare that I am the consignee, importer, or agent of the merchandise described in the annexed entry and invoice; that the invoice and bill of lading now presented by me to the collector of ——— are the true and only invoice and bill of lading by me received of all the goods, wares, and merchandise imported in the ———, whereof ——— is master, from ———, for account of any person whomsoever for whom I am authorized to enter the same; that the said invoice and bill of lading are in the state in which they were actually received by me, and that I do not know or believe in the existence of any other invoice or bill of lading of the said goods, wares, and merchandise; that the entry now delivered to the collector contains a just and true account of the said goods, wares, and merchandise, according to the said invoice and bill of lading; that nothing has been on my part, nor to my knowledge on the part of any other person, concealed or suppressed, whereby the United States may be defrauded of any part of the duty lawfully due on the said goods, wares, and merchandise; that the said invoice

and the declaration therein are in all respects true, and were made by the person by whom the same purport to have been made; and that if at any time hereafter I discover any error in the said invoice, or in the account now rendered of the said goods, wares, and merchandise, or receive any other invoice of the same, I will immediately make the same known to the collector of this district. And I do further solemnly and truly declare that to the best of my knowledge and belief (insert the name and residence of the owner or owners) is (or are) the owner (or owners) of the goods, wares, and merchandise mentioned in the annexed entry; that the invoice now produced by me exhibits the actual cost at the time of exportation to the United States in the principal markets of the country from whence imported of the said goods, wares, and merchandise, and includes and specifies the value of all cartons, cases, crates, boxes, sacks, casks, barrels, hogsheads, bottles, jars, demijohns, carboys, and other containers or coverings, whether holding liquids or solids, which are not otherwise specially subject to duty under any paragraph of the tariff Act, and all other costs, charges, and expenses incident to placing said goods, wares, and merchandise in condition, packed ready for shipment to the United States, and no other or different discount, bounty, or drawback but such as has been actually allowed on the same.

"Declaration of Consignee, Importer, or Agent Where Merchandise has Not been Actually Purchased.

"I, ——— ———, do solemnly and truly declare that I am the consignee, importer, or agent of the merchandise described in the annexed entry and invoice; that the invoice and bill of lading now presented by me to the collector of ——— are the true and only invoice and bill of lading by me received of all the goods, wares, and merchandise imported in the ———, whereof ——— is master, from ———, for account of any person whomsoever for whom I am authorized to enter the same; that the said invoice and bill of lading are in the state in which they were actually received by me, and that I do not know or believe in the existence of any other invoice or bill of lading of the said goods, wares, and merchandise; that the entry now delivered to the collector contains a just and true account of the said goods, wares, and merchandise, according to the said invoice and bill of lading; that nothing has been on my part, nor to my knowledge on the part of any other person, concealed or suppressed, whereby the United States may be defrauded of any part of the duty lawfully due on the said goods, wares, and merchandise; that the said invoice and the declaration therein are in all respects true, and were made by the person by whom the same purport to have been made; and that if at any time hereafter I discover any error in the said invoice, or in the account now rendered of the said goods, wares, and merchandise, or receive any other invoice of the same, I will immediately make the same known to the collector of this district. And I do further solemnly and truly declare that to the best of my knowledge and belief (insert the name and residence of the owner or owners) is (or are) the owner (or owners) of the goods, wares, and merchandise mentioned in the annexed entry; that the invoice now produced by me exhibits the actual market value or wholesale price at the time of exportation to the United States in the principal markets of the country from whence imported of the

said goods, wares, and merchandise, and includes and specifies the value of all cartons, cases, crates, boxes, sacks, casks, barrels, hogsheads, bottles, jars, demijohns, carboys, and other containers or coverings, whether holding liquids or solids, which are not otherwise specially subject to duty under any paragraph of the tariff Act, and all other costs, charges, and expenses incident to placing said goods, wares, and merchandise in condition, packed ready for shipment to the United States, and no other or different discount, bounty, or drawback but such as has been actually allowed on the same.

"Declaration of Owner in Cases Where Merchandise has been Actually Purchased.

"I, ——— ———, do solemnly and truly declare that I am the owner by purchase of the merchandise described in the annexed entry and invoice; that the entry now delivered by me to the collector of ——— contains a just and true account of all the goods, wares, and merchandise imported by or consigned to me, in the ———, whereof ——— is master, from ———; that the invoice and entry, which I now produce, contain a just and faithful account of the actual cost of the said goods, wares, and merchandise, and include and specify the value of all cartons, cases, crates, boxes, sacks, casks, barrels, hogsheads, bottles, jars, demijohns, carboys, and other containers or coverings, whether holding liquids or solids, which are not otherwise specially subject to duty under any paragraph of the tariff Act, and all other costs, charges and expenses incident to placing said goods, wares, and merchandise in condition, packed ready for shipment to the United States, and no other discount, drawback, or bounty but such as has been actually allowed on the same; that I do not know nor believe in the existence of any invoice or bill of lading other than those now produced by me, and that they are in the state in which I actually received them. And I further solemnly and truly declare that I have not in the said entry or invoice concealed or suppressed anything whereby the United States may be defrauded of any part of the duty lawfully due on the said goods, wares, and merchandise; that to the best of my knowledge and belief the said invoice and the declaration thereon are in all respects true, and were made by the person by whom the same purport to have been made, and that if at any time hereafter I discover any error in the said invoice or in the account now produced of the said goods, wares, and merchandise, or receive any other invoice of the same, I will immediately make the same known to the collector of this district.

"Declaration of Manufacturer or Owner in Cases Where Merchandise has Not been Actually Purchased.

"I, ——— ———, do solemnly and truly declare that I am the owner (or manufacturer) of the merchandise described in the annexed entry and invoice; that the entry now delivered by me to the collector of ——— contains a just and true account of all the goods, wares, and merchandise imported by or consigned to me in the ———, whereof ——— ——— is master, from ———; that the said goods, wares, and merchandise were not actually bought by me, or by my agent, in the ordinary mode of bargain and sale, but that nevertheless the invoice which I now produce contains a just and faithful valuation of

the same, at their actual market value or wholesale price, at the time of exportation to the United States, in the principal markets of the country from whence imported for my account (or for account of myself or partners); that such actual market value is the price at which the merchandise described in the invoice is freely offered for sale to all purchasers in said markets and is the price which I would have received and was willing to receive for such merchandise sold in the ordinary course of trade in the usual wholesale quantities; that the said invoice contains also a just and faithful account of all the cost of finishing said goods, wares, and merchandise to their present condition, and includes and specifies the value of all cartons, cases, crates, boxes, sacks, casks, barrels, hogsheads, bottles, jars, demijohns, carboys, and other containers or coverings, whether holding liquids or solids, which are not otherwise specially subject to duty under any paragraph of the tariff Act, and all other costs and charges incident to placing said goods, wares, and merchandise in condition, packed ready for shipment to the United States, and no other discount, drawback, or bounty, but such as has been actually allowed on the said goods, wares, and merchandise; that the said invoice and the declaration thereon are in all respects true, and were made by the person by whom the same purport to have been made; that I do not know nor believe in the existence of any invoice or bill of lading other than those now produced by me, and that they are in the state in which I actually received them. And I do further solemnly and truly declare that I have not in the said entry or invoice concealed or suppressed anything whereby the United States may be defrauded of any part of the duty lawfully due on the said goods, wares, and merchandise; and that if at any time hereafter I discover any error in the said invoice, or in the account now produced of the said goods, wares, and merchandise; or receive any other invoice of the same, I will immediately make the same known to the collector of this district.

Act Aug. 5, 1909, c. 6, § 28, 36 Stat. 92.

Act June 10, 1890, c. 407, § 5, amended by this section, is set forth in Comp. St. 1901, p. 1889.

A declaration on entry of merchandise consigned for sale is provided for by section 8, set forth below.

A declaration on entry of merchandise for exportation is provided for by section 21, set forth below.

False statement in declaration punishable; forfeiture of merchandise therefor.

"Sec. 6. That any person who shall knowingly make any false statement in the declarations provided for in the preceding section, or shall aid or procure the making of any such false statement as to any matter material thereto, shall, on conviction thereof, be punished by a fine not exceeding five thousand dollars, or by imprisonment at hard labor not more than two years, or both, in the discretion of the court: Provided, That nothing in this section shall be construed to relieve imported merchandise from forfeiture by reason of such false statement or for any cause elsewhere provided by law.

Act Aug. 5, 1909, c. 6, § 28, 36 Stat. 95.

Act June 10, 1890, c. 407, § 6, re-enacted in the same language in this section, is set forth in Comp. St. 1901, p. 1892.

Forfeiture of merchandise for making a false entry, and punishment thereof by fine or imprisonment, are imposed by section 9, set forth below.

Addition to invoice value to raise it to market value; additional duties when appraised value exceeds declared value; forfeiture for undervaluation.

"Sec. 7. That the owner, consignee, or agent of any imported merchandise may, at the time when he shall make and verify his written entry of such merchandise, but not afterwards, make such addition in the entry to or such deduction from the cost or value given in the invoice or pro forma invoice or statement in form of an invoice, which he shall produce with his entry, as in his opinion may raise or lower the same to the actual market value or wholesale price of such merchandise at the time of exportation to the United States, in the principal markets of the country from which the same has been imported; and the collector within whose district any merchandise may be imported or entered, whether the same has been actually purchased or procured otherwise than by purchase, shall cause the actual market value or wholesale price of such merchandise to be appraised; and if the appraised value of any article of imported merchandise subject to an ad valorem duty or to a duty based upon or regulated in any manner by the value thereof shall exceed the value declared in the entry, there shall be levied, collected, and paid, in addition to the duties imposed by law on such merchandise, an additional duty of one per centum of the total appraised value thereof for each one per centum that such appraised value exceeds the value declared in the entry: Provided, That the additional duties shall only apply to the particular article or articles in each invoice that are so undervalued and shall not be imposed upon any article upon which the amount of duty imposed by law on account of the appraised value does not exceed the amount of duty that would be imposed if the appraised value did not exceed the entered value, and shall be limited to seventy-five per centum of the appraised value of such article or articles. Such additional duties shall not be construed to be penal, and shall not be remitted nor payment thereof in any way avoided except in cases arising from a manifest clerical error, nor shall they be refunded in case of exportation of the merchandise, or on any other account, nor shall they be subject to the benefit of drawback: Provided, That if the appraised value of any merchandise shall exceed the value declared in the entry by more than seventy-five per centum, except when arising from a manifest clerical error, such entry shall be held to be presumptively fraudulent, and the collector of customs shall seize such merchandise and proceed as in case of forfeiture for violation of the customs laws, and in any legal proceeding other than a criminal prosecution that may result from such seizure, the undervaluation as shown by the appraisal shall be presumptive evidence of fraud, and the burden of proof shall be on the claimant to rebut the same, and forfeiture shall be adjudged unless he shall rebut such presumption of fraudulent intent by sufficient evidence. The forfeiture provided for in this section shall apply to the whole of the merchandise or the value thereof in the case or package containing the particular article or articles in each invoice which are undervalued: Provided further, That all additional duties, penalties, or forfeitures applicable to merchandise entered by a duly certified invoice shall be alike applicable to merchandise entered by a pro forma invoice or statement in the form of an invoice, and no forfeiture or disability of any kind incurred under the provisions of this section

shall be remitted or mitigated by the Secretary of the Treasury. The duty shall not, however, be assessed in any case upon an amount less than the entered value.

Act Aug. 5, 1909, c. 6, § 28, 36 Stat. 95.

Act June 10, 1909, c. 407, § 7, amended by this section, is set forth, as previously amended by Act July 24, 1897, c. 11, § 32, in Comp. St. 1909, p. 1892.

Declaration on entry of consignment for sale.

"Sec. 8. That when merchandise entered for customs duty has been consigned for sale by or on account of the manufacturer thereof, to a person, agent, partner, or consignee in the United States, such person, agent, partner, or consignee shall, at the time of the entry of such merchandise, present to the collector of customs at the port where such entry is made, as a part of such entry, and in addition to the certified invoice or statement in the form of an invoice required by law, a statement signed by such manufacturer, declaring the cost of production of such merchandise, such cost to include all the elements of cost as stated in section eleven of this Act. When merchandise entered for customs duty has been consigned for sale by or on account of a person other than the manufacturer of such merchandise, to a person, agent, partner, or consignee in the United States, such person, agent, partner, or consignee shall at the time of the entry of such merchandise present to the collector of customs at the port where such entry is made, as a part of such entry, a statement signed by the consignor thereof, declaring that the merchandise was actually purchased by him or for his account, and showing the time when, the place where, and from whom he purchased the merchandise, and in detail the price he paid for the same: Provided, That the statements required by this section shall be made in triplicate, and shall bear the attestation of the consular officer of the United States resident within the consular district wherein the merchandise was manufactured, if consigned by the manufacturer or for his account, or from whence it was imported when consigned by a person other than the manufacturer, one copy thereof to be delivered to the person making the statement, one copy to be transmitted with the triplicate invoice of the merchandise to the collector of the port in the United States to which the merchandise is consigned, and the remaining copy to be filed in the consulate.

Act Aug. 5, 1909, c. 6, § 28, 36 Stat. 96.

Act June 10, 1890, c. 407, § 8, re-enacted in the same language by this section, is set forth in Comp. St. 1901, p. 1894.

Forfeiture for false entry; false entry punishable.

"Sec. 9. That if any consignor, seller, owner, importer, consignee, agent, or other person or persons, shall enter or introduce, or attempt to enter or introduce, into the commerce of the United States any imported merchandise by means of any fraudulent or false invoice, affidavit, letter, paper, or by means of any false statement, written or verbal, or by means of any false or fraudulent practice or appliance whatsoever, or shall be guilty of any willful act or omission by means whereof the United States shall or may be deprived of the lawful duties, or any portion thereof, accruing upon the merchandise, or any portion thereof, embraced or referred to in such invoice, affidavit, letter, paper, or statement, or affected by such act or omission, such merchandise, or the value thereof, to be recovered from such person or

persons, shall be forfeited, which forfeiture shall only apply to the whole of the merchandise or the value thereof in the case or package containing the particular article or articles of merchandise to which such fraud or false paper or statement relates; and such person or persons shall, upon conviction, be fined for each offense a sum not exceeding five thousand dollars, or be imprisoned for a time not exceeding two years, or both, in the discretion of the court.

Act Aug. 5, 1909, c. 6, § 28, 36 Stat. 97.

Act June 10, 1909, c. 407, § 9, amended by this section, is set forth in Comp. St. 1901, p. 1895.

The words "value" and "actual market value," as used in this act, are defined in section 18 thereof, set forth post, under chapter 6 of this Title.

Forfeiture for false statements in declarations provided for in section 7 of this act is imposed by section 8 thereof, set forth above.

Secs. 10–18. [Relate to appraisal.]

These sections provide for the appraisal of imported merchandise at its actual market value, the appointment of general appraisers, and reappraisements, etc., by them, their proceedings and decisions, etc. They are set forth post, under chapter 6 of this Title.

Sec. 19. [Relates to withdrawal from bonded warehouse.]

This section provides for withdrawal for consumption of merchandise deposited in bonded warehouse. It is set forth post, under chapter 7 of this Title.

Sec. 20. [Relates to burden of proof in seizure cases.]

This section provides that in all suits or informations, where any seizure has been made, the burden of proof shall be on the claimant. It is set forth post, under chapter 10 of this Title.

Fees and oaths on entry of goods abolished; declaration on entry for exportation.

"Sec. 21. That all fees exacted and oaths administered by officers of the customs, except as provided in this Act, under or by virtue of existing laws of the United States, upon the entry of imported goods and the passing thereof through the customs, and also upon all entries of domestic goods, wares, and merchandise for exportation, be, and the same are hereby, abolished; and in case of entry of merchandise for exportation, a declaration, in lieu of an oath, shall be filed, in such form and under such regulations as may be prescribed by the Secretary of the Treasury; and the penalties provided in the sixth section of this Act for false statements in such declaration shall be applicable to declarations made under this section: Provided, That where such fees, under existing laws, constitute, in whole or in part, the compensation of any officer, such officer shall receive, from and after the passage of this Act, a fixed sum for each year equal to the amount which he would have been entitled to receive as fees for such services during said year.

Act Aug. 5, 1909, c. 6, § 28, 36 Stat. 102.

Act June 10, 1890, c. 407, § 22, amended by this section, is set forth in Comp. St. 1901, p. 1895.

Sec. 22. [Relates to appraisal of damaged goods.]

This section provides for allowances for shortage or nonimportation caused by decay, destruction, or injury to perishable articles, imported, and for abandonment by the importer, after entry, of all or a portion of the goods, and relief from payment of duty thereon. It is set forth post, under chapter 6 of this Title.

Sec. 23. [Relates to refund of duties paid and correction of errors in entries, etc.]

This section provides for refunding money paid or deposited with a collector, more than required, and for correction of clerical errors in any entry or liquidation. It is set forth post, under chapter 8 of this Title.

Collectors and other officers not liable for rulings or decisions, if appealable.

"Sec. 24. That from and after the taking effect of this Act, no collector or other officer of the customs shall be in any way liable to any owner, importer, consignee, or agent of any merchandise, or any other person, for or on account of any rulings or decisions as to the classification of said merchandise or the duties charged thereon, or the collection of any dues, charges, or duties on or on account of said merchandise, or any other matter or thing as to which said owner, importer, consignee, or agent of such merchandise might, under this Act, be entitled to appeal from the decision of said collector or other officer, or from any board of appraisers provided for in this Act.

Act Aug. 5, 1909, c. 6, § 28, 36 Stat. 103.

Act June 10, 1909, c. 407, § 25, re-enacted in the same language in this section, is set forth in Comp. St. 1901, p. 1896.

Appeals from decisions of collectors or other officers are provided for by sections 13, 14, of this act, set forth post, under chapter 6 of this Title.

Bribery of revenue officers or employees; evidence.

"Sec. 25. That any person who shall give, or offer to give, or promise to give, any money or thing of value, directly or indirectly, to any officer or employee of the United States in consideration of or for any act or omission contrary to law in connection with or pertaining to the importation, appraisement, entry, examination, or inspection of goods, wares, or merchandise, including herein any baggage or of the liquidation of the entry thereof, or shall by threats or demands or promises of any character attempt to improperly influence or control any such officer or employee of the United States as to the performance of his official duties shall, on conviction thereof, be fined not exceeding two thousand dollars, or be imprisoned at hard labor not more than one year, or both, in the discretion of the court; and evidence of such giving, or offering, or promising to give, satisfactory to the court in which such trial is had, shall be regarded as prima facie evidence that such giving or offering or promising was contrary to law, and shall put upon the accused the burden of proving that such act was innocent and not done with an unlawful intention.

Act Aug. 5, 1909, c. 6, § 28, 36 Stat. 103.

Act June 10, 1890, c. 407, § 26, re-enacted in the same language in this section, is set forth in Comp. St. 1901, p. 3681.

Revenue officer or employee accepting bribe, etc.; evidence.

"Sec. 26. That any officer or employee of the United States who shall, excepting for lawful duties or fees, solicit, demand, exact, or receive from any person, directly or indirectly, any money or thing of value in connection with or pertaining to the importation, appraisement, entry, examination, or inspection of goods, wares, or merchandise, including herein any baggage or liquidation of the entry thereof, on conviction thereof shall be fined not exceeding five thousand dollars or be imprisoned at hard labor not more than two years, or both,

in the discretion of the court; and evidence of such soliciting, demanding, exacting, or receiving, satisfactory to the court in which such trial is had, shall be regarded as prima facie evidence that such soliciting, demanding, exacting, or receiving was contrary to law, and shall put upon the accused the burden of proving that such act was innocent and not with an unlawful intention.

Act Aug. 5, 1909, c. 6, § 28, 36 Stat. 103.

Act June 10, 1890, c. 407, § 27, re-enacted in the same language in this section, is set forth in Comp. St. 1901, p. 3770.

Baggage in transit to foreign country.

"Sec. 27. That any baggage or personal effects arriving in the United States in transit to any foreign country may be delivered by the parties having it in charge to the collector of the proper district, to be by him retained, without the payment or exaction of any import duty, or to be forwarded by such collector to the collector of the port of departure and to be delivered to such parties on their departure for their foreign destination, under such rules and regulations as the Secretary of the Treasury may prescribe.

Act Aug. 5, 1909, c. 6, § 28, 36 Stat. 104.

Act June 10, 1890, c. 407, § 28, re-enacted in the same language in this section, is set forth in Comp. St. 1901, p. 1896.

Repeal; rights accrued, and suits, etc., brought; past offenses, and penalties, forfeitures, etc., incurred; limitations; provisions not repealed.

"Sec. 28. That sections twenty-six hundred and eight, twenty-eight hundred and thirty-eight, twenty-eight hundred and thirty-nine, twenty-eight hundred and forty-one, twenty-eight hundred and forty-three, twenty-eight hundred and forty-five, twenty-eight hundred and fifty-three, twenty-eight hundred and fifty-four, twenty-eight hundred and fifty-six, twenty-eight hundred and fifty-eight, twenty-eight hundred and sixty, twenty-nine hundred, twenty-nine hundred and two, twenty-nine hundred and five, twenty-nine hundred and seven, twenty-nine hundred and eight, twenty-nine hundred and nine, twenty-nine hundred and twenty-two, twenty-nine hundred and twenty-three, twenty-nine hundred and twenty-four, twenty-nine hundred and twenty-seven, twenty-nine hundred and twenty-nine, twenty-nine hundred and thirty, twenty-nine hundred and thirty-one, twenty-nine hundred and thirty-two, twenty-nine hundred and forty-three, twenty-nine hundred and forty-five, twenty-nine hundred and fifty-two, three thousand and eleven, three thousand and twelve, three thousand and twelve and one-half, three thousand and thirteen, of the Revised Statutes of the United States, be, and the same are hereby, repealed, and sections nine, ten, eleven, twelve, fourteen, and sixteen of an Act entitled 'An Act to amend the customs-revenue laws and to repeal moieties,' approved June twenty-second, eighteen hundred and seventy-four, and sections seven, eight, and nine of the Act entitled 'An Act to reduce internal-revenue taxation, and for other purposes,' approved March third, eighteen hundred and eighty-three, and all other Acts and parts of Acts inconsistent with the provisions of this Act, are hereby repealed, but the repeal of existing laws or modifications thereof embraced in this Act shall not affect any act done, or any right accruing or accrued, or any suit or proceeding had or commenced in any civil cause before the said repeal or modifications; but all rights and liabilities under

said laws shall continue and may be enforced in the same manner, except as otherwise provided in this Act, as if said repeal or modifications had not been made. Any offenses committed, and all penalties or forfeitures or liabilities incurred prior to the passage of this Act under any statute embraced in or changed, modified, or repealed by this Act may be prosecuted and punished in the same manner and with the same effect as if this Act had not been passed. All acts of limitation, whether applicable to civil causes and proceedings or to the prosecution of offenses or for the recovery of penalties or forfeitures embraced in or modified, changed, or repealed by this Act, shall not be affected thereby; and all suits, proceedings, or prosecutions, whether civil or criminal, for causes arising or acts done or committed prior to the passage of this Act, may be commenced and prosecuted, except as otherwise provided in this Act, within the same time and with the same effect as if this Act had not been passed: And provided further, That nothing in this Act shall be construed to repeal the provisions of section three thousand and fifty-eight of the Revised Statutes as amended by the Act approved February twenty-third, eighteen hundred and eighty-seven, in respect to the abandonment of merchandise to underwriters or the salvors of property, and the ascertainment of duties thereon.

Act Aug. 5, 1909, c. 6, § 28, 36 Stat. 104.

Act June 10, 1890, c. 407, § 29, re-enacted in this section, with the addition, in two places, of the words, "except as otherwise provided in this Act," is set forth in Comp. St. 1901, p. 1897.

Rev. St. § 3058, as amended by Act Feb. 23, 1887, c. 221, mentioned in the proviso at the end of this section, contains, preceding the provisions mentioned in respect to abandonment of merchandise, other provisions similar to those of section 1, set forth above.

Sec. 29. [Relates to Court of Customs Appeals.]

This new section, added to Act June 10, 1890, c. 407, as section 29 thereof, by amendment by Act Aug. 5, 1909, c. 6, § 28, created the Court of Customs Appeals and prescribed its jurisdiction and powers, proceedings, etc. Its provisions are incorporated in and superseded by chapter 8 of the Judicial Code of March 3, 1911, set forth ante, under Title XII B, "The Judicial Code," §§ 188-199.

Sec. 30. [Relates to Assistant Attorney-General, etc.]

This new section, added to Act June 10, 1890, c. 407, as section 30 thereof, by amendment by Act Aug. 5, 1909, c. 6, § 28, provides for the appointment of an Assistant Attorney-General, a Deputy Assistant Attorney-General, and attorneys, in charge of matters of reappraisement, etc., of imported goods and litigation incident thereto. It is set forth ante, under Title VIII, "The Department of Justice."

Sec. 2844. [*As amended* 1906.]

Authentication in absence of consul [of invoice of merchandise subject to duty].

If there is no consul or commercial agent of the United States in the country from which such merchandise was imported, the authentication required by the preceding section shall be executed by a consul of a nation at the time in amity with the United States, if there is any such residing there; and if there is no such consul in the country the authentication shall be made by two respectable merchants, if any

there be, residing in the port from which the merchandise shall have been imported. Provided, That the authentication may be made by the collector or a deputy collector of customs in the case of merchandise shipped to the United States from the Philippine Islands.

Act March 1, 1823, c. 21, § 7, 3 Stat. 733. Act June 28, 1906, c. 3569, 34 Stat. 539.

The amendment of this section by Act June 28, 1906, c. 3569, cited above, consists in the addition, at the end of the section as originally enacted, of the proviso relating to authentications in the Philippine Islands, making the section read as set forth here.

In Comp. St. 1901, p. 1899, this section is omitted as having become inoperative, by reason of the reference therein to "the authentication required by the preceding section," and the repeal of said preceding section, Rev. St. § 2843, by Act June 10, 1890, c. 407, § 29. But section 2844 may be applied to the authentication of invoices required by section 3 of said Act June 10, 1890, c. 407, Comp. St. 1901, p. 1887, by provisions similar to those of the repealed section 2843, and it is recognized as in force and so applicable by the amendment by Act June 28, 1906, c. 3569, incorporated in the section as set forth above.

Rev. St. § 2843, referred to as "the preceding section," repealed by Act June 10, 1890, c. 407, § 29, was as follows:

Sec. 2843. No merchandise subject to ad-valorem duty belonging to a person not residing at the time in the United States, and who shall have actually purchased the same, shall be admitted to entry, unless the invoice is verified by the oath of the owner, or one of the owners, certifying that the merchandise was actually purchased for his account, or for account of himself and partners in the purchase; that the invoice annexed thereto contains a true and faithful account of the actual cost thereof, and of all charges thereon, and that no discounts, bounties, or drawbacks, are contained in the invoice, but such as have been actually allowed on the same. Such oath shall be administered by a consul or commercial agent of the United States, or by some public officer duly authorized to administer oaths in the country where the merchandise was purchased; and the same shall be duly certified by the consul, commercial agent, or public officer; and when such oath is administered by an officer other than a consul or commercial agent of the United States, such official certificate shall be authenticated by such a consul or commercial agent.

Sec. 2851.

[Repealed. Act April 5, 1906, c. 1366, § 9.]

This section, set forth in Comp. St. 1901, p. 1901, relating to consular certification of invoices, is expressly repealed, and such fees are included with those for which, by Rev. St. § 1745, the President is authorized to prescribe rates, by Act April 5, 1906, c. 1366, § 9, set forth ante, under Title XVIII, "Diplomatic and Consular Officers," c. 2.

Sec. 2855.

Indorsement upon invoice.

The destruction of invoices on file in consular offices for more than five years may be authorized by Act Feb. 24, 1903, c. 753, set forth below.

ACT FEB. 24, 1903, c. 753.

An Act to Permit the Secretary of State to Cause the Destruction of Invoices of Merchandise Exported to the United States, Which Have Been on File in the Consular Offices for More than Five Years. (32 Stat. 854.)

Invoices on file in consular offices; destruction authorized.

Be it enacted, &c., That the Secretary of State is authorized to cause, from time to time, the destruction of invoices that have been filed in the consular offices for a period of more than five years.

Act Feb. 24, 1903, c. 753, 32 Stat. 854.

Provisions for the disposition of accumulations of useless papers in the departments and other offices, etc., are set forth or referred to in Comp. St. 1901, pp. 98, 99.

CHAPTER FIVE.

Unlading.

Sec. 2871.

[Repealed. Act Feb. 13, 1911, c. 46, § 6.]

This section, set forth in Comp. St. 1901, p. 1909, and the act amending it, Act June 30, 1906, c. 3909, 34 Stat. 633, are repealed by Act Feb. 13, 1911, c. 64, § 6, set forth below.

ACT FEB. 13, 1911, c. 46. [S. 6011.]

An Act to Provide for the Lading or Unlading of Vessels at Night, the Preliminary Entry of Vessels, and for Other Purposes. (36 Stat. 899.)

Special license to lade or unlade at night.

Be it enacted, &c.,

Section 1. That upon arrival at any port in the United States of any vessel or other conveyance from a foreign port or place, either directly or by way of another port in the United States, or upon such arrival from another port in the United States of any vessel or other conveyance belonging to a line designated by the Secretary of the Treasury as a common carrier of bonded merchandise, and, after due report and entry of such vessel in accordance with existing law or due report, under such regulations as the Secretary of the Treasury may prescribe, of the arrival of such other conveyances, the collector of customs, with the concurrence of the naval officer at ports where there is a naval officer, shall grant, upon proper application therefor, a special license to lade or unlade the cargo of any such vessel or other conveyance at night; that is to say, between sunset and sunrise.

Act Feb. 13, 1911, c. 46, § 1, 36 Stat. 899.

Preliminary entry of vessel from foreign port, etc., to customs officer boarding vessel, and lading or unlading thereupon.

Sec. 2. That the master of any vessel from a foreign port or place, upon arrival within a customs collection district of the United States, bound to a port of entry in such district, may make preliminary entry of the vessel by making oath or affirmation to the truth of the statements contained in his original manifest and delivering his said original manifest to the customs officer who shall board such vessel within such district, with a copy of said original manifest for the use of the naval officer at ports where there is a naval officer; whereupon, upon arrival at the wharf or place of discharge, the lading or unlading of

the cargo of such vessel may proceed, by both day and night, under such regulations as the Secretary of the Treasury may prescribe.

Act Feb. 13, 1911, c. 46, § 2, 36 Stat. 900.

Bond for special license to lade or unlade at night.

Sec. 3. That before any such special license to lade or unlade at night shall be granted and before any permit shall be issued for the immediate lading or unlading of any such vessel after preliminary entry, as hereinbefore provided, either by day or by night the master, owner, agent, or consignee of such vessel or other conveyance shall make proper application therefor and shall at the same time execute and deliver to the United States, through the collector of customs, a good and sufficient bond, in a penal sum to be approved by the said collector, conditioned to indemnify and save the United States harmless from any and all losses and liabilities which may occur or be occasioned by reason of the granting of such special license or the issuing or granting of such permit for immediate lading or unlading; or the master, owner, agent, consignee, or probable consignee, as aforesaid, may execute and deliver to the United States, in like manner and form, a good and sufficient bond, in the penal sum of fifty thousand dollars, conditioned to indemnify and save the United States harmless from any and all losses and liabilities which may occur or be occasioned by reason of the granting of such special licenses and the issuing or granting of such permits for immediate lading or unlading by day and night during a period of six months.

Act Feb. 13, 1911, c. 46, § 3, 36 Stat. 900.

Issue of special licenses and permits after entry of vessels and report of arrival of other conveyances; provisions to extend to vessels or conveyances bound to a port of entry to be unladen at another place; preliminary entry of vessel not to relieve from entry at custom house; special license not to relieve from liability to owner or consignee of merchandise.

Sec. 4. Such application having been duly made and the required bond having been duly executed and delivered, special license or licenses to lade or unlade at night after regular entry of vessels, and due report of other conveyances, may be granted, and a permit or permits may be issued for the immediate lading and unlading, by day and night, of vessels admitted to preliminary entry, or of other conveyances of which due report of arrival has been made: Provided, That the provisions of this Act shall extend and be applicable to any vessels or other conveyances bound to a port of entry in the United States to be unladen at a port of delivery or to be unladen at a place of discharge designated by the Secretary of the Treasury under the provisions of section twenty-seven hundred and seventy-six of the Revised Statutes as amended: Provided further, That when preliminary entry of a vessel shall be made by the master as herein provided he shall not be relieved from making due report and entry of his vessel at the custom-house in accordance with existing law, and any liability of the master or owner of any such vessel to the owner or consignee of any merchandise landed from her shall not be affected by the granting of such special license, but such liability shall continue until the merchandise is properly removed from the dock whereon the same may be landed.

Act Feb. 13, 1911, c. 46, § 4, 36 Stat. 900.

Rev. St. § 2776, mentioned in this section, is set forth in Comp. St. 1901, p. 1864.

Inspectors, storekeepers, weighers, etc.; extra compensation for night services, to be paid by master, etc., of vessel; boarding officers authorized to administer oaths, etc., provided for; extra compensation for services in boarding vessels at night, on Sundays, etc., to be paid by master, etc., of vessel.

Sec. 5. That the Secretary of the Treasury shall fix a reasonable rate of extra compensation for night services of inspectors, storekeepers, weighers, and other customs officers and employees in connection with the lading or unlading of cargo at night, or the lading at night of cargo or merchandise for transportation in bond or for exportation in bond, or for the exportation with benefit of drawback, but such rate of compensation shall not exceed an amount equal to double the rate of compensation allowed to each such officer or employee for like services rendered by day, the said extra compensation to be paid by the master, owner, agent, or consignee of such vessel or other conveyance, whenever such special license or permit for immediate lading or unlading or for lading or unlading at night or on Sundays or holidays shall be granted, to the collector of customs, who shall pay the same to the several customs officers and employees entitled thereto according to the rates fixed therefor by the Secretary of the Treasury. Customs officers acting as boarding officers, and any customs officer who may be designated for that purpose by the collector of customs, are hereby authorized to administer the oath or affirmation herein provided for, and such boarding officers shall be allowed extra compensation for services in boarding vessels at night or on Sundays or holidays—at the rate prescribed by the Secretary of the Treasury as herein provided, the said extra compensation to be paid by the master, owner, agent, or consignee of such vessels.

Act Feb. 13, 1911, c. 46, § 5, 36 Stat. 901.

Repeal of Rev. St. § 2871, Act June 30, 1906, c. 3909, and Act June 5, 1894, c. 92, § 1.

Sec. 6. That section twenty-eight hundred and seventy-one of the Revised Statutes, the Act approved June thirtieth, nineteen hundred and six, entitled "An Act to amend section twenty-eight hundred and seventy-one of the Revised Statutes," and section one of the Act approved June fifth, eighteen hundred and ninety-four, entitled "An Act to facilitate the entry of steamships," and all Acts or parts of Acts inconsistent herewith are hereby repealed.

Act Feb. 13, 1911, c. 46, § 6, 36 Stat. 901.

Rev. St. § 2871, repealed by this section, is set forth in Comp. St. 1901, p. 1909.

Act June 5, 1894, c. 92, § 1, also repealed by this section, is set forth in Comp. St. 1901, p. 1863.

Sec. 2895.

Spanish vessels.

The provisions of this section, set forth in Comp. St. 1901, p. 1919, relating to relading on other vessels of cargos of Spanish vessels in cases of distress, may be superseded by the provisions of the treaty with Spain of July 3, 1902, 33 Stat. 2105.

CHAPTER SIX.

Appraisal.

Sec. 2899.

No delivery without appraisal.

This section is not to prohibit the right of importers to make examinations to determine whether the right to abandon accrues, or whether by reason of total destruction there is a nonimportation in whole or in part, under Act June 10, 1890, c. 407, as amended by Act Aug. 5, 1909, c. 6, § 28, by a proviso annexed to section 22 of that act as amended, originally section 23 thereof, set forth post, under Rev. St. § 2927.

Sec. 2902.

ACT JUNE 10, 1890, c. 407, § 10.

[Amended. Act Aug. 5, 1909, c. 6, § 28.]

This section, set forth in Comp. St. 1901, p. 1922, in the amendment of said Act June 10, 1890, c. 407, of which it is part, by Act Aug. 5, 1909, c. 6, § 28, is re-enacted in the same language, as set forth below.

Other sections of Act June 10, 1890, c. 407, as amended by said Act Aug. 5, 1909, c. 6, § 28, are set forth or referred to ante, under chapter 4 of this Title.

ACT JUNE 10, 1890, c. 407, § 10. [*As amended* 1909.]

Merchandise to be appraised at current actual market value and wholesale price.

That it shall be the duty of the appraisers of the United States, and every of them, and every person who shall act as such appraiser, or of the collector, as the case may be, by all reasonable ways and means in his or their power to ascertain, estimate, and appraise (any invoice or affidavit thereto or statement of cost, or of cost of production to the contrary notwithstanding) the actual market value and wholesale price of the merchandise at the time of exportation to the United States, in the principal markets of the country whence the same has been imported, and the number of yards, parcels, or quantities, and actual market value or wholesale price of every of them, as the case may require.

Act Aug. 5, 1909, c. 6, § 28, 36 Stat. 97.

The provisions of this act, as amended by Act July 24, 1897, c. 11, which are set forth or referred to in Comp. St. 1901, under chapter 4 of this Title, and sections 10–19 and 23 of which, relating to appraisal, are set forth therein under this chapter, apply to all articles coming into the United States from the Philippine Islands, by Act March 8, 1902, c. 140, § 8, ante, under chapter 4 of this Title.

Sec. 2907.

ACT JUNE 10, 1890, c. 407, §§ 11, 19. [*As amended* 1897.]

These sections, set forth in Comp. St. 1901, p. 1924, as amended by Act July 24, 1897, c. 11, § 32, are further amended by Act Aug. 5, 1909, c. 6, § 28, to read as set forth below. The original section 19, as amended, is designated as section 18 of Act June 10, 1890, c. 407.

ACT JUNE 10, 1890, c. 407, §§ 11, 18. [*As amended* 1909.]

Ascertainment of value.

Sec. 11. That when the actual market value, as defined by law, of any article of imported merchandise, wholly or partly manufactured

and subject to an ad valorem duty, or to a duty based in whole or in part on value, can not be ascertained to the satisfaction of the appraising officer, such officer shall use all available means in his power to ascertain the cost of production of such merchandise at the time of exportation to the United States, and at the place of manufacture, such cost of production to include the cost of materials and of fabrication, and all general expenses to be estimated at not less than ten per centum, covering each and every outlay of whatsoever nature incident to such production, together with the expense of preparing and putting up such merchandise ready for shipment, and an addition of not less than eight nor more than fifty per centum upon the total cost as thus ascertained; and in no case shall such merchandise be appraised upon original appraisal or reappraisement at less than the total cost of production as thus ascertained. The actual market value or wholesale price, as defined by law, of any imported merchandise which is consigned for sale in the United States, or which is sold for exportation to the United States, and which is not actually sold or freely offered for sale in usual wholesale quantities in the open market of the country of exportation to all purchasers, shall not in any case be appraised at less than the wholesale price at which such or similar imported merchandise is actually sold or freely offered for sale in usual wholesale quantities in the United States in the open market, due allowance by deduction being made for estimated duties thereon, cost of transportation, insurance and other necessary expenses from the place of shipment to the place of delivery, and a commission not exceeding six per centum, if any has been paid or contracted to be paid on consigned goods, or a reasonable allowance for general expenses and profits (not to exceed eight per centum) on purchased goods.

Act Aug. 5, 1909, c. 6, § 28, 36 Stat. 97.

Assessment of ad valorem duties.

Sec. 18. That whenever imported merchandise is subject to an ad valorem rate of duty, or to a duty based upon or regulated in any manner by the value thereof, the duty shall be assessed upon the actual market value or wholesale price thereof, at the time of exportation to the United States, in the principal markets of the country from whence exported; that such actual market value shall be held to be the price at which such merchandise is freely offered for sale to all purchasers in said markets, in the usual wholesale quantities, and the price which the manufacturer or owner would have received, and was willing to receive, for such merchandise when sold in the ordinary course of trade in the usual wholesale quantities, including the value of all cartons, cases, crates, boxes, sacks, casks, barrels, hogsheads, bottles, jars, demijohns, carboys, and other containers or coverings, whether holding liquids or solids, and all other costs, charges and expenses incident to placing the merchandise in condition, packed ready for shipment to the United States, and if there be used for covering or holding imported merchandise, whether dutiable or free, any unusual article or form designed for use otherwise than in the bona fide transportation of such merchandise to the United States, additional duty shall be levied and collected upon such material or article at the rate to which the same would be subjected if separately imported. That the words "value," or "actual market value," or "wholesale price," whenever used in this Act, or in any law relating

to the appraisement of imported merchandise, shall be construed to be the actual market value or wholesale price of such, or similar merchandise comparable in value therewith, as defined in this Act.

Act Aug. 5, 1909, c. 6, § 28, 36 Stat. 101.

Sec. 2927.

ACT JUNE 10, 1890, c. 407, § 23. [*As amended* 1898.]

This section, set forth in Comp. St. 1901, p. 1930, as amended by Act May 17, 1898, c. 341, is further amended by Act Aug. 5, 1909, c. 6, § 28, to read as set forth below. As so amended, it is designated as section 22 of Act June 10, 1890, c. 407.

ACT JUNE 10, 1890, c. 407, § 22. [*As amended* 1909.]

Allowance for shortage, etc., caused by decay, etc., of perishable goods; allowance for damage; abandonment of goods, after entry, and relief from payment of duty.

Sec. 22. No allowance shall be made in the estimation and liquidation of duties for shortage or nonimportation caused by decay, destruction or injury to fruit or other perishable articles imported into the United States whereby their commercial value has been destroyed, unless under regulations prescribed by the Secretary of the Treasury. Proof to ascertain such destruction or nonimportation shall be lodged with the collector of customs of the port where such merchandise has been landed, or the person acting as such, within ten days after the landing of such merchandise. The provisions hereof shall apply whether or not the merchandise has been entered, and whether or not the duties have been paid or secured to be paid, and whether or not a permit of delivery has been granted to the owner or consignee. Nor shall any allowance be made for damage, but the importers may within ten days after entry abandon to the United States all or any portion of goods, wares or merchandise of every description included in any invoice and be relieved from the payment of duties on the portion so abandoned: Provided, That the portion so abandoned shall amount to ten per centum or more of the total value or quantity of the invoice. The right of abandonment herein provided for may be exercised whether the goods, wares or merchandise have been damaged or not, or whether or not the same have any commercial value: Provided, further, That section twenty-eight hundred and ninety-nine of the Revised Statutes, relating to the return of packages unopened for appraisement, shall in no wise prohibit the right of importers to make all needful examinations to determine whether the right to abandon accrues, or whether by reason of total destruction there is a nonimportation in whole or in part. All merchandise abandoned to the Government by the importers shall be delivered by the importers thereof at such place within the port of arrival as the chief officer of customs may direct, and on the failure of the importers to comply with the direction of the collector or the chief officer of customs, as the case may be, the abandoned merchandise shall be disposed of by the customs authorities under such regulations as the Secretary of the Treasury may prescribe, at the expense of such importers. Where imported fruit or perishable goods have been condemned at the port of original entry within ten days after landing, by health officers or other legally constituted authorities, the importers or their agents shall, within twenty-four hours after such condemnation, lodge with the collector, or the

person acting as collector, of said port, notice thereof in writing, together with an invoice description and the quantity of the articles condemned, their location, and the name of the vessel in which imported. Upon receipt of said notice the collector, or person acting as collector, shall at once cause an investigation and a report to be made in writing by at least two customs officers touching the identity and quantity of fruit or perishable goods condemned, and unless proof to ascertain the shortage or nonimportation of fruit or perishable goods shall have been lodged as herein required, or if the importer or his agent fails to notify the collector of such condemnation proceedings as herein provided, proof of such shortage or nonimportation shall not be deemed established and no allowance shall be made in the liquidation of duties chargeable thereon.

Act Aug. 5, 1909, c. 6, § 28, 36 Stat. 102.

Rev. St. § 2899, mentioned in this section, is set forth in Comp. St. 1901, p. 1921.

Sec. 2928.

[Superseded. Act June 10, 1890, c. 407, § 23. Act Aug. 5, 1909, c. 6, § 28.]

This section, set forth in Comp. St. 1901, p. 1931, providing for appraisement of merchandise taken from any wreck and of damages sustained during the course of the voyage, is superseded by the provisions of Act June 10, 1890, c. 407, § 23, which, as amended and designated as section 22 of said act, by Act Aug. 5, 1909, c. 6, § 28, are set forth above, under Rev. St. § 2927.

Sec. 2932.

ACT JUNE 10, 1890, c. 407, §§ 12–18.

These sections, set forth in Comp. St. 1901, pp. 1931–1936, are amended by Act Aug. 5, 1909, c. 6, § 28, to read as set forth below. The original section 15, providing for the review of decisions of Boards of General Appraisers by the Circuit Courts, is omitted, provision being made for such review by the Court of Customs Appeals created by section 29, added to said Act June 10, 1890, c. 407, by the same amendatory act. The provisions of said new section 29 are incorporated in and superseded by chapter 8 of the Judicial Code of March 3, 1911, set forth ante, under Title XII B, "The Judicial Code," §§ 188–199. And the sections next following section 15, originally sections 16, 17, 18, as amended, are designated respectively sections 15, 16, 17, but are re-enacted without other change.

By a previous act, Act May 27, 1908, c. 205, 34 Stat. 403, amending said Act June 10, 1890, c. 407, sections 14 and 15 thereof were amended, and a new section, designated as section 31, was added thereto. These amendments are incorporated in the amendments by Act Aug. 5, 1909, c. 6, and the original act as amended by said previous amendatory act, is not repealed, but amended to read as in Act Aug. 5, 1909, c. 6, provided, by section 41 of that act, set forth ante, under Title XXXIII, "Duties upon Imports."

ACT JUNE 10, 1890, c. 407, §§ 12–17. [*As amended* 1909.]

General appraisers; appointment; tenure of office; grounds for removal; salaries; powers of boards and members thereof; proceedings.

Sec. 12. That there shall be appointed by the President, by and with the advice and consent of the Senate, nine general appraisers of merchandise. Not more than five of such general appraisers shall be appointed from the same political party. They shall not be engaged

in any other business, avocation, or employment. That the office of said general appraisers shall be at the port of New York, and three of them shall be on duty at that port daily as a board of general appraisers.

All of the general appraisers of merchandise heretofore or hereafter appointed under the authority of said Act shall hold their office during good behavior, but may, after due hearing, be removed by the President for the following causes, and no other: Neglect of duty, malfeasance in office, or inefficiency.

That hereafter the salary of each of the general appraisers of merchandise shall be at the rate of nine thousand dollars per annum.

That the boards of general appraisers and the members thereof shall have and possess all the powers of a circuit court of the United States in preserving order, compelling the attendance of witnesses, and the production of evidence, and in punishing for contempt.

All notices in writing to collectors of dissatisfaction of any decision thereof, as to the rate or amount of duties chargeable upon imported merchandise, including all dutiable costs and charges, and as to all fees and exactions of whatever character (except duties on tonnage), with the invoice and all papers and exhibits, shall be forwarded to the board of nine general appraisers of merchandise at New York to be by rule thereof assigned for hearing or determination, or both. The President of the United States shall designate one of the board of nine general appraisers of merchandise as president of said board and others in order to act in his absence. Said general appraisers of merchandise shall be divided into three boards of three members each, to be denominated respectively Board 1, Board 2, and Board 3. The president of the board shall assign three general appraisers to each of said boards and shall designate one member of each of said boards as chairman thereof, and such assignment or designation may be by him changed from time to time, and he may assign or designate all boards of three general appraisers where it is now or heretofore was provided by law that such might be assigned or designated by the Secretary of the Treasury. The president of the board shall be competent to sit as a member of any board, or assign one or two other members thereto, in the absence or inability of any one or two members of such board. Each of the boards of three general appraisers, or a majority thereof, shall have full power to hear and determine all cases and questions arising therein or assigned thereto; and the general board of nine general appraisers, each of the boards of three general appraisers, and each of the general appraisers of merchandise, shall have all the jurisdiction and powers and proceed as now, heretofore, and herein provided. The said board of nine general appraisers shall have power to establish from time to time such rules of evidence, practice and procedure, not inconsistent with the statutes, as may be deemed necessary for the conduct and uniformity of its proceedings and decisions and the proceedings and decisions of the boards of three thereof; and for the production, care, and custody of samples and records of said board. The president of the board shall have control of the fiscal affairs and the clerical force of the board, make all recommendations for appointment, promotion, and otherwise affecting said clerical force; he may at any time

before trial under the rules of said board assign or reassign any case for hearing, determination, or both, and shall designate a general appraiser or a board of general appraisers, and, if necessary, a clerk thereto, to proceed to any port within the jurisdiction of the United States for the purpose of hearing, or determining if authorized by law, causes assigned for hearing at such port, and shall cause to be prepared and duly promulgated dockets therefor. No member of any of said boards shall sit to hear or decide any case on appeal in the decision of which he may have previously participated. The board of three general appraisers, or a majority of them, who decided the case, may, upon motion of either party made within thirty days next after their decision, grant a rehearing or retrial of said case when in their opinion the ends of justice may require it.

Act Aug. 5, 1909, c. 6, § 28, 36 Stat. 98.

Revision of reports of assistant appraisers; reappraisement; proceedings and decision of general appraiser or board of general appraisers.

Sec. 13. That the appraiser shall revise and correct the reports of the assistant appraisers as he may judge proper, and the appraiser, or, at ports where there is no appraiser, the person acting as such, shall report to the collector his decision as to the value of the merchandise appraised. At ports where there is no appraiser the certificate of the customs officer to whom is committed the estimating and collection of duties, of the dutiable value of any merchandise required to be appraised, shall be deemed and taken to be the appraisement of such merchandise. If the collector shall deem the appraisement of any imported merchandise too low, he may, within sixty days thereafter, appeal to reappraisement, which shall be made by one of the general appraisers, or if the importer, owner, agent, or consignee of such merchandise shall be dissatisfied with the appraisement thereof, and shall have complied with the requirements of law with respect to the entry and appraisement of merchandise, he may within ten days thereafter give notice to the collector, in writing, of such dissatisfaction. The decision of the general appraiser in cases of reappraisement shall be final and conclusive as to the dutiable value of such merchandise against all parties interested therein, unless the importer, owner, consignee, or agent of the merchandise shall be dissatisfied with such decision, and shall, within five days thereafter, give notice to the collector, in writing, of such dissatisfaction, or unless the collector shall deem the reappraisement of the merchandise too low, and shall within ten days thereafter appeal to re-reappraisement; in either case the collector shall transmit the invoice and all the papers appertaining thereto to the board of nine general appraisers, to be by rule thereof duly assigned for determination. In such cases the general appraiser and boards of general appraisers shall proceed by all reasonable ways and means in their power to ascertain, estimate, and determine the dutiable value of the imported merchandise, and in so doing may exercise both judicial and inquisitorial functions. In such cases hearings may in the discretion of the General Appraiser or board of General Appraisers before whom the case is pending be open and in the presence of the importer or his attorney and any duly authorized representative of the Government, who may in like discretion examine

and cross-examine all witnesses produced. The decision of the appraiser, or the person acting as such (in case where no objection is made thereto, either by the collector or by the importer, owner, consignee or agent) or the single general appraiser in case of no appeal, or of the board of three general appraisers, in all reappraisement cases, shall be final and conclusive against all parties and shall not be subject to review in any manner for any cause in any tribunal or court, and the collector or the person acting as such shall ascertain, fix, and liquidate the rate and amount of the duties to be paid on such merchandise, and the dutiable costs and charges thereon, according to law.

Act Aug. 5, 1909, c. 6, § 28, 36 Stat. 99.

Decision of collector; appeal to board of general appraisers.

Sec. 14. That the decision of the collector as to the rate and amount of duties chargeable upon imported merchandise, including all dutiable costs and charges, and as to all fees and exactions of whatever character (except duties on tonnage), shall be final and conclusive against all persons interested therein, unless the owner, importer, consignee, or agent of such merchandise, or the person paying such fees, charges, and exactions other than duties, shall, within fifteen days after but not before such ascertainment and liquidation of duties, as well in cases of merchandise entered in bond as for consumption, or within fifteen days after the payment of such fees, charges, and exactions, if dissatisfied with such decision, give notice in writing to the collector, setting forth therein distinctly and specifically, and in respect to each entry or payment, the reasons for his objections thereto, and if the merchandise is entered for consumption shall pay the full amount of the duties and charges ascertained to be due thereon. Upon such notice and payment the collector shall transmit the invoice and all the papers and exhibits connected therewith to the board of nine general appraisers, for due assignment and determination as hereinbefore provided; such determination shall be final and conclusive upon all persons interested therein, and the record shall be transmitted to the proper collector or person acting as such, who shall liquidate the entry accordingly, except in cases where an application shall be filed in the United States Court of Customs Appeals within the time and in the manner provided for in this Act.

Act Aug. 5, 1909, c. 6, § 28, 36 Stat. 100.

Administration of oaths, examination of witnesses, and production of papers, etc.

Sec. 15. That the general appraisers, or any of them, are hereby authorized to administer oaths, and said general appraisers, the boards of general appraisers, the local appraisers or the collectors, as the case may be, may cite to appear before them, and examine upon oath any owner, importer, agent, consignee, or other person touching any matter or thing which they, or either of them, may deem material respecting any imported merchandise, in ascertaining the dutiable value or classification thereof; and they, or either of them, may require the production of any letters, accounts, or invoices relating to said merchandise, and may require such testimony to be reduced to writing, and when so taken it shall be filed in the office of the collector, and preserved for use or reference until the final decision of the collector

or said board of appraisers shall be made respecting the valuation or classification of said merchandise, as the case may be.

Act Aug. 5, 1909, c. 6, § 28, 36 Stat. 100.

In addition to the authority of the Boards of General Appraisers and the members thereof, under this section, they have the powers of a Circuit Court in preserving order, compelling attendance of witnesses and production of evidence, and in punishing for contempt, by section 12 of the act, set forth above, as also amended by Act Aug. 5, 1909, c. 6.

Failure to submit to examination or to produce papers; false swearing; penalty; forfeiture.

Sec. 16. That if any person so cited to appear shall neglect or refuse to attend, or shall decline to answer, or shall refuse to answer in writing any interrogatories, and subscribe his name to his deposition, or to produce such papers when so required by a general appraiser, or a board of general appraisers, or a local appraiser or a collector, he shall be liable to a penalty of one hundred dollars; and if such person be the owner, importer, or consignee, the appraisement which the general appraiser, or board of general appraisers, or local appraiser or collector, where there is no appraiser, may make of the merchandise shall be final and conclusive; and any person who shall willfully and corruptly swear falsely on an examination before any general appraiser, or board of general appraisers, or local appraiser or collector, shall be deemed guilty of perjury; and if he is the owner, importer, or consignee, the merchandise shall be forfeited.

Act Aug. 5, 1909, c. 6, § 28, 36 Stat. 100.

Decisions of general appraisers; filing; publication of abstracts.

Sec. 17. That all decisions of the general appraisers and of the boards of general appraisers, respecting values and rates of duty, shall be preserved and filed, and shall be open to inspection under proper regulations to be prescribed by the Secretary of the Treasury. All decisions of the general appraisers shall be reported forthwith to the Secretary of the Treasury and to the board of general appraisers on duty at the port of New York, and the report to the board shall be accompanied, whenever practicable, by samples of the merchandise in question, and it shall be the duty of the said board, under the direction of the Secretary of the Treasury, to cause an abstract to be made and published of such decisions of the appraisers as they may deem important, and of the decisions of each of the general appraisers and boards of general appraisers, which abstract shall contain a general description of the merchandise in question, and of the value and rate of duty fixed in each case, with reference, whenever practicable, by number or other designation, to samples deposited in the place of samples at New York, and such abstract shall be issued from time to time, at least once in each week, for the information of customs officers and the public.

Act Aug. 5, 1909, c. 6, § 28, 36 Stat. 101.

Sec. 2948.

[Superseded. Act June 22, 1874, c. 391, § 2.]

This section, set forth in Comp. St. 1901, p. 1940, providing that additional duties are not to be deemed fines, etc., for distribution to cus-

toms officers, became inoperative by the repeal of all provisions for payment of moieties of fines, etc., to informers or officers, by Act June 22, 1874, c. 391, § 2, set forth in Comp. St. 1901, p. 2018.

Sec. 2950.

[Superseded. Act June 10, 1890, c. 407, § 13.]

This section, set forth in Comp. St. 1901, p. 1940, relating to appraisers' certificates, is superseded by the provisions relating to appraises contained in Act June 10, 1890, c. 407, § 13, set forth, as amended by Act Aug. 5, 1909, c. 6, § 28, ante, under Rev. St. § 2932.

CHAPTER SEVEN.

The Bond and Warehouse System.

Sec. 2970.

ACT JUNE 10, 1890, c. 407, § 20.

[Amended. Act Aug. 5, 1909, c. 6, § 28.]

This section, set forth in Comp. St. 1901, p. 1950, as amended by Act Oct. 1, 1890, c. 1244, § 54, in the further amendment of said Act June 10, 1890, c. 407, of which it is part, by Act Aug. 5, 1909, c. 6, § 28, is re-enacted in the language of the original section, but is designated as section 19 of the act as so amended, as set forth below.

The previous amendment of the section by Act Oct. 1, 1890, c. 1244, § 54, inserted, after the words "Any merchandise deposited," the words "in bond," as set forth in Comp. St. 1901, p. 1950. The words so inserted are not included in the section as re-enacted by Act Aug. 5, 1909, c. 6, § 28, set forth below.

A further amendment of the section by Act Dec. 15, 1902, c. 1, 32 Stat. 702, inserted therein, before the proviso annexed to the original section, another proviso relating to the rate of duty to be collected on withdrawal, making the section read as follows:

"Sec. 20. That any merchandise deposited in any public or private bonded warehouse may be withdrawn for consumption within three years from the date of original importation on payment of the duties and charges to which it may be subject by law at the time of such withdrawal: Provided, That the same rate of duty shall be collected thereon as may be imposed by law upon like articles of merchandise imported at the time of the withdrawal: And provided further, That nothing herein shall affect or impair existing provisions of law in regard to the disposal of perishable or explosive articles."

The proviso so inserted is not included in the section as re-enacted by Act Aug. 5, 1909, c. 6, § 28, set forth below.

Other sections of Act June 10, 1890, c. 407, as amended by Act Aug. 5, 1909, c. 6, § 28, are set forth or referred to ante, under chapter 4 of this Title.

ACT JUNE 10, 1890, c. 407, § 19. [*As amended* 1909.]

Withdrawal for consumption; perishable or explosive articles.

Sec. 19. Any merchandise deposited in any public or private bonded warehouse may be withdrawn for consumption within three years from the date of original importation, on payment of the duties and charges to which it may be subject by law at the time of such withdrawal: Provided, That nothing herein shall affect or impair existing

provisions of law in regard to the disposal of perishable or explosive articles.

Act Aug. 5, 1909, c. 6, § 28, 36 Stat. 101.

The provisions of the act of which this section is a part, as amended by Act July 24, 1897, c. 11, which are set forth or referred to in Comp. St. 1901, under chapter 4 of this Title, apply to all articles coming into the United States from the Philippine Islands, by Act March 8, 1902, c. 140, § 8, ante, under chapter 4 of this Title.

Sec. 2982.

[Amended. Act Aug. 5, 1909, c. 6, § 21.]

This section, set forth in Comp. St. 1901, p. 1955, is amended by Act Aug. 5, 1909, c. 6, § 21, set forth below.

ACT AUG. 5, 1909, c. 6, § 21. [H. R. 1438.]

Amendment of Rev. St. § 2982.

Sec. 21. That section twenty-nine hundred and eighty-two of the Revised Statutes of the United States be, and the same hereby is, amended to read as follows:

Supplies to vessels of war.

"Sec. 2982. The privilege of purchasing supplies from public warehouses, free of duty, and from bonded manufacturing warehouses, free of duty or of internal-revenue tax, as the case may be, shall be extended, under such regulations as the Secretary of the Treasury shall prescribe, to the vessels of war of any nation in ports of the United States which may reciprocate such privileges toward the vessels of war of the United States in its ports."

Act Aug. 5, 1909, c. 6, § 21, 36 Stat. 88.

Rev. St. § 2982, amended by this section, is set forth in Comp. St. 1901, p. 1955. The amendment consists in the insertion, after the words "The privilege of purchasing supplies," instead of the words "from the public warehouses duty free," of the words "from public warehouses, free of duty, and from bonded manufacturing warehouses, free of duty or of internal revenue tax, as the case may be," making the section read as set forth here.

ACT JULY 24, 1897, c. 11, §§ 15, 29.

[Superseded. Act Aug. 5, 1909, c. 6, §§ 23, 24.]

These sections, set forth in Comp. St. 1901, pp. 1956–1958, relating to bonded manufacturing warehouses and smelting works, are superseded by the similar provisions of Act Aug. 5, 1909, c. 6, §§ 23, 24, set forth below.

Articles manufactured in bonded manufacturing warehouses, in whole or in part of imported materials or of materials subject to internal revenue tax, may be shipped to the Philippine Islands, exempt from internal revenue tax, and drawback may be allowed of the internal revenue taxes or the duties paid on articles so shipped, by Act March 8, 1902, c. 140, § 6, set forth below; and by section 7 of the same act, also set forth below, duties paid on merchandise in bonded warehouses, etc., are to be returned on shipment thereof to the Philippine Islands, and merchandise on which duties have not been paid may be shipped to the Philippine Islands without payment of duty.

ACT MARCH 8, 1902, c. 140, §§ 6, 7.

Shipment to Philippine Islands of articles manufactured in bonded manufacturing warehouses, exempt from internal revenue tax, or of articles subject to internal revenue tax without payment of taxes or with benefit of drawback, etc.

Sec. 6. That all articles manufactured in bonded manufacturing warehouses in whole or in part of imported materials, or of materials

subject to internal-revenue tax and intended for shipment from the United States to the Philippine Islands, shall, when so shipped, under such regulations as the Secretary of the Treasury may prescribe, be exempt from internal-revenue tax, and shall not be charged with duty except the duty levied under this Act upon imports into the Philippine Islands.

That all articles subject under the laws of the United States to internal-revenue tax, or on which the internal-revenue tax has been paid, and which may under existing laws and regulations be exported to a foreign country without the payment of such tax, or with benefit of drawback, as the case may be, may also be shipped to the Philippine Islands with like privilege, under such regulations and the filing of such bonds, bills of lading, and other security as the Commissioner of Internal Revenue may, with the approval of the Secretary of the Treasury, prescribe. And all taxes paid upon such articles shipped to the Philippine Islands since November fifteenth, nineteen hundred and one, under the decision of the Secretary of the Treasury of that date, shall be refunded to the parties who have paid the same, under such rules and regulations as the Secretary of the Treasury may prescribe, and a sum sufficient to make such payment is hereby appropriated, out of any money in the Treasury not otherwise appropriated.

That where materials on which duties have been paid are used in the manufacture of articles manufactured or produced in the United States, there shall be allowed on the shipment of said articles to the Philippine Archipelago a drawback equal in amount to the duties paid on the materials used, less one per centum of such duties, under such rules and regulations as the Secretary of the Treasury may prescribe.

Act March 8, 1902, c. 140, § 6, 32 Stat. 55.

This section and the section next following are part of an act temporarily to provide revenue for the Philippine Islands, and for other purposes, cited above.

The provisions relating to bonded manufacturing warehouses, mentioned in this section, contained in Act July 24, 1897, c. 11, § 15, in force at the time of the passage of this act, are superseded by those of Act Aug. 5, 1909, c. 6, § 23, set forth below.

The provisions of this section are to some extent superseded by the more general provision for exemption of articles, goods, etc., going into the Philippine Islands from the United States, from payment of any tax imposed by the internal revenue laws of the United States, contained in Act Aug. 5, 1909, c. 6, § 5, set forth ante, under Title XXXIII, "Duties upon Imports."

Shipment to Philippine Islands of merchandise in bonded warehouses, etc.; return of duties paid; shipment without payment of duty.

Sec. 7. That merchandise in bonded warehouse or otherwise in the custody and control of the officers of the customs, upon which duties have been paid, shall be entitled, on shipment to the Philippine Islands within three years from the date of the original arrival, to a return of the duties paid less one per centum, and merchandise upon which duties have not been paid may be shipped without the payment of duties to the Philippine Islands within said period, under such rules and regulations as may be prescribed by the Secretary of the Treasury.

Act March 8, 1902, c. 140, § 7, 32 Stat. 55.

See note under preceding section of this act.

ACT AUG. 5, 1909, c. 6, §§ 23, 24. [H. R. 1438.]

Bonded manufacturing warehouses.

Sec. 23. That all articles manufactured in whole or in part of imported materials, or of materials subject to internal-revenue tax, and intended for exportation without being charged with duty, and without having an internal-revenue stamp affixed thereto, shall, under such regulations as the Secretary of the Treasury may prescribe, in order to be so manufactured and exported, be made and manufactured in bonded warehouses similar to those known and designated in Treasury Regulations as bonded warehouses, class six: Provided, That the manufacturer of such articles shall first give satisfactory bonds for the faithful observance of all the provisions of law and of such regulations as shall be prescribed by the Secretary of the Treasury: Provided further, That the manufacture of distilled spirits from grain, starch, molasses or sugar, including all dilutions or mixtures of them or either of them, shall not be permitted in such manufacturing warehouses.

Whenever goods manufactured in any bonded warehouse established under the provisions of the preceding paragraph shall be exported directly therefrom or shall be duly laden for transportation and immediate exportation under the supervision of the proper officer who shall be duly designated for that purpose, such goods shall be exempt from duty and from the requirements relating to revenue stamps.

Any materials used in the manufacture of such goods, and any packages, coverings, vessels, brands, and labels used in putting up the same may, under the regulations of the Secretary of the Treasury, be conveyed without the payment of revenue tax or duty into any bonded manufacturing warehouse, and imported goods may, under the aforesaid regulations, be transferred without the exaction of duty from any bonded warehouse into any bonded manufacturing warehouse; but this privilege shall not be held to apply to implements, machinery, or apparatus to be used in the construction or repair of any bonded manufacturing warehouse or for the prosecution of the business carried on therein.

No articles or materials received into such bonded manufacturing warehouse shall be withdrawn or removed therefrom except for direct shipment and exportation or for transportation and immediate exportation in bond to foreign countries or to the Philippine Islands under the supervision of the officer duly designated therefor by the collector of the port, who shall certify to such shipment and exportation, or ladening for transportation, as the case may be, describing the articles by their mark or otherwise, the quantity, the date of exportation, and the name of the vessel: Provided, That the waste material or by-products incident to the processes of manufacture in said bonded warehouses may be withdrawn for domestic consumption on the payment of duty equal to the duty which would be assessed and collected, by law, if such waste or by-products were imported from a foreign country. All labor performed and services rendered under these provisions shall be under the supervision of a duly designated officer of the customs and at the expense of the manufacturer.

A careful account shall be kept by the collector of all merchandise delivered by him to any bonded manufacturing warehouse, and a sworn monthly return, verified by the customs officers in charge, shall be made by the manufacturers containing a detailed statement

of all imported merchandise used by him in the manufacture of exported articles.

Before commencing business the proprietor of any manufacturing warehouse shall file with the Secretary of the Treasury a list of all the articles intended to be manufactured in such warehouse, and state the formula of manufacture and the names and quantities of the ingredients to be used therein.

Articles manufactured under these provisions may be withdrawn under such regulations as the Secretary of the Treasury may prescribe for transportation and delivery into any bonded warehouse at an exterior port for the sole purpose of immediate export therefrom.

The provisions of Revised Statutes thirty-four hundred and thirty-three shall, so far as may be practicable, apply to any bonded manufacturing warehouse established under this Act and to the merchandise conveyed therein.

Act Aug. 5, 1909, c. 6, § 23, 36 Stat. 88.

Previous similar provisions of the Tariff Act of 1897, Act July 24, 1897, c. 11, § 15, Comp. St. 1901, p. 1956, are superseded by this section.

Rev. St. § 3433, mentioned in this section, is set forth in Comp. St. 1901, p. 2254.

Smelting works as bonded warehouses.

Sec. 24. That the works of manufacturers engaged in smelting or refining, or both, of ores and crude metals, may upon the giving of satisfactory bonds be designated as bonded smelting warehouses. Ores or crude metals may be removed from the vessel or other vehicle in which imported, or from a bonded warehouse, into a bonded smelting warehouse without the payment of duties thereon and there smelted or refined, or both, together with other ores or crude metals of home or foreign production: Provided, That the several charges against such bonds may be canceled upon the exportation or delivery to a bonded manufacturing warehouse, established under section twenty-three of this Act, of the actual amount of lead produced from the smelting or refining, or both, of such ores or crude metals: And provided further, That said lead may be withdrawn for domestic consumption or transferred to a bonded customs warehouse and withdrawn therefrom upon the payment of the duties chargeable against it in that condition: Provided further, That all labor performed and services rendered pursuant to this section shall be under the supervision of an officer of the customs, to be appointed by the Secretary of the Treasury, and at the expense of the manufacturer: Provided further, That all regulations for the carrying out of this section shall be prescribed by the Secretary of the Treasury.

Act Aug. 5, 1909, c. 6, § 24, 36 Stat. 89.

Previous similar provisions of the Tariff Act of 1897, Act July 24, 1897, c. 11, § 29, Comp. St. 1901, p. 1957, are superseded by this section.

Secs. 2990–2997.

ACT JUNE 10, 1890, c. 190, § 1.

Ports at which entry may be made for transportation in bond.

The privileges of the immediate transportation act are extended to the port of Niagara Falls, N. Y., by Act March 2, 1903, c. 982, set forth below.

The privileges of the first section of the immediate transportation act are extended to the following ports:

Tacoma and Seattle, Wash., by Act July 1, 1902, c. 1359, set forth below.

Wilmington, N. C., by Act Dec. 23, 1902, c. 11, set forth below.

Portal, N. D., by Act Jan. 22, 1903, c. 197, set forth ante, under chapter 1 of this Title.

Rouses Point and Malone, N. Y., by Act Feb. 17, 1905, c. 580, set forth ante, under chapter 1 of this Title.

Texas City, Tex., by Act Feb. 17, 1905, c. 582, set forth ante, under chapter 1 of this Title.

Buffalo, N. Y., by Act May 3, 1906, c. 2078, set forth below.

Brunswick, Ga., by Act Feb. 6, 1907, c. 470, set forth below.

Knights Key, Fla., by Act Feb. 11, 1908, c. 22, set forth below.

Alburg, Vt., by Act Feb. 24, 1908, c. 36, set forth below.

Port Arthur, Tex., by Act May 23, 1908, c. 187, § 4, set forth below.

Saint Vincent, Minn., by Act May 23, 1908, c. 187, § 7, set forth below.

Blaine and Sumas, Wash., by Act Feb. 23, 1909, c. 171, set forth below.

Ranier, Minn., by Act Feb. 27, 1909, c. 226, set forth ante, under chapter 1 of this Title.

Eastport, Idaho, by Act June 13, 1910, c. 289, set forth ante, under chapter 1 of this Title.

New London, Conn., by Act June 25, 1910, c. 398, set forth below.

Brownsville, Texas, by Act Aug. 17, 1911, c. 23, set forth below.

The privileges of the seventh section of the immediate transportation act are extended to the following ports:

Salt Lake City, Utah, by Act March 18, 1904, c. 715, § 1, set forth ante, under chapter 1 of this Title.

Utica, N. Y., by Act March 24, 1904, c. 815, set forth ante, under chapter 1 of this Title.

Dayton, Ohio, by Act April 12, 1904, c. 1246, set forth ante, under chapter 1 of this Title.

Peoria, Ill., by Act April 27, 1904, c. 1627, set forth below.

Coal City, Ill., by Act April 28, 1904, c. 1825, set forth ante, under chapter 1 of this Title.

Gloucester, Mass., by Act March 1, 1905, c. 1300, set forth below.

Spokane, Wash., by Act May 3, 1906, c. 2079, set forth below.

Oswego, N. Y., by Act May 23, 1906, c. 2553, set forth below.

Sabine, Tex., by Act June 19, 1906, c. 3436, § 3, set forth ante, under chapter 1 of this Title.

Superior, Wis., by Act June 29, 1906, c. 3625, set forth below.

Bellingham, Wash., by Act Jan. 25, 1907, c. 399, set forth below.

Chattanooga, Tenn., by Act Feb. 11, 1908, c. 20, set forth below.

Norwalk, Stamford, and Greenwich, Conn., by Act Feb. 24, 1908, c. 85, set forth below.

Port Arthur, Tex., by Act April 6, 1908, c. 135, set forth below.

Petoskey, Mich., by Act May 23, 1908, c. 187, § 6, set forth below.

Corry, Pa., by Act March 3, 1909, c. 261, set forth ante, under chapter 1 of this Title.

Birmingham, Ala., by Act March 3, 1911, c. 228, set forth ante, under chapter 1 of this Title.

ACT JULY 1, 1902, c. 1359.

An Act Relating to Transportation of Dutiable Merchandise at Subports of Tacoma and Seattle, State of Washington. (32 Stat. 636.)

Tacoma and Seattle.

Be it enacted, &c., That the privileges of the first section of the Act approved June tenth, eighteen hundred and eighty, relating to the transportation of dutiable merchandise without appraisement, be, and the same are hereby, extended to Tacoma and Seattle, subports of entry in the customs collection district of Puget Sound, State of Washington.

Act July 1, 1902, c. 1359, 32 Stat. 636.

ACT DEC. 23, 1902, c. 11.

An Act to Make Wilmington, North Carolina, a Port through Which Merchandise may be Imported for Transportation without Appraisement. (32 Stat. 760.)

Wilmington.

Be it enacted, &c., That the privileges of the first section of the Act approved June tenth, eighteen hundred and eighty, governing the immediate transportation of dutiable merchandise without appraisement, be, and the same are hereby, extended to the port of Wilmington, North Carolina.

Act Dec. 23, 1902, c. 11, 32 Stat. 760.

ACT MARCH 2, 1903, c. 982.

An Act to Extend to the Port of Niagara Falls, New York, the Privileges of the Act Approved June Tenth, Eighteen Hundred and Eighty, Governing the Immediate Transportation of Dutiable Merchandise without Appraisement. (32 Stat. 955.)

Niagara Falls.

Be it enacted, &c., That the privileges of the Act approved June tenth, eighteen hundred and eighty, governing the immediate transportation of dutiable merchandise without appraisement, be, and they are hereby, extended to the port of Niagara Falls, New York.

Act March 2, 1903, c. 982, 32 Stat. 955.

ACT APRIL 27, 1904, c. 1627. [S. 5369.]

An Act to Extend to Peoria, Illinois, the Privileges of the Seventh Section of the Act of Congress Approved June Tenth, Eighteen hundred and eighty, Governing the Immediate Transportation of Merchandise without Appraisement. (33 Stat. 362.)

Peoria.

Be it enacted, &c., That the privileges of the seventh section of the Act approved June tenth, eighteen hundred and eighty, governing the immediate transportation of dutiable merchandise without appraisement, be, and are hereby, extended to Peoria, Illinois, a port of delivery in the customs district of Indiana and Illinois.

Act April 27, 1904, c. 1627, 33 Stat. 362.

ACT MARCH 1, 1905, c. 1300. [H. R. 17353.]

An Act to Make Gloucester, Massachusetts, a Port to which Merchandise may be Imported without Appraisement. (33 Stat. 822.)

Gloucester.

Be it enacted, &c., That the privileges of section seven of the Act approved June tenth, eighteen hundred and eighty, governing the immediate transportation of dutiable merchandise without appraisement, be, and the same are hereby, extended to the port of Gloucester, Massachusetts.

Act March 1, 1905, c. 1300, 33 Stat. 822.

ACT MAY 3, 1906, c. 2078. [H. R. 11037.]

An Act Relating to the Transportation of Dutiable Merchandise without Appraisement. (34 Stat. 168.)

Buffalo.

Be it enacted, &c., That the privileges of the first section of the Act approved June tenth, eighteen hundred and eighty, relating to the transportation of dutiable merchandise without appraisement, be, and the same are hereby, extended to the port of Buffalo, in the State of New York.

Act May 3, 1906, c. 2078, 34 Stat. 168.

ACT MAY 3, 1906, c. 2079. [H. R. 17757.]

An Act Extending to the Subport of Spokane, in the State of Washington, the Privileges of the Seventh Section of the Act Approved June Tenth, Eighteen hundred and eighty, Governing the Immediate Transportation of Dutiable Merchandise without Appraisement. (34 Stat. 168.)

Spokane.

Be it enacted, &c., That the privileges of the seventh section of the Act approved June tenth, eighteen hundred and eighty, governing the immediate transportation of dutiable merchandise without appraisement, be, and the same are hereby, extended to the subport of Spokane, in the State of Washington.

Act May 3, 1906, c. 2079, 34 Stat. 168.

ACT MAY 23, 1906, c. 2553. [H. R. 13938.]

An Act to Extend the Privileges of the Seventh Section of the Act Approved June Tenth, Eighteen hundred and eighty, to the Port of Oswego, New York. (34 Stat. 199.)

Oswego.

Be it enacted, &c., That the privileges of the seventh section of the Act approved June tenth, eighteen hundred and eighty, entitled "An Act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes," be, and the same are hereby, extended to the port of Oswego, in the State of New York.

Act May 23, 1906, c. 2553, 34 Stat. 199.

ACT JUNE 29, 1906, c. 3625.

An Act to Extend the Privileges of the Seventh Section of the Act Approved June Tenth, Eighteen hundred and eighty, to the Subport of Superior, Wisconsin. (34 Stat. 631.)

Superior.

Be it enacted, &c., That the privileges of the seventh section of the Act approved June tenth, eighteen hundred and eighty, entitled "An Act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes," be, and the same are hereby, extended to the subport of Superior, in the State of Wisconsin.

Act June 29, 1906, c. 3625, 34 Stat. 631.

ACT JAN. 25, 1907, c. 399. [H. R. 23114.]

An Act Extending to the Subport of Bellingham, in the State of Washington, the Privileges of the Seventh Section of the Act Approved June Tenth, Eighteen hundred and eighty, Governing the Immediate Transportation of Dutiable Merchandise without Appraisement. (34 Stat. 864.)

Bellingham.

Be it enacted, &c., That the privileges of the seventh section of the Act approved June tenth, eighteen hundred and eighty, governing the immediate transportation of dutiable merchandise without appraisement, be, and the same are hereby, extended to the subport of Bellingham, in the State of Washington.

Act Jan. 25, 1907, c. 399, 34 Stat. 864.

ACT FEB. 6, 1907, c. 470. [H. R. 21197.]

An Act to Amend an Act Entitled "An Act to Amend the Statutes in Relation to Immediate Transportation of Dutiable Goods, and for Other Purposes," Approved June Tenth, Eighteen hundred and eighty, by Extending the Provisions of the First Section thereof to the Port of Brunswick, Georgia. (34 Stat. 880.)

Brunswick.

Be it enacted, &c., That the privileges of the first section of the Act approved June tenth, anno Domini eighteen hundred and eighty, entitled "An Act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes," be, and the same are hereby, extended to the port of Brunswick, Georgia.

Act Feb. 6, 1907, c. 470, 34 Stat. 880.

ACT FEB. 11, 1908, c. 20. [H. R. 558.]

An Act to Extend to the Port of Chattanooga, Tennessee, the Privileges of Immediate Transportation of Dutiable Merchandise without Appraisement. (35 Stat. 7.)

Chattanooga.

Be it enacted, &c., That the privileges of the seventh section of the Act approved June tenth, eighteen hundred and eighty, entitled "An Act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes," be, and the same are hereby, extended to the port of Chattanooga, in the State of Tennessee.

Act Feb. 11, 1908, c. 20, 35 Stat. 7.

ACT FEB. 11, 1908, c. 22. [H. R. 14011.]

An Act Amending an Act Approved June Tenth, Eighteen Hundred and Eighty, Entitled "An Act to Amend the Statutes in Relation to Immediate Transportation of Dutiable Goods, and for Other Purposes." (35 Stat. 7.)

Knights Key.

Be it enacted, &c., That the privileges of the first section of the Act approved June tenth, eighteen hundred and eighty, entitled "An Act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes," be, and the same are hereby, extended to the subport of Knights Key, in the customs collection district of Key West, Florida.

Act Feb. 11, 1908, c. 22, 35 Stat. 7.

ACT FEB. 24, 1908, c. 35. [H. R. 9218.]

An Act Amending an Act Approved June Tenth, Eighteen Hundred and Eighty, Entitled "An Act to Amend the Statutes in Relation to Immediate Transportation of Dutiable Goods, and for Other Purposes." (35 Stat. 35.)

Norwalk, Stamford, and Greenwich.

Be it enacted, &c., That the privileges of the seventh section of the Act approved June tenth, eighteen hundred and eighty, entitled "An Act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes," be, and the same are hereby, extended to the ports of Norwalk, Stamford, and Greenwich, in the State of Connecticut.

Act Feb. 24, 1908, c. 35, 35 Stat. 35.

ACT FEB. 24, 1908, c. 36. [H. R. 12420.]

An Act to Extend Immediate Transportation Privileges to the Subport of Alburg, in the Customs Collection District of Vermont. (35 Stat. 35.)

Alburg.

Be it enacted, &c., That the privileges of the first section of the Act approved June tenth, eighteen hundred and eighty, relating to the transportation of dutiable merchandise without appraisement, be, and the same are hereby, extended to the subport of Alburg, in the customs collection district of Vermont.

Act Feb. 24, 1908, c. 36, 35 Stat. 35.

ACT APRIL 6, 1908, c. 135. [H. R. 9079.]

An Act to Extend to Port Arthur, in the State of Texas, the Privilege of Immediate Transportation without Appraisement of Dutiable Merchandise. (35 Stat. 58.)

Port Arthur.

Be it enacted, &c., That the privileges of the seventh section of the Act approved June tenth, eighteen hundred and eighty, entitled "An Act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes," be, and the same are hereby, extended to the port of Port Arthur, in the State of Texas.

Act April 6, 1908, c. 135, 35 Stat. 58.

The privileges of the first section of the immediate transportation act, also, are extended to Port Arthur by Act May 23, 1908, c. 187, § 4, set forth below.

ACT MAY 23, 1908, c. 187, §§ 4, 6, 7. [S. 3153.]

Port Arthur.

That the privileges of the first section of the Act approved June tenth, eighteen hundred and eighty, entitled "An Act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes," be, and the same are hereby, extended to the port of Port Arthur, in the State of Texas.

Act May 23, 1908, c. 187, § 4, 35 Stat. 245.

Petoskey.

That the privileges of the seventh section of the Act approved June tenth, eighteen hundred and eighty, entitled "An Act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes," be, and the same are hereby, extended to the subport of Petoskey, in the State of Michigan.

Act May 23, 1908, c. 187, § 6, 35 Stat. 245.

Saint Vincent.

That the privileges of the first section of the Act approved June tenth, eighteen hundred and eighty, entitled "An Act to amend the

statutes in relation to immediate transportation of dutiable goods, and for other purposes," be, and the same are hereby, extended to the subport of Saint Vincent, in the State of Minnesota.

Act May 23, 1908, c. 187, § 7, 35 Stat. 245.

ACT FEB. 23, 1909, c. 171. [H. R. 24140.]

An Act Extending the Provisions of the Act of June Tenth, Eighteen Hundred and Eighty, Concerning Transportation of Dutiable Merchandise without Appraisement. (35 Stat. 643.)

Blaine and Sumas.

Be it enacted, &c., That the privileges of the first section of the Act, approved June tenth, eighteen hundred and eighty, governing the immediate transportation of dutiable merchandise without appraisement, be, and the same are hereby, extended to the subports of Blaine and Sumas, in the State of Washington.

Act Feb. 23, 1909, c. 171, § 1, 35 Stat. 643.

Repeal.

Sec. 2. That all acts and parts of acts in conflict herewith are hereby repealed.

Act Feb. 23, 1909, c. 171, § 2, 35 Stat. 643.

ACT JUNE 25, 1910, c. 398. [H. R. 13448.]

An Act Amending the Statutes in Relation to the Immediate Transportation of Dutiable Goods and Merchandise. (36 Stat. 828.)

New London.

Be it enacted, &c., That the privileges of the first section of the Act approved June tenth, eighteen hundred and eighty, entitled "An Act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes," be, and the same are hereby, extended to the port of New London, in the customs collection district of New London, Connecticut.

Act June 25, 1910, c. 398, 36 Stat. 828.

ACT AUG. 17, 1911, c. 23. [H. R. 2925.]

An Act to Extend the Privileges of the Act Approved June Tenth, Eighteen hundred and eighty, to the Port of Brownsville, Texas. (37 Stat. 22.)

Brownsville.

Be it enacted, &c., That the privileges of the first section of the Act approved June tenth, eighteen hundred and eighty, governing the transportation of dutiable merchandise without appraisement be, and the same are hereby, extended to the port of Brownsville, Texas.

Act Aug. 17, 1911, c. 23, 37 Stat. 22.

CHAPTER EIGHT.

Payment.

Sec. 3009. [*As amended* 1877.]

Payment of duties on imports and internal revenue taxes by certified checks on banks, etc., is provided for by Act March 2, 1911, c. 191, set forth below.

ACT MARCH 2, 1911, c. 191. [H. R. 30570.]

Duties, how payable.

An Act to Authorize the Receipt of Certified Checks Drawn on National and State Banks for Duties on Imports and Internal Taxes, and for Other Purposes. (36 Stat. 965.)

Certified checks on banks, etc., may be received for duties and internal taxes; liability for ultimate payment; lien on assets of bank if check not paid.

Be it enacted, &c., That it shall be lawful for collectors of customs and of internal revenue to receive for duties on imports and internal taxes certified checks drawn on national and State banks, and trust companies during such time and under such regulations as the Secretary of the Treasury may prescribe. No person, however, who may be indebted to the United States on account of duties on imports or internal taxes who shall have tendered a certified check or checks as provisional payment for such duties or taxes, in accordance with the terms of this Act, shall be released from the obligation to make ultimate payment thereof until such certified check so received has been duly paid; and if any such check so received is not duly paid by the bank on which it is drawn and so certifying, the United States shall, in addition to its right to exact payment from the party originally indebted therefor, have a lien for the amount of such check upon all the assets of such bank; and such amount shall be paid out of its assets in preference to any or all other claims whatsoever against said bank, except the necessary costs and expenses of administration and the reimbursement of the United States for the amount expended in the redemption of the circulating notes of such bank.

Act March 2, 1911, c. 191, § 1, 36 Stat. 965.

Time of taking effect of act.

Sec. 2. That this Act shall be effective on and after June first, nineteen hundred and eleven.

Act March 2, 1911, c. 191, § 2, 36 Stat. 966.

Sec. 3013.

ACT JUNE 10, 1890, c. 407, § 24.

[Amended. Act Aug. 5, 1909, c. 6, § 28.]

This section, set forth in Comp. St. 1901, p. 1987, in the amendment of said Act June 10, 1890, c. 407, of which it is part, by Act Aug. 5, 1909, c. 6, § 28, is re-enacted in the language of the original section, but is designated as section 23 of the act as so amended, as set forth below.

ACT JUNE 10, 1890, c. 407, § 23.

Refunding overpayments of duties; correction of clerical errors; reports to Congress.

Sec. 23. That whenever it shall be shown to the satisfaction of the Secretary of the Treasury that, in any case of unascertained or estimated duties, or payments made upon appeal, more money has been paid to or deposited with a collector of customs than, as has been ascertained by final liquidation thereof, the law required to be paid or deposited, the Secretary of the Treasury shall direct the Treasurer to refund and pay the same out of any money in the Treasury not otherwise appropriated. The necessary moneys therefor are hereby appropriated, and this appropriation shall be deemed a permanent indefinite appropriation; and the Secretary of the Treasury is hereby authorized to correct manifest clerical errors in any entry or liquidation, for or against the United States, at any time, within one year of the date of such entry, but not afterwards: Provided, that the Secretary of the Treasury shall, in his annual report to Congress, give a detailed statement of the various sums of money refunded under the provisions of this Act or of any other Act of Congress relating to the revenue, together with copies of the rulings under which repayments were made.

Act Aug. 5, 1909, c. 6, § 28, 36 Stat. 103.

Permanent appropriations to repay the excess of deposits for unascertained duties, or duties, etc., paid under protest, and to refund duties to parties otherwise entitled thereto, are made also by Rev. St. § 3689, in paragraphs thereof set forth in Comp. St. pp. 2464, 2465.

CHAPTER NINE.

Drawback.

Sec. 3015.

Allowance of drawback.

Drawback of duties paid on materials used in the manufacture of articles manufactured or produced in the United States, on the shipment of said articles to the Philippine Archipelago, and of duties paid on merchandise in bonded warehouse or otherwise in the custody and control of the officers of the customs, on shipment to the Philippine Islands within three years from the date of the original arrival, is provided for by Act March 8, 1902, c. 140, §§ 6, 7, ante, under chapter 7 of this Title.

Sec. 3020.

ACT JULY 24, 1897, c. 11, § 30.

[Superseded. Act Aug. 5, 1909, c. 6, § 25.]

This section, set forth in Comp. St. 1901, p. 1991, relating to drawback on exportation of articles in the manufacture of which imported articles have been used, is superseded by the similar provisions of Act Aug. 5, 1909, c. 6, § 25, set forth below.

ACT AUG. 5, 1909, c. 6, § 25. [H. R. 1438.]

Manufactures using imported materials.

That where imported materials on which duties have been paid are used in the manufacture of articles manufactured or produced in the United States, there shall be allowed on the exportation of such ar-

ticles a drawback equal in amount to the duties paid on the materials used, less one per centum of such duties: Provided, That when the articles exported are made in part from domestic materials the imported materials, or the parts of the articles made from such materials, shall so appear in the completed articles that the quantity or measure thereof may be ascertained: And provided further, That the drawback on any article allowed under existing law shall be continued at the rate herein provided. That the imported materials used in the manufacture or production of articles entitled to drawback of customs duties when exported shall, in all cases where drawback of duties paid on such materials is claimed, be identified, the quantity of such materials used and the amount of duties paid thereon shall be ascertained, the facts of the manufacture or production of such articles in the United States and their exportation therefrom shall be determined, and the drawback due thereon shall be paid to the manufacturer, producer, or exporter, to the agent of either or to the person to whom such manufacturer, producer, exporter, or agent shall in writing order such drawback paid, under such regulations as the Secretary of the Treasury shall prescribe.

That on the exportation of medicinal or toilet preparations (including perfumery) hereafter manufactured or produced in the United States in part from domestic alcohol on which an internal-revenue tax has been paid, there shall be allowed a drawback equal in amount to the tax found to have been paid on the alcohol so used: Provided, That no other than domestic tax-paid alcohol shall have been used in the manufacture or production of such preparations. Such drawback shall be determined and paid under such rules and regulations, and upon the filing of such notices, bonds, bills of lading, and other evidence of payment of tax and exportation, as the Secretary of the Treasury shall prescribe.

That the provisions of this section shall apply to materials used in the construction and equipment of vessels built for foreign account and ownership, or for the government of any foreign country, notwithstanding that such vessels may not within the strict meaning of the term be articles exported.

Act Aug. 5, 1909, c. 6, § 25, 36 Stat. 90.

Previous provisions, in the same language, of the Tariff Act of 1897, Act July 24, 1897, c. 11, § 30, Comp. St. 1901, p. 1991, are superseded by this section.

CHAPTER TEN.

Enforcement of Duty—Laws and Punishment for Violations.

Sec. 3087.

ACT JUNE 10, 1890, c. 407, § 21.

[Amended. Act Aug. 5, 1909, c. 6, § 28.]

This section, set forth in Comp. St. 1901, p. 2016, in the amendment of Act June 10, 1890, c. 407, of which it is part, by Act Aug. 5, 1909, c. 6, § 28, is re-enacted in the same language, but is designated as section 20 of the act as so amended, as set forth below.

ACT JUNE 10, 1890, c. 407, § 20.

Burden of proof on claimant of property where seizure has been made.

Sec. 20. That in all suits or informations brought, where any seizure has been made pursuant to any Act providing for or regulating the collection of duties on imports or tonnage, if the property is claimed by any person, the burden of proof shall lie upon such claimant: Provided, That probable cause is shown for such prosecution, to be judged of by the court.

Act Aug. 5, 1909, c. 6, § 28, 36 Stat. 101.

CHAPTER ELEVEN.

Provisions Applying to Commerce with Contiguous Countries.

Sec. 3095.

[Amended. Act April 27, 1904, c. 1625.]

This section is amended by Act April 27, 1904, c. 1625, to read as set forth below.

ACT APRIL 27, 1904, c. 1625. [S. 2816.]

An Act to Amend Section Three thousand and ninety-five of the Revised Statutes of the United States, Relating to Manner of Importation. (33 Stat. 362.).

Amendment of Rev. St. § 3095.

Be it enacted, &c., That section three thousand and ninety-five of the Revised Statutes is hereby amended so as to read as follows:

Manner of importation.

"Sec. 3095. Except in the districts on the northern, northwestern, and western boundaries of the United States, adjoining to the Dominion of Canada or into the districts adjacent to Mexico, no merchandise of foreign growth or manufacture subject to the payment of duties shall be brought into the United States from any foreign port in any other manner than by sea, nor in any vessel of less than thirty net register tons, or landed or unladen at any other port than is directed by law, under the penalty of seizure and forfeiture of all such vessels and of the merchandise imported therein, laden or unladen in any other manner."

Act April 27, 1904, c. 1625, § 1, 33 Stat. 362.

Rev. St. § 3095, amended by this act, is set forth in Comp. St. 1901, p. 2025.

Time of taking effect of act.

Sec. 2. That this Act shall take effect one month after its passage.

Act April 27, 1904, c. 1625, § 2, 33 Stat. 362.

TITLE XXXV.

INTERNAL REVENUE.

CHAPTER ONE.

Officers of Internal Revenue.

Sec. 3145.

ACT FEB. 8, 1875, c. 36, § 12.

Deputy collectors; allowances for compensation, and for collectors' salaries and office expenses.

The appointment of a deputy-collector, to be stationed at San Juan, Porto Rico, is provided for, and his duties in connection with the payment of all internal-revenue taxes on articles of Porto Rican manufacture coming into the United States by affixing stamps thereto, are prescribed, by Act June 29, 1906, c. 3613, set forth below.

Appropriations for salaries and expenses of collectors, deputy collectors, surveyors, and clerks and other employés in internal-revenue offices, are made in the legislative, executive, and judicial appropriation acts for each year. The provision for the fiscal year ending June 30, 1912, is by Act March 4, 1911, c. 237, § 1, 36 Stat. 1196.

ACT JUNE 29, 1906, c. 3613. [H. R. 15071.]

An Act to Provide Means for the Sale of Internal-Revenue Stamps in the Island of Porto Rico. (34 Stat. 620.)

Taxes on articles of Porto Rican manufacture coming into United States to be paid by affixing stamps; deputy collector at San Juan, Porto Rico; issuance of stamps; duties, compensation, and expenses of deputy collector.

Be it enacted, &c., That all United States internal-revenue taxes now imposed by law on articles of Porto Rican manufacture coming into the United States for consumption or sale may hereafter be paid by affixing to such articles before shipment thereof a proper United States internal-revenue stamp denoting such payment, and for the purpose of carrying into effect the provisions of this Act the Secretary of the Treasury is authorized to grant to such collector of internal revenue as may be recommended by the Commissioner of Internal Revenue, and approved by the Secretary, an allowance for the salary and expenses of a deputy collector of internal revenue, to be stationed at San Juan, Porto Rico, and the appointment of this deputy to be approved by the Secretary.

The collector will place in the hands of such deputy all stamps necessary for the payment of the proper tax on articles produced in Porto Rico and shipped to the United States, and the said deputy, upon proper payment made for said stamps, shall issue them to manufacturers in Porto Rico. All such stamps so issued or transferred to said deputy collector shall be charged to the collector and be accounted for by him as in the case of other tax-paid stamps.

The deputy collector assigned to this duty shall perform such other

work in connection with the inspection and stamping of such articles, and shall make such returns as the Commissioner of Internal Revenue may, by regulations approved by the Secretary of the Treasury, direct. and all provisions of existing law relative to the appointment, duties, and compensation of deputy collectors of internal revenue, including office rent and other necessary expenses, shall, so far as applicable, apply to the deputy collector of internal revenue assigned to duty under the provisions of this Act.

Act June 29, 1906, c. 3613, § 1, 34 Stat. 620.

Bond of deputy collector.

Sec. 2. That before entering upon the duties of his office such deputy collector shall execute a bond, payable to the collector of internal revenue appointing him, in such amount and with such sureties as he may determine.

Act June 29, 1906, c. 3613, § 2, 34 Stat. 621.

Sec. 3152. [*As amended* 1879.]

Internal revenue agents.

The compensation of internal revenue agents, which by Rev. St. § 3152, Comp. St. 1901, p. 2047, was to be such as the Commissioner of Internal Revenue might deem proper, is limited by a provision of Act April 17, 1900, c. 192, § 1, set forth below.

ACT JULY 7, 1884, c. 331, § 1.

Limitation of number of agents.

The number of internal revenue agents authorized under Rev. St. § 3152, and the provisions of Act July 7, 1884, c. 331, § 1, and Act June 13, 1898, c. 448, § 3, set forth in Comp. St. 1901, pp. 2048, 2049, is affected by the provisions of the appropriation acts for subsequent years, which are set forth or referred to below.

The limitation of the number of internal revenue agents imposed by the provision of Act July 7, 1884, c. 331, § 1, set forth in Comp. St. 1901, p. 2048, is modified, at least temporarily, by provisions of Act April 28, 1902, c. 594, § 1, and subsequent acts, set forth below.

ACT JUNE 13, 1898, c. 448, § 3.

[Superseded. Act April 28, 1902, c. 594, § 1.]

The provisions of this section and of section 47 of this act, set forth in Comp. St. 1901, pp. 2048, 2245, for additional internal revenue agents, are superseded by the provisions of Act April 28, 1902, c. 594, § 1, and other subsequent acts, set forth below.

ACT APRIL 17, 1900, c. 192, § 1.

Compensation of agents.

* * That the compensation of the chief of the internal-revenue agents shall not exceed ten dollars per day, and of the other agents not exceeding seven dollars per day each; and for per diem in lieu of subsistence, when absent on duty from their legal residence, said agents shall receive, at a rate to be fixed by the Secretary of the Treasury, not exceeding three dollars per day: * *

Act April 17, 1900, c. 192, § 1, 31 Stat. 107.

This is a proviso annexed to an appropriation for salaries and expenses of agents, etc., in the legislative, executive, and judicial appropriation act for the fiscal year ending June 30, 1901, cited above.

The limitation imposed by this provision on the per diem to be allowed to agents is extended, as to agents assigned to the duty of examining accounts of collectors, by a provision of Act Feb. 3, 1905, c. 297, § 1, set forth below.

ACT APRIL 28, 1902, c. 594, § 1.

Additional agents.

* * And for salaries and expenses of twenty additional internal revenue agents to be appointed and employed by the Commissioner of Internal Revenue, and these twenty agents to be in lieu of the agents provided for and appointed under the provisions of sections three and forty-seven of the act of June thirteenth, eighteen hundred and ninety-eight, providing for war revenue expenditures and other purposes, and these to be the only internal revenue agents employed in addition to those provided for in section three thousand one hundred and fifty-two of the Revised Statutes. The existing provisions of law with regard to internal revenue agents shall apply to the duties, compensation, and expenses of these twenty additional agents, * *.

Act April 28, 1902, c. 594, § 1, 32 Stat. 142. Act Feb. 25, 1903, c. 755, § 1, 32 Stat. 877.

This is a provision of the legislative, executive, and judicial appropriation act for the fiscal year ending June 30, 1903, repeated in the similar act for the fiscal year ending June 30, 1904, cited above.

An appropriation "for continuing salaries and expenses of twenty additional internal revenue agents" was made for the fiscal year 1905, by Act March 18, 1904, c. 716, § 1, set forth below. And for subsequent fiscal years an appropriation is made "for salaries and expenses of forty revenue agents provided for by law," as in Act Feb. 3, 1905, c. 297, § 1, also set forth below.

ACT MARCH 18, 1904, c. 716, § 1. [H. R. 9480.]

Additional agents.

* * For continuing salaries and expenses of twenty additional internal-revenue agents appointed and employed by the Commissioner of Internal Revenue, the employment of this force being made necessary by the increased collections of internal revenue. The existing provisions of law with regard to internal-revenue agents shall apply to the duties, compensation, and expenses of these twenty additional agents. * *

Act March 18, 1904, c. 716, § 1, 33 Stat. 106.

This is a provision of the legislative, executive, and judicial appropriation act for the fiscal year ending June 30, 1905, cited above.

The corresponding provision for the year next following, by Act Feb. 3, 1905, c. 297, § 1, is set forth below.

ACT FEB. 3, 1905, c. 297, § 1. [H. R. 15895.]

Compensation of agents.

For salaries and expenses of forty revenue agents provided for by law, * *: Provided, That internal-revenue agents assigned to the duty of examining the accounts of collectors of internal revenue shall receive for per diem in lieu of subsistence, when absent from their legal residences on duty, a sum, to be fixed by the Commissioner of Internal Revenue, approved by the Secretary of the Treasury, not to exceed four dollars.

Act Feb. 3, 1905, c. 297, § 1, 33 Stat. 652.

This is a provision of the legislative, executive, and judicial appropriation act for the fiscal year ending June 30, 1906, cited above.

The appropriation by this act "for salaries and expenses of forty revenue agents provided for by law" is repeated in the similar subsequent appropriation acts. The provision for the fiscal year ending June 30, 1912, is by Act March 4, 1911, c. 237, § 1, 36 Stat. 1196.

Previous provisions relating to per diem to be allowed to internal revenue agents, contained in Act April 17, 1900, c. 192, § 1, are set forth above

Sec. 3153.

Storekeepers and their salaries.

The officer holding the combined office of storekeeper and gauger is denominated storekeeper-gauger, and his compensation is prescribed by Act June 28, 1902, c. 1312, set forth post, under Rev. St. § 3157.

Sec. 3156.

Gaugers.

The officer holding the combined office of storekeeper and gauger is denominated storekeeper-gauger, and his compensation is prescribed by Act June 28, 1902, c. 1312, set forth post, under Rev. St. § 3157.

Provisions of Act March 3, 1885, c. 343, § 1, and Act Aug. 28, 1894, c. 349, § 63, set forth in Comp. St. 1901, pp. 2051, 2052, relating to compensation of storekeepers and storekeeper-gaugers, are amended, by Act May 13, 1910, c. 236, and Act Feb. 24, 1911, c. 149, set forth post, under Rev. St. § 3157.

Sec. 3157.

ACT AUG. 15, 1876, c. 287, § 1.

Limit of compensation of storekeepers and gaugers; performance of duties by one officer.

See notes under Rev. St. §§ 3153, 3156, above.

ACT AUG. 27, 1894, c. 349, § 64.

Duties of officer acting as storekeeper and gauger; bond.

See notes under Rev. St. §§ 3153, 3156, above.

ACT MARCH 3, 1885, c. 343, § 1.

[Amended. Act Feb. 24, 1911, c. 149.]

The provision of this act, set forth in Comp. St. 1901, p. 2051, limiting the compensation of storekeepers, etc., at small distilleries, is amended by Act Feb. 24, 1911, c. 149, to read as set forth below.

ACT AUG. 28, 1894, c. 349, § 63.

[Amended. Act May 13, 1910, c. 236.]

This section, set forth in Comp. St. 1901, p. 2052, relating to compensation of storekeepers, etc., while traveling, is amended by Act May 13, 1910, c. 236, to read as set forth below.

ACT JUNE 28, 1902, c. 1312.

An Act to Amend the Internal-Revenue Laws in Regard to Storekeepers and Gaugers. (32 Stat. 492.)

Storekeeper and gauger denominated storekeeper-gauger; compensation.

Be it enacted, &c., That the internal-revenue officer holding the combined office of storekeeper and gauger shall hereafter be known and denominated as a storekeeper-gauger, and when performing the combined duties of storekeeper-gauger, or when assigned by the Commissioner of Internal Revenue to perform the duties of a storekeeper only at any distillery, or at any general or special bonded warehouse, he shall receive for his services the compensation of storekeeper only; but when assigned by the Commissioner of Internal Revenue to perform the duties of gauger only, under the internal-revenue laws, as provided by those laws, he shall receive only the compensation for his services and the traveling expenses which are allowed by law to United States gaugers.

Act June 28, 1902, c. 1312, 32 Stat. 492.

Previous provisions for the performance of the duties of storekeeper and gauger by one officer are contained in Act Aug. 15, 1876, c. 287, § 1,

Comp. St. 1901, p. 2050, and provisions relating to the compensation of such officers are set forth in Comp. St. 1901, pp. 2048–2053, and amendments of some of such provisions, by Act May 13, 1910, c. 236, and Act Feb. 24, 1911, c. 149, are set forth below.

ACT MAY 13, 1910, c. 236. [H. R. 18813.]

An Act to Amend Section Sixty-Three of the Act of August Twenty-eight, Eighteen hundred and ninety-four (Twenty-eighth Statutes, Page Five hundred and sixty-seven). (36 Stat. 369.)

Amendment of Act Aug. 28, 1894, c. 349, § 63.

Be it enacted, &c., That section sixty-three of the Act of August twenty-eighth, eighteen hundred and ninety-four (Twenty-eighth Statutes, page five hundred and sixty-seven), be, and the same is hereby, amended so as to read as follows:

Compensation of storekeepers, storekeeper-gaugers, and gaugers, when traveling, etc.

"Sec. 63. That storekeepers, storekeeper-gaugers, and gaugers, when traveling to or from assignments, or when transferred from one assignment to another, either in the same district or in different districts, shall receive the same compensation per day during the time necessarily occupied in traveling that they would be entitled to if on duty at the place to which assigned or transferred, or from which relieved, together with actual and necessary traveling expenses."

Act May 13, 1910, c. 236, 36 Stat. 369.

Act Aug. 27, 1894, c. 349, § 63, amended by this act, is set forth in Comp. St. 1901, p. 2052.

ACT JUNE 23, 1910, c. 356. [S. 5035.]

An Act Granting Cumulative Annual Leave of Absence to Storekeepers, Gaugers, and Storekeeper-gaugers, with Pay. (36 Stat. 592.)

Leaves of absence to storekeepers, gaugers, etc.

Be it enacted, &c., That storekeepers, gaugers, and storekeeper-gaugers shall be, and are hereby, granted a cumulative annual leave of absence, with pay, not to exceed in the aggregate fifteen days for any one year: Provided, That said leave of absence is so computed as not to exceed one and one-quarter days for each twenty-six days said storekeepers, gaugers, and storekeeper-gaugers are actually assigned to duty: Provided further, That such leave shall be operative under such rules and regulations as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, may prescribe.

Act June 23, 1910, c. 356, 36 Stat. 592.

ACT FEB. 24, 1911, c. 149. [H. R. 27837.]

An Act to Amend the Provisions of the Act of March Third, Eighteen hundred and eighty-five, Limiting the Compensation of Storekeepers, Gaugers, and Storekeeper-gaugers in Certain Cases to Two Dollars a Day, and for Other Purposes. (36 Stat. 928.)

Amendment of Act March 3, 1885, c. 343, § 1.

Be it enacted, &c., That the provisions of the legislative, executive, and judicial appropriations Act for the fiscal year ending June thirtieth, eighteen hundred and eighty-six (Twenty-third Statutes, page four hundred and four), approved March third, eighteen hundred and

eighty-five, which limits to two dollars per day the compensation of storekeepers, gaugers, and storekeeper-gaugers assigned to distilleries whose registered capacity is twenty bushels or less, be, and the same is hereby, amended, so as to read as follows:

Compensation of storekeepers, gaugers, etc., at small distilleries.

"Hereafter storekeepers, gaugers, and storekeeper-gaugers who are assigned to distilleries with a registered capacity of twenty bushels or less, or who are assigned to other places where the compensation is now less than three dollars a day, shall receive three dollars a day for services."

Act Feb. 24, 1911, c. 149, 36 Stat. 928.

The provision of Act March 3, 1885, c. 343, § 1, amended by this act, is set forth in Comp. St. 1901, p. 2051.

Sec. 3163.

Duties of collectors and agents; power of Commissioner.

The authority, power, and jurisdiction, in relation to the exclusion from residence within the United States, of Chinese, vested by law or treaty in the collectors of internal revenue, are conferred upon such officers under the control of the Commissioner-General of Immigration as the Secretary of Commerce and Labor may designate therefor, by provisions of Act Feb. 14, 1903, c. 552, § 7, ante, under Title XII A, "The Department of Commerce and Labor."

CHAPTER TWO.

Of Assessments and Collections.

Sec. 3183. [*As amended* 1879.]

Duty and authority of collectors and deputies to collect all taxes.

Certified checks on banks, etc., may be received for internal taxes, as well as for duties on imports, by Act March 2, 1911, c. 191, set forth ante, under Title XXXIV, "Collection of Duties upon Imports," c. 8, under Rev. St. § 3009.

Sec. 3210.

Collections to be paid into Treasury daily.

In addition to the provisions of this section, set forth in Comp. St. 1901, p. 2082, for payment of all taxes and revenues received into the Treasury daily, collectors of internal revenue are required to pay daily into the Treasury all collections of whatever nature, by a provision of Act May 27, 1908, c. 200, § 1, set forth below.

ACT MAY 27, 1908, c. 200, § 1. [H. R. 21260.]

All collections to be paid into Treasury daily; refunding money covered into Treasury.

After June thirtieth, nineteen hundred and eight, collectors of internal revenue shall pay daily into the Treasury of the United States, under instructions of the Secretary of the Treasury, the gross amounts of all collections of whatever nature, made by authority of law, and the same shall be covered into the Treasury as internal-revenue collections.

To enable the Secretary of the Treasury to refund money covered into Treasury as internal revenue collections which under authority of law has heretofore been refunded or returned, thirty thousand dollars.

Act May 27, 1908, c. 200, § 1, 35 Stat. 325.

These are provisions of the sundry civil appropriation act for the fiscal year ending June 30, 1909, cited above. The similar acts for subsequent years contain a similar appropriation "to refund money covered into Treasury as internal revenue collections," under the provisions of this act. The provision for the fiscal year ending June 30, 1912, is by Act March 4, 1911, c. 285, § 1, 36 Stat. 1390.

Sec. 3212.

Collector's monthly statement; final accounts.

Collectors are to render accounts quarterly, by a provision of Act May 27, 1908, c. 200, § 1, set forth below.

ACT MAY 27, 1908, c. 200, § 1. [H. R. 21260.]

Collecters to render accounts quarterly.

Collectors of internal revenue shall render their revenue accounts quarterly.

Act May 27, 1908, c. 200, § 1, 35 Stat. 325.

This is a provision of the sundry civil appropriation act for the fiscal year ending June 30, 1909, cited above.

CHAPTER THREE.

Special Taxes.

Sec. 3232.

Trade or business not to be carried on until tax paid.

Rev. St. §§ 3232–3241, 3243, so far as applicable, are made to extend to and include and apply to special taxes imposed by Act Aug. 2, 1886, c. 840, § 3, on manufacturers of and dealers in oleomargarine, by provisions of that section set forth in Comp. St. 1901, p. 2229, and to special taxes imposed by Act May 9, 1902, c. 784, § 4, on manufacturers of and dealers in process or renovated butter or adulterated butter, by similar provisions of that section, set forth post, under chapter 7 B of this Title.

Sec. 3240.

[Amended. Act June 21, 1906, c. 3509.]

This section is amended by Act June 21, 1906, c. 3509, to read as set forth below.

ACT JUNE 21, 1906, c. 3509. [H. R. 14968.]

An Act to Amend the Internal-Revenue Laws so as to Provide for Furnishing Certified Copies of Certain Records. (34 Stat. 387.)

Amendment of Rev. St. § 3240.

Be it enacted, &c., That chapter three of the Revised Statutes of the United States be, and hereby is, amended in section thirty-two hundred and forty, so as to read:

List of special tax-payers to be exhibited in collector's office; [certified copies to be furnished to prosecuting officers of states, etc.].

"Sec. 3240. Each collector of internal revenue shall, under regulations of the Commissioner of Internal Revenue, place and keep con-

spicuously in his office, for public inspection, an alphabetical list of the names of all persons who shall have paid special taxes within his district, and shall state thereon the time, place, and business for which such special taxes have been paid, and upon application of any prosecuting officer of any State, county, or municipality he shall furnish a certified copy thereof, as a public record, for which a fee of one dollar for each one hundred words or fraction thereof in the copy or copies so requested may be charged."

Act June 21, 1906, c. 3509, 34 Stat. 387.

Rev. St. § 3240, amended by this act, is set forth in Comp. St. 1901, p. 2093. The amendment consists in the addition, at the end of the section as originally enacted, of the provision beginning with the words "and upon application of any prosecuting officer," etc., to the end of the section as set forth here.

Sec. 3244. [*As amended* 1875, 1879, 1883.]

Special taxes imposed on whom.

The special taxes mentioned in various notes under this section in Comp. St. 1901, pp. 2099, 2100, as imposed on dealers in and manufacturers of tobacco and manufacturers of cigars by Act June 13, 1898, c. 448, § 4, Comp. St. 1901, p. 2290, and on bankers, brokers, pawnbrokers, customs-house brokers, proprietors of theaters, museums, and concert halls, proprietors of circuses, proprietors of unenumerated exhibitions, and proprietors of bowling alleys and billiard rooms, by section 2 of the same act, Comp. St. 1901, p. 2286, are abrogated, by the repeal of those sections by Act April 12, 1902, c. 500, post, under chapter 11 A of this Title.

Dealers in leaf tobacco are made subject to all the provisions of this section, as amended in 1879 and also in 1883, and to the provisions of certain other sections of the Revised Statutes, by Act Aug. 5, 1909, c. 6, § 35, set forth below.

ACT OCT. 1, 1890, c. 1244, § 36.

Dealers in leaf tobacco, etc., repeal of special taxes; registration.

This section, in so far as it repealed all special taxes on dealers in leaf tobacco, is superseded by Act Aug. 5, 1909, c. 6, § 35, set forth below.

ACT AUG. 5, 1909, c. 6, § 35. [H. R. 1438.]

Leaf tobacco, unstemmed, and not manufactured or altered, and buying and selling same, not subject to tax; dealers in leaf tobacco subject to special tax and to other provisions; who are retail dealers, and registration and statements of sales by retail dealers; false statements, etc.; penalty; sales by farmers or growers of leaf tobacco not restricted.

Sec. 35. That unstemmed leaf tobacco in the natural leaf, in the hand, and not manufactured or altered in any manner, raised and grown in the United States, shall not be subject to any internal-revenue tax or charge of any kind whatsoever, and it shall be lawful for any person to buy and sell such unstemmed tobacco in the leaf, in the hand, without payment of tax of any kind: Provided, That any person, other than the farmer or producer of leaf tobacco, who sells leaf tobacco to manufacturers of tobacco, snuff or cigars shall be deemed and considered a dealer in leaf tobacco, and become subject to all the provisions of section thirty-two hundred and forty-four, as amended by section fourteen, Act of March first, eighteen hundred and seventy-nine, and also as amended by the Act of March third, eighteen hundred and eighty-three, and, further, shall be subject to all the provisions of section thirty-three hundred and sixty, as amended by section fourteen,

Act of March first, eighteen hundred and seventy-nine, and of sections thirty-three hundred and fifty-nine and thirty-three hundred and ninety-one, United States Revised Statutes.

Every person shall be regarded as a retail dealer in leaf tobacco whose business it is to sell leaf tobacco in quantities of less than an original hogshead, case or bale; or who shall sell directly to consumers or to persons other than dealers in leaf tobacco or to manufacturers of tobacco, snuff or cigars, or to persons who purchase in original packages for export.

Every such retail dealer in leaf tobacco shall register with the collector of the district his name or style, place of residence, trade or business, and the place where such trade or business is to be carried on; and a failure to register as herein required shall subject such person to a penalty of fifty dollars; and every retail dealer in leaf tobacco shall also keep a book and enter therein daily his purchases of leaf tobacco and his sales, where such sales amount to two pounds or more to one person in one day. Such record shall be kept written up to date and shall be in such form and contain such entries as shall be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, and such books shall be open at all times for the inspection of any internal-revenue officer or agent.

Any person who has duly qualified as a retail dealer in leaf tobacco may sell natural leaf tobacco grown or raised in the United States in its condition as cured on the farm, in the hand, and not manufactured in any way, except to manufacturers of tobacco, snuff or cigars, without the payment of any tax on such leaf tobacco whatsoever, and so much of section sixty-nine, tariff Act of August twenty-seventh, eighteen hundred and ninety-four, which took effect the following day, and section thirty-two hundred and forty-four, United States Revised Statutes, or any other existing law, as is inconsistent with the provisions of this Act, is hereby repealed.

And it shall be the duty of every retail dealer in leaf tobacco, as herein described, under regulations to be prescribed by the Commissioner of Internal Revenue with the approval of the Secretary of the Treasury, to furnish on demand to any internal-revenue officer or other authorized agent of the Treasury Department a true and correct statement, verified by his oath or affirmation, of all his sales of leaf tobacco in quantities of ten pounds or more to any one person in any one day, with the name and residence in each instance of the person to whom sold, and any such retail dealer in leaf tobacco who shall willfully refuse to furnish such information or keep the book as required herein, or who shall knowingly make any false statements or false entries in such book as to any of the facts aforesaid, shall be guilty of a misdemeanor, and on conviction shall be liable to a fine of fifty dollars for each offense: And provided further, That nothing in this Act shall be construed as imposing any restrictions whatsoever upon the farmers or growers of leaf tobacco in regard to the sales of their leaf tobacco.

Act Aug. 5, 1909, c. 6, § 35, 36 Stat. 110.

This section is part of the Tariff Act of 1909, cited above, other sections of which are set forth ante, under Title XXXIII, "Duties upon Imports."

Rev. St. § 3244, subd. 6, imposing a special tax on dealers in leaf

tobacco, as amended by Act March 1, 1879, c. 125, § 14, 20 Stat. 343, mentioned in this section, is as follows:

"Sixth. Dealers in leaf-tobacco, except retail dealers in leaf-tobacco, as hereinafter defined, shall pay twenty-five dollars. Every person shall be regarded as a dealer in leaf-tobacco whose business it is, for himself or on commission, to sell, or offer for sale, or consign for sale on commission, leaf-tobacco; and payment of a special tax as dealer in tobacco, manufacturer of tobacco, manufacturer of cigars, or any other special tax, shall not exempt any person dealing in leaf-tobacco from the payment of the special tax therefor hereby required. But no farmer or planter, nor the executor or administrator of such farmer or planter, nor the guardian of any minor, shall be required to pay a special tax as a dealer in leaf-tobacco, for selling tobacco produced by said farmer or planter, or by said executor, administrator, or guardian, or received by either of them as rents from tenants who have produced the same on the land of said farmer, planter, or minor: Provided, That nothing in this section shall be construed to exempt from a special tax any farmer or planter who, by peddling or otherwise, sells leaf-tobacco at retail directly to consumers, or who sells or assigns, consigns, transfers, or disposes of, to persons other than those who have paid a special tax as leaf-dealers or manufacturers of tobacco, snuff, or cigars, or to persons purchasing leaf-tobacco for export.

"No sheriff or other officer acting under order or process of any court or magistrate, nor trustee, or other fiduciary, legally acting under the powers vested in him, shall be liable to said special tax as a dealer or retail dealer in selling tobacco under such authority. And no purchaser at any sale by such sheriff, officer, trustee, or fiduciary, shall be held liable to any other tax or restriction as to a sale of tobacco so purchased than he would have been had such purchaser been the producer thereof on his own land.

"Dealers in leaf-tobacco shall sell only to other dealers who have paid a special tax as such, and to manufacturers of tobacco, snuff, or cigars, and to such persons as are known to be purchasers of leaf-tobacco for export: Provided, it shall be lawful for any licensed manufacturer of cigars to purchase leaf-tobacco of any licensed dealer or other licensed manufacturer in quantities less than the original package, for use in his own manufactory exclusively."

Act March 3, 1883, c. 121, 22 Stat. 488, also mentioned in this section as amending Rev. St. § 3244, does not purport in terms to amend that section, but section 2 thereof contains the following provisions:

"That on and after the first day of May, eighteen hundred and eighty-three, dealers in leaf tobacco shall annually pay twelve dollars: * * Retail dealers in leaf tobacco shall pay two hundred and fifty dollars, and thirty cents for each dollar on the amount of their monthly sales in excess of the rate of five hundred dollars per annum: Provided, That farmers and producers of tobacco may sell at the place of production tobacco of their own growth and raising at retail directly to consumers, to an amount not exceeding one hundred dollars annually."

So much of Rev. St. § 3244, or any other existing law, as is inconsistent with this act is repealed by this section.

Rev. St. § 3360, as amended by Act March 1, 1879, c. 125, § 14, also mentioned in this section, is set forth in Comp. St. 1901, p. 2199.

Rev. St. § 3359, also mentioned in this section, is set forth in Comp. St. 1901, p. 2199.

Rev. St. § 3391, also mentioned in this section, is set forth in Comp. St. 1901, p. 2219.

Act Aug. 27, 1894, c. 349, § 69, repealed by this section so far as inconsistent with the provisions of this act, is set forth in Comp. St. 1901, p. 2102.

[CHAPTER THREE A.]

[Special Excise Tax on Corporations.]

ACT AUG. 5, 1909, c. 6, § 38. [H. R. 1438.]

Corporations subject to tax, and amount thereof; mode of ascertaining net income; return to be made by corporation; examination of books and papers and taking testimony of officers of corporation; assessment to be filed as public record; disclosure of information by officer punishable; refusal or neglect to make return, or making false or fraudulent return; laws relating to internal revenue taxes applicable to tax; jurisdiction of courts.

Sec. 38. That every corporation, joint stock company or association, organized for profit and having a capital stock represented by shares, and every insurance company, now or hereafter organized under the laws of the United States or of any State or Territory of the United States or under the Acts of Congress applicable to Alaska or the District of Columbia, or now or hereafter organized under the laws of any foreign country and engaged in business in any State or Territory of the United States or in Alaska or in the District of Columbia, shall be subject to pay annually a special excise tax with respect to the carrying on or doing business by such corporation, joint stock company or association, or insurance company, equivalent to one per centum upon the entire net income over and above five thousand dollars received by it from all sources during such year, exclusive of amounts received by it as dividends upon stock of other corporations, joint stock companies or associations, or insurance companies, subject to the tax hereby imposed; or if organized under the laws of any foreign country, upon the amount of net income over and above five thousand dollars received by it from business transacted and capital invested within the United States and its Territories, Alaska, and the District of Columbia during such year, exclusive of amounts so received by it as dividends upon stock of other corporations, joint stock companies or associations, or insurance companies, subject to the tax hereby imposed: Provided, however, That nothing in this section contained shall apply to labor, agricultural or horticultural organizations, or to fraternal beneficiary societies, orders, or associations operating under the lodge system, and providing for the payment of life, sick, accident, and other benefits to the members of such societies, orders, or associations, and dependents of such members, nor to domestic building and loan associations, organized and operated exclusively for the mutual benefit of their members, nor to any corporation or association organized and operated exclusively for religious, charitable, or educational purposes, no part of the net income of which inures to the benefit of any private stockholder or individual.

Second. Such net income shall be ascertained by deducting from the gross amount of the income of such corporation, joint stock company or association, or insurance company, received within the year from all sources, (first) all the ordinary and necessary expenses actually paid within the year out of income in the maintenance and operation of its business and properties, including all charges such as rentals or franchise payments, required to be made as a condition to the continued use or possession of property; (second) all losses actually sus-

tained within the year and not compensated by insurance or otherwise, including a reasonable allowance for depreciation of property, if any, and in the case of insurance companies the sums other than dividends, paid within the year on policy and annuity contracts and the net addition, if any, required by law to be made within the year to reserve funds; (third) interest actually paid within the year on its bonded or other indebtedness to an amount of such bonded and other indebtedness not exceeding the paid-up capital stock of such corporation, joint stock company or association, or insurance company, outstanding at the close of the year, and in the case of a bank, banking association or trust company, all interest actually paid by it within the year on deposits; (fourth) all sums paid by it within the year for taxes imposed under the authority of the United States or of any State or Territory thereof, or imposed by the government of any foreign country as a condition to carrying on business therein; (fifth) all amounts received by it within the year as dividends upon stock of other corporations, joint stock companies or associations, or insurance companies, subject to the tax hereby imposed: Provided, That in the case of a corporation, joint stock company or association, or insurance company, organized under the laws of a foreign country, such net income shall be ascertained by deducting from the gross amount of its income received within the year from business transacted and capital invested within the United States and any of its Territories, Alaska, and the District of Columbia, (first) all the ordinary and necessary expenses actually paid within the year out of earnings in the maintenance and operation of its business and property within the United States and its Territories, Alaska, and the District of Columbia, including all charges such as rentals or franchise payments required to be made as a condition to the continued use or possession of property; (second) all losses actually sustained within the year in business conducted by it within the United States or its Territories, Alaska, or the District of Columbia not compensated by insurance or otherwise, including a reasonable allowance for depreciation of property, if any, and in the case of insurance companies the sums other than dividends, paid within the year on policy and annuity contracts and the net addition, if any, required by law to be made within the year to reserve funds; (third) interest actually paid within the year on its bonded or other indebtedness to an amount of such bonded and other indebtedness, not exceeding the proportion of its paid-up capital stock outstanding at the close of the year which the gross amount of its income for the year from business transacted and capital invested within the United States and any of its Territories, Alaska, and the District of Columbia bears to the gross amount of its income derived from all sources within and without the United States; (fourth) the sums paid by it within the year for taxes imposed under the authority of the United States or of any State or Territory thereof; (fifth) all amounts received by it within the year as dividends upon stock of other corporations, joint stock companies or associations, and insurance companies, subject to the tax hereby imposed. In the case of assessment insurance companies the actual deposit of sums with State or Territorial officers, pursuant to law, as additions to guaranty or reserve funds shall be treated as being payments required by law to reserve funds.

Third. There shall be deducted from the amount of the net income of each of such corporations, joint stock companies or associations, or insurance companies, ascertained as provided in the foregoing paragraphs of this section, the sum of five thousand dollars, and said tax shall be computed upon the remainder of said net income of such corporation, joint stock company or association, or insurance company, for the year ending December thirty-first, nineteen hundred and nine, and for each calendar year thereafter; and on or before the first day of March, nineteen hundred and ten, and the first day of March in each year thereafter, a true and accurate return under oath or affirmation of its president, vice-president, or other principal officer, and its treasurer or assistant treasurer, shall be made by each of the corporations, joint stock companies or associations, and insurance companies, subject to the tax imposed by this section, to the collector of internal revenue for the district in which such corporation, joint stock company or association, or insurance company, has its principal place of business, or, in the case of a corporation, joint stock company or association, or insurance company, organized under the laws of a foreign country, in the place where its principal business is carried on within the United States, in such form as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, shall prescribe, setting forth, (first) the total amount of the paid-up capital stock of such corporation, joint stock company or association, or insurance company, outstanding at the close of the year; (second) the total amount of the bonded and other indebtedness of such corporation, joint stock company or association, or insurance company at the close of the year; (third) the gross amount of the income of such corporation, joint stock company or association, or insurance company, received during such year from all sources, and if organized under the laws of a foreign country the gross amount of its income received within the year from business transacted and capital invested within the United States and any of its Territories, Alaska, and the District of Columbia; also the amount received by such corporation, joint stock company or association, or insurance company, within the year by way of dividends upon stock of other corporations, joint stock companies or associations, or insurance companies, subject to the tax imposed by this section; (fourth) the total amount of all the ordinary and necessary expenses actually paid out of earnings in the maintenance and operation of the business and properties of such corporation, joint stock company or association, or insurance company, within the year, stating separately all charges such as rentals or franchise payments required to be made as a condition to the continued use or possession of property, and if organized under the laws of a foreign country the amount so paid in the maintenance and operation of its business within the United States and its Territories, Alaska, and the District of Columbia; (fifth) the total amount of all losses actually sustained during the year and not compensated by insurance or otherwise, stating separately any amounts allowed for depreciation of property, and in the case of insurance companies the sums other than dividends, paid within the year on policy and annuity contracts and the net addition, if any, required by law to be made within the year to reserve funds; and in the case of a corporation, joint stock company or asso-

ciation or insurance company, organized under the laws of a foreign country, all losses actually sustained by it during the year in business conducted by it within the United States or its Territories, Alaska, and the District of Columbia, not compensated by insurance or otherwise, stating separately any amounts allowed for depreciation of property, and in the case of insurance companies the sums other than dividends, paid within the year on policy and annuity contracts and the net addition, if any, required by law to be made within the year to reserve fund; (sixth) the amount of interest actually paid within the year on its bonded or other indebtedness to an amount of such bonded and other indebtedness not exceeding the paid-up capital stock of such corporation, joint stock company or association, or insurance company, outstanding at the close of the year, and in the case of a bank, banking association or trust company, stating separately all interest paid by it within the year on deposits; or in case of a corporation, joint stock company or association, or insurance company, organized under the laws of a foreign country, interest so paid on its bonded or other indebtedness to an amount of such bonded and other indebtedness not exceeding the proportion of its paid-up capital stock outstanding at the close of the year, which the gross amount of its income for the year from business transacted and capital invested within the United States and any of its Territories, Alaska, and the District of Columbia, bears to the gross amount of its income derived from all sources within and without the United States; (seventh) the amount paid by it within the year for taxes imposed under the authority of the United States or any State or Territory thereof, and separately the amount so paid by it for taxes imposed by the government of any foreign country as a condition to carrying on business therein; (eighth) the net income of such corporation, joint stock company or association, or insurance company, after making the deductions in this section authorized. All such returns shall as received be transmitted forthwith by the collector to the Commissioner of Internal Revenue.

Fourth. Whenever evidence shall be produced before the Commissioner of Internal Revenue which in the opinion of the commissioner justifies the belief that the return made by any corporation, joint stock company or association, or insurance company, is incorrect, or whenever any collector shall report to the Commissioner of Internal Revenue that any corporation, joint stock company or association, or insurance company, has failed to make a return as required by law, the Commissioner of Internal Revenue may require from the corporation, joint stock company or association, or insurance company making such return, such further information with reference to its capital, income, losses, and expenditures as he may deem expedient; and the Commissioner of Internal Revenue, for the purpose of ascertaining the correctness of such return or for the purpose of making a return where none has been made, is hereby authorized, by any regularly appointed revenue agent specially designated by him for that purpose, to examine any books and papers bearing upon the matters required to be included in the return of such corporation, joint stock company or association, or insurance company, and to require the attendance of any officer or employee of such corporation, joint stock company or association, or insurance company, and to take his testimony with

reference to the matter required by law to be included in such return, with power to administer oaths to such person or persons; and the Commissioner of Internal Revenue may also invoke the aid of any court of the United States having jurisdiction to require the attendance of such officers or employees and the production of such books and papers. Upon the information so acquired the Commissioner of Internal Revenue may amend any return or make a return where none has been made. All proceedings taken by the Commissioner of Internal Revenue under the provisions of this section shall be subject to the approval of the Secretary of the Treasury.

Fifth. All returns shall be retained by the Commissioner of Internal Revenue, who shall make assessments thereon; and in case of any return made with false or fraudulent intent, he shall add one hundred per centum of such tax, and in case of a refusal or neglect to make a return or to verify the same as aforesaid he shall add fifty per centum of such tax. In case of neglect occasioned by the sickness or absence of an officer of such corporation, joint stock company or association, or insurance company, required to make said return, or for other sufficient reason, the collector may allow such further time for making and delivering such return as he may deem necessary, not exceeding thirty days. The amount so added to the tax shall be collected at the same time and in the same manner as the tax originally assessed unless the refusal, neglect, or falsity is discovered after the date for payment of said taxes, in which case the amount so added shall be paid by the delinquent corporation, joint stock company or association, or insurance company, immediately upon notice given by the collector. All assessments shall be made and the several corporations, joint stock companies or associations, or insurance companies, shall be notified of the amount for which they are respectively liable on or before the first day of June of each successive year, and said assessments shall be paid on or before the thirtieth day of June, except in cases of refusal or neglect to make such return, and in cases of false or fraudulent returns, in which cases the Commissioner of Internal Revenue shall, upon the discovery thereof, at any time within three years after said return is due, make a return upon information obtained as above provided for, and the assessment made by the Commissioner of Internal Revenue thereon shall be paid by such corporation, joint stock company or association, or insurance company immediately upon notification of the amount of such assessment; and to any sum or sums due and unpaid after the thirtieth day of June in any year, and for ten days after notice and demand thereof by the collector, there shall be added the sum of five per centum on the amount of tax unpaid and interest at the rate of one per centum per month upon said tax from the time the same becomes due.

Sixth. When the assessment shall be made, as provided in this section, the returns, together with any corrections thereof which may have been made by the commissioner, shall be filed in the office of the Commissioner of Internal Revenue and shall constitute public records and be open to inspection as such.

Seventh. It shall be unlawful for any collector, deputy collector, agent, clerk, or other officer or employee of the United States to divulge or make known in any manner whatever not provided by law

to any person any information obtained by him in the discharge of his official duty, or to divulge or make known in any manner not provided by law any document received, evidence taken, or report made under this section except upon the special direction of the President; and any offense against the foregoing provision shall be a misdemeanor and be punished by a fine not exceeding one thousand dollars, or by imprisonment not exceeding one year, or both, at the discretion of the court.

Eighth. If any of the corporations, joint stock companies or associations, or insurance companies, aforesaid, shall refuse or neglect to make a return at the time or times hereinbefore specified in each year, or shall render a false or fraudulent return, such corporation, joint stock company or association, or insurance company, shall be liable to a penalty of not less than one thousand dollars and not exceeding ten thousand dollars.

Any person authorized by law to make, render, sign, or verify any return who makes any false or fraudulent return, or statement, with intent to defeat or evade the assessment required by this section to be made, shall be guilty of a misdemeanor, and shall be fined not exceeding one thousand dollars or be imprisoned not exceeding one year, or both, at the discretion of the court, with the costs of prosecution.

All laws relating to the collection, remission, and refund of internal-revenue taxes, so far as applicable to and not inconsistent with the provisions of this section, are hereby extended and made applicable to the tax imposed by this section.

Jurisdiction is hereby conferred upon the circuit and district courts of the United States for the district within which any person summoned under this section to appear to testify or to produce books, as aforesaid, shall reside, to compel such attendance, production of books, and testimony by appropriate process.

Act Aug. 5, 1909, c. 6, § 38, 36 Stat. 112.

This section is part of the Tariff Act of 1909, cited above, other sections of which are set forth or referred to under Title XXXIII, "Duties upon Imports."

Returns of corporations required by this section are to be open to inspection only upon order of the President, by a provision of Act June 17, 1910, c. 297, § 1, set forth below, which is repeated in subsequent acts.

ACT JUNE 17, 1910, c. 297, § 1. [H. R. 22643.]

Returns of corporations; classifying, etc., and care; inspection only on order of President.

For classifying, indexing, exhibiting and properly caring for the returns of all corporations, required by section thirty-eight of an Act entitled "An Act to provide revenue, equalize duties, encourage the industries of the United States, and for other purposes," approved August fifth, nineteen hundred and nine, including the employment, in the District of Columbia, of such clerical and other personal services and for rent of such quarters as may be necessary, twenty-five thousand dollars: Provided, That any and all such returns shall be open to inspection only upon the order of the President under rules and regulations to be prescribed by the Secretary of the Treasury and approved by the President.

Act June 17, 1910, c. 297, § 1, 36 Stat. 494.

This is a provision of the legislative, executive and judicial appropria-

tion act for the fiscal year ending June 30, 1911, cited above. It is repeated in the similar act for the next year, Act March 4, 1911, c. 237, § 1, 36 Stat. 1197, and a similar proviso is annexed to the deficiency appropriation for the same purposes, Act March 4, 1911, c. 240, 36 Stat. 1291.

CHAPTER FOUR.

Distilled Spirits.

Sec. 3255. [*As amended* 1896, 1901.]

[Amended. Act March 2, 1911, c. 198.]

This section, set forth in Comp. St. 1901, p. 2111, as amended by Act June 3, 1896, c. 309, and Act Feb. 4, 1901, c. 195, is further amended by Act March 2, 1911, c. 198, to read as set forth below.

ACT MARCH 2, 1911, c. 198. [H. R. 28626.]

An Act to Amend the Internal-revenue Laws Relating to Distilled Spirits, and for Other Purposes. (36 Stat. 1014.)

Amendment of Rev. St. § 3255.

Be it enacted, &c., That section thirty-two hundred and fifty-five of the Revised Statutes, as amended by Act of June third, eighteen hundred and ninety-six (Twenty-ninth Statutes, page one hundred and ninety-five), be amended so as to read as follows:

Fruit brandies; exemption of distillers from provisions of this Title authorized.

"Sec. 3255. The Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, may exempt distillers of brandy made exclusively from apples, peaches, grapes, pears, pineapples, oranges, apricots, berries, plums, pawpaws, persimmons, prunes, figs, or cherries from any provision of this title relating to the manufacture of spirits, except as to the tax thereon, when in his judgment it may seem expedient to do so: Provided, That where, in the manufacture of wine, artificial sweetening has been used the wine or the fruit pomace residuum may be used in the distillation of brandy, and such use shall not prevent the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, from exempting such distiller from any provision of this title relating to the manufacture of spirits, except as to the tax thereon, when in his judgment it may seem expedient to do so."

Act March 2, 1911, c. 198, 36 Stat. 1014.

Rev. St. § 3255, amended by this act, is set forth, as previously amended, in Comp. St. 1901, p. 2111. The amendment by this act consists in inserting, in the list of fruits specified, "plums, pawpaws, persimmons," and in adding the proviso at the end of the section, making it read as set forth here.

Sec. 3264. [*As amended* 1879.]

[Amended. Act June 22, 1910, c. 329.]

This section, set forth in Comp. St. 1901, p. 2118, as amended by Act March 1, 1879, c. 125, § 5, is further amended by Act June 22, 1910, c. 329, § 1, set forth below.

ACT JUNE 22, 1910, c. 329. [H. R. 26585.]

An Act to Amend Paragraph Two of Section Thirty-two hundred and sixty-four, Revised Statutes of the United States, as Amended by Section Five of the Act of March First, Eighteen hundred and seventy-nine, and Section Thirty-two hundred and eighty-five, Revised Statutes of the United States, as Amended by Section Three of the Act of May Twenty-eighth, Eighteen hundred and eighty. (36 Stat. 590.)

Amendment of Rev. St. § 3264.

Be it enacted, &c., That paragraph two of section thirty-two hundred and sixty-four, Revised Statutes of the United States, as amended by section five, Act of March first, eighteen hundred and seventy nine, be amended so as to read as follows:

Surveys of distilleries; sweet-mash distilleries using filtration-aëration process.

"In all surveys forty-five gallons of mash or beer brewed or fermented from grain shall represent not less than one bushel of grain, and seven gallons of mash or beer brewed or fermented from molasses shall represent not less than one gallon of molasses, except in distilleries operated on the sour mash principle, in which distilleries sixty gallons of beer brewed or fermented from grain shall represent not less than one bushel of grain, and except that in distilleries where the filtration-aeration process is used, with the approval of the Commissioner of Internal Revenue; that is, where the mash after it leaves the mash tub is passed through a filtering machine before it is run into the fermenting tub, and only the filtered liquor passes into the fermenting tub, seventy gallons of beer brewed or fermented from grain shall represent not less than one bushel of grain. The provisions hereof relating to filtration-aeration process shall apply only to sweet-mash distilleries."

Act June 22, 1910, c. 329, § 1, 36 Stat. 590.

Rev. St. § 3264, amended by this section, is set forth, as previously amended, in Comp. St. 1901, p. 2118. The amendment by this section consists in the insertion, in the second paragraph of the section, of provisions relating to distilleries where the filtration-aeration process is used, making said second paragraph read as set forth here.

Sec. 2. [Amends Rev. St. § 3285.]

This section, amending Rev. St. § 3285, is set forth post, under that section.

Sec. 3285. [*As amended* 1880.]

[Amended. Act June 22, 1910, c. 329, § 2.]

This section, set forth in Comp. St. 1901, p. 2129, as amended by Act May 28, 1880, c. 108, § 3, is further amended by Act June 22, 1910, c. 329, § 2, set forth below.

ACT JUNE 22, 1910, c. 329, § 2. [H. R. 26585.]

Amendment of Rev. St. § 3285.

Sec. 2. That section thirty-two hundred and eighty-five, Revised Statutes of the United States, as amended by section three, Act of May twenty-eighth, eighteen hundred and eighty, be amended so as to read as follows:

Emptying and filling fermenting tubs.

"Every fermenting tub shall be emptied at or before the end of the fermenting period; no fermenting tub in a sweet-mash distillery shall be filled oftener than once in seventy-two hours, nor in a sour-mash distillery oftener than once in ninety-six hours, nor in a rum distillery oftener than once in one hundred and forty-four hours, nor in a distillery where the filtration-aeration process is employed, that is, where the mash after it leaves the mash tub is passed through a filtering machine, before it is run into the fermenting tub, and only the filtered liquor passes into the fermenting tub, and the approval of the Commissioner of Internal Revenue being secured, oftener than once in twenty-four hours. The provisions hereof relating to filtration-aeration process shall apply only to sweet-mash distilleries."

Act June 22, 1910, c. 329, § 2, 36 Stat. 590.

Rev. St. § 3285, amended by this section, is set forth, as previously amended, in Comp. St. 1901, p. 2129. The amendment by this section consists in the addition, at the end of said section, of the provisions relating to distilleries where the filtration-aeration process is employed, making it read as set forth here.

Sec. 3287. [*As amended* 1879, 1880, 1899.]

[Amended. Act March 2, 1911, c. 199.]

This section, set forth in Comp. St. 1901, p. 2130, as amended by Act March 1, 1879, c. 125, § 5, Act May 28, 1880, c. 108, § 6, and Act Feb. 21, 1899, c. 177, is further amended by Act March 2, 1911, c. 199, set forth below.

ACT MARCH 2, 1911, c. 199. [H. R. 29857.]

An Act to Amend Section Thirty-two hundred and eighty-seven of the Revised Statutes of the United States as Amended by Section Six of Chapter One hundred and eight of an Act Approved May Twenty-eighth, Eighteen hundred and eighty, Page One hundred and forty-five, Volume Twenty-one, United States Statutes at Large. (36 Stat. 1014.)

Amendment of Rev. St. § 3287.

Be it enacted, &c., That section thirty-two hundred and eighty-seven of the Revised Statutes of the United States, as amended by section six of chapter one hundred and eight of an Act approved May twenty-eighth, eighteen hundred and eighty, page one hundred and forty-five of volume twenty-one, United States Statutes at Large, be, and the same is hereby, amended so as to read as follows:

Withdrawal free of tax of spirits for use of United States; transfer to storage tanks in bonded warehouse, and to tanks or tank cars for shipment.

"Provided further, That alcohol or high-proof spirits withdrawn free of tax for the use of the United States, as authorized by section thirty-four hundred and sixty-four, Revised Statutes, may be drawn off for transfer by pipes direct from the receiving cisterns in the cistern room of any distillery to closed metal storage tanks situated in the distillery bonded warehouse and transferred from such storage tanks to tanks or tank cars for shipment, upon the execution of such

bonds and under such regulations as the Secretary of the Treasury may prescribe."

Act March 2, 1911, c. 199, 36 Stat. 1014.

Rev. St. § 3287, amended by this act, is set forth, as previously amended, in Comp. St. 1901, p. 2130. This act purports to amend that section as amended by Act May 28, 1880, not mentioning the later amendment by Act Feb. 21, 1899, c. 177, which is incorporated in the section as set forth in Comp. St. 1901, p. 2130.

The amendatory provision of this act, that Rev. St. § 3287, as amended by Act May 28, 1880, be "amended to read as follows," which is followed merely by the provision above, beginning with the words "Provided further," may be construed, strictly, as substituting the new provision for the former section, as amended, etc.; but the purpose really contemplated probably was to add said new provision, as a further proviso, at the end of the section as previously amended.

Rev. St. § 3464, mentioned in this amendment, is set forth in Comp. St. 1901, p. 2284.

Sec. 3296.

ACT AUG. 27, 1894, c. 349, § 50.

Regauging at warehouse; allowance for loss.

The allowance for loss as to distilled spirits deposited in warehouse prior to Jan. 1, 1899, by Act March 3, 1899, c. 435, Comp. St. 1901, p. 2147, under the conditions and limitations of this section, is extended to all distilled spirits in internal revenue bonded warehouses, or afterwards produced and deposited therein, by Act Jan. 13, 1903, c. 134, set forth below.

ACT MARCH 3, 1899, c. 435, § 1.

Allowance for loss of spirits deposited in warehouse.

The allowance for loss authorized by this section is extended to all distilled spirits in internal revenue bonded warehouses, or afterwards produced and deposited therein, by Act Jan. 13, 1903, c. 134, set forth below.

ACT JAN. 13, 1903, c. 134.

An Act to Amend the Internal-Revenue Laws. (32 Stat. 770.)

Allowance for loss of spirits deposited in warehouse, extended.

Be it enacted, &c., That all distilled spirits now in internal-revenue bonded warehouses or which may hereafter be produced and deposited in such warehouses shall be entitled to the same allowance for loss from leakage or evaporation which now exists in favor of distilled spirits produced, gauged, and so deposited prior to January first, eighteen hundred and ninety-nine, and subject to the same conditions and limitations.

Act Jan. 13, 1903, c. 134, 32 Stat. 770.

The allowance for loss of spirits deposited in warehouse prior to Jan. 1, 1899, mentioned in this section as existing, was authorized by Act March 3, 1899, c. 435, Comp. St. 1901, p. 2147.

Sec. 3297.

Alcohol withdrawn for scientific purposes.

The withdrawal, free of tax, of domestic alcohol when mixed with denaturing material is provided for by Act June 7, 1906, c. 3047, and Act March 2, 1907, c. 2571, set forth below.

ACT JUNE 7, 1906, c. 3047. [H. R. 17453.]

An Act for the Withdrawal from Bond, Tax Free, of Domestic Alcohol when Rendered Unfit for Beverage or Liquid Medicinal Uses by Mixture with Suitable Denaturing Materials. (34 Stat. 217.)

Withdrawal of domestic alcohol when mixed with denaturing material; special warehouses; regulations; books and records, bonds, and returns of distillers, manufacturers, dealers, etc.

Be it enacted, &c., That from and after January first, nineteen hundred and seven, domestic alcohol of such degree of proof as may be prescribed by the Commissioner of Internal Revenue, and approved by the Secretary of the Treasury, may be withdrawn from bond without the payment of internal-revenue tax, for use in the arts and industries, and for fuel, light, and power, provided said alcohol shall have been mixed in the presence and under the direction of an authorized Government officer, after withdrawal from the distillery warehouse, with methyl alcohol or other denaturing material or materials, or admixture of the same, suitable to the use for which the alcohol is withdrawn, but which destroys its character as a beverage and renders it unfit for liquid medicinal purposes; such denaturing to be done upon the application of any registered distillery in denaturing bonded warehouses specially designated or set apart for denaturing purposes only, and under conditions prescribed by the Commissioner of Internal Revenue with the approval of the Secretary of the Treasury.

The character and quantity of the said denaturing material and the conditions upon which said alcohol may be withdrawn free of tax shall be prescribed by the Commissioner of Internal Revenue, who shall, with the approval of the Secretary of the Treasury, make all necessary regulations for carrying into effect the provisions of this Act.

Distillers, manufacturers, dealers and all other persons furnishing, handling or using alcohol withdrawn from bond under the provisions of this Act shall keep such books and records, execute such bonds and render such returns as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, may by regulation require. Such books and records shall be open at all times to the inspection of any internal-revenue officer or agent.

Act June 7, 1906, c. 3047, § 1, 34 Stat. 217.

Further provisions relating to the subjects of this section are contained in Act March 2, 1907, c. 2571, set forth below.

Violations of provisions of act punishable; penalty and forfeiture of property; recovery of alcohol used in manufacturing processes permitted.

Sec. 2. That any person who withdraws alcohol free of tax under the provisions of this Act and regulations made in pursuance thereof, and who removes or conceals same, or is concerned in removing, depositing or concealing same for the purpose of preventing the same from being denatured under governmental supervision, and any person who uses alcohol withdrawn from bond under the provisions of section one of this Act for manufacturing any beverage or liquid medicinal preparation, or knowingly sells any beverage or liquid medicinal preparation made in whole or in part from such alcohol, or knowingly violates any of the provisions of this Act, or who shall recover or attempt to recover by redistillation or by any other process or means, any alcohol rendered unfit for beverage or liquid medicinal purposes under the provisions of this Act, or who knowingly uses, sells, conceals, or otherwise disposes of alcohol so recovered or redistilled, shall on conviction of each offense be fined not more than five thousand dollars, or be imprisoned not more than five years, or both, and shall, in addition, forfeit to the United States all personal property used in

connection with his business, together with the buildings and lots or parcels of ground constituting the premises on which said unlawful acts are performed or permitted to be performed: Provided, That manufacturers employing processes in which alcohol, used free of tax under the provisions of this Act, is expressed or evaporated from the articles manufactured, shall be permitted to recover such alcohol and to have such alcohol restored to a condition suitable solely for reuse in manufacturing processes under such regulations as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, shall prescribe.

Act June 7, 1906, c. 3047, § 2, 34 Stat. 217.

Appropriation for employment of additional force, purchase of appliances and expenses incident to execution of act; appointments under act during two years without compliance with civil service acts; compensation.

Sec. 3. That for the employment of such additional force of chemists, internal-revenue agents, inspectors, deputy collectors, clerks, laborers, and other assistants as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, may deem proper and necessary to the prompt and efficient operation and enforcement of this law, and for the purchase of locks, seals, weighing beams, gauging instruments, and for all necessary expenses incident to the proper execution of this law, the sum of two hundred and fifty thousand dollars, or so much thereof as may be required, is hereby appropriated out of any money in the Treasury not otherwise appropriated, said appropriation to be immediately available.

For a period of two years from and after the passage of this Act the force authorized by this section of this Act shall be appointed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, and without compliance with the conditions prescribed by the Act entitled "An Act to regulate and improve the civil service," approved January sixteenth, eighteen hundred and eighty-three, and amendments thereof, and with such compensation as the Commissioner of Internal Revenue may fix, with the approval of the Secretary of the Treasury.

Act June 7, 1906, c. 3047, § 3, 34 Stat. 218.

Act Jan. 16, 1883, c. 27, and amendments thereof, mentioned in this section, are set forth in Comp. St. 1901, pp. 1217–1224.

Report to Congress of appointments and compensation paid under act, regulations prescribed, and as to additional legislation necessary.

Sec. 4. That the Secretary of the Treasury shall make full report to Congress at its next session of all appointments made under the provisions of this Act, and the compensation paid thereunder, and of all regulations prescribed under the provisions hereof, and shall further report what, if any, additional legislation is necessary, in his opinion, to fully safeguard the revenue and to secure a proper enforcement of this Act.

Act June 7, 1906, c. 3047, § 4, 34 Stat. 218.

ACT MARCH 2, 1907, c. 2571. [H. R. 24816.]

An Act to Amend an Act Entitled "An Act for the Withdrawal from Bond Tax Free of Domestic Alcohol when Rendered Unfit for Bev-

erage or Liquid Medicinal Uses by Mixture with Suitable Denaturing Materials," Approved June Seventh, Nineteen hundred and six. (34 Stat. 1250.)

Withrawal of denatured alcohol for manufacture of chemicals; rum for denaturation.

Be it enacted, &c., That notwithstanding anything contained in the Act entitled "An Act for the withdrawal from bond tax free of domestic alcohol when rendered unfit for beverage or liquid medicinal uses by mixture with suitable denaturing materials," approved June seventh, nineteen hundred and six, domestic alcohol when suitably denatured may be withdrawn from bond without the payment of internal-revenue tax and used in the manufacture of ether and chloroform and other definite chemical substances where said alcohol is changed into some other chemical substance and does not appear in the finished product as alcohol: Provided, That rum of not less than one hundred and fifty degrees proof may be withdrawn, for denaturation only, in accordance with the provisions of said Act of June seventh, nineteen hundred and six, and in accordance with the provisions of this Act.

Act March 2, 1907, c. 2571, § 1, 34 Stat. 1250.

Act June 7, 1906, c. 3047, mentioned in this section, is set forth above.

Central denaturing bonded warehouses authorized; regulations; bonds.

Sec. 2. That the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, may authorize the establishment of central denaturing bonded warehouses, other than those at distilleries, to which alcohol of the required proof may be transferred from distilleries or distillery bonded warehouses without the payment of internal-revenue tax, and in which such alcohol may be stored and denatured. The establishment, operation, and custody of such warehouses shall be under such regulations and upon the execution of such bonds as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, may prescribe.

Act March 2, 1907, c. 2571, § 2, 34 Stat. 1250.

Special warehouses for denaturing purposes were required by Act June 7, 1906, c. 3047, § 1, set forth above.

Transfer of alcohol for denaturation from distilleries to denaturing bonded warehouses or to central denaturing plants; regulations; bonds.

Sec. 3. That alcohol of the required proof may be drawn off, for denaturation only, from receiving cisterns in the cistern room of any distillery for transfer by pipes direct to any denaturing bonded warehouse on the distillery premises or to closed metal storage tanks situated in the distillery bonded warehouse, or from such storage tanks to any denaturing bonded warehouse on the distillery premises, and denatured alcohol may also be transported from the denaturing bonded warehouse, in such manner and by means of such packages, tanks or tank cars, and on the execution of such bonds, and under such regulations as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, may prescribe. And further, alcohol to be denatured may be withdrawn without the payment of internal-revenue tax from the distillery bonded warehouse for shipment to central denaturing plants in such packages, tanks and tank cars, under such regulations, and on the execution of such bonds as may be

prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury.

Act March 2, 1907, c. 2571, § 3, 34 Stat. 1250.

Use of cisterns or tanks, in small distilleries producing alcohol for denaturation only, in lieu of distillery bonded warehouses; regulations; bonds.

Sec. 4. That at distilleries producing alcohol from any substance whatever, for denaturation only, and having a daily spirit-producing capacity of not exceeding one hundred proof gallons, the use of cisterns or tanks of such size and construction as may be deemed expedient may be permitted in lieu of distillery bonded warehouses, and the production, storage, the manner and process of denaturing on the distillery premises the alcohol produced, and transportation of such alcohol, and the operation of such distilleries shall be upon the execution of such bonds and under such regulations as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, may prescribe, and such distilleries may by such regulations be exempted from such provisions of the existing laws relating to distilleries as may be deemed expedient by said officials.

Act March 2, 1907, c. 2571, § 4, 34 Stat. 1250.

Time of taking effect of act.

Sec. 5. That the provisions of this Act shall take effect on September first, nineteen hundred and seven.

Act March 2, 1907, c. 2571, § 5, 34 Stat. 1251.

Sec. 3328.

ACT OCT. 1, 1890, c. 1244, §§ 42–49. [*As amended* 1894.]

Use of wine spirits to fortify pure sweet wines.

Sections 43 and 49 of this act, set forth in Comp. St. 1901, pp. 2171, 2174, are amended, and further provisions relating to the fortification of pure sweet wines are made, by Act June 7, 1906, c. 3046, set forth below.

ACT JUNE 7, 1906, c. 3046. [H. R. 15266.]

An Act to Amend Existing Laws Relating to the Fortification of Pure Sweet Wines. (34 Stat. 215.)

Amendment of Act Oct. 1, 1890, c. 1244, § 43.

Be it enacted, &c., That section forty-three of the Act entitled "An Act to reduce the revenue and equalize duties on imports, and for other purposes," approved October first, eighteen hundred and ninety, as amended by section sixty-eight of the Act of August twenty-seventh, eighteen hundred and ninety-four, be further amended, so as to read as follows:

Wine spirits and sweet wine, definition of.

"Sec. 43. That the wine spirits mentioned in section forty-two of this Act is the product resulting from the distillation of fermented grape juice, to which water may have been added prior to, during or after fermentation, for the sole purpose of facilitating the fermentation and economical distillation thereof, and shall be held to include the product from grapes or their residues, commonly known as grape brandy; and the pure sweet wine, which may be fortified free of tax, as provided in said section, is fermented grape juice only, and shall

contain no other substance whatever introduced before, at the time of, or after fermentation, except as herein expressly provided; and such sweet wine shall contain not less than four per centum of saccharine matter, which saccharine strength may be determined by testing with Balling's saccharometer or must scale, such sweet wine, after the evaporation of the spirits contained therein, and restoring the sample tested to original volume by addition of water: Provided, That the addition of pure boiled or condensed grape must or pure crystallized cane or beet sugar or pure anhydrous sugar to the pure grape juice aforesaid, or the fermented product of such grape juice prior to the fortification provided by this Act for the sole purpose of perfecting sweet wines according to commercial standard, or the addition of water in such quantities only as may be necessary in the mechanical operation of grape conveyors, crushers, and pipes leading to fermenting tanks, shall not be excluded by the definition of pure sweet wine aforesaid: Provided, however, That the cane or beet sugar, or pure anhydrous sugar, or water, so used shall not in either case be in excess of ten per centum of the weight of the wine to be fortified under this Act: And provided further, That the addition of water herein authorized shall be under such regulations and limitations as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, may from time to time prescribe; but in no case shall such wines to which water has been added be eligible for fortification under the provisions of this Act where the same, after fermentation and before fortification, have an alcoholic strength of less than five per centum of their volume."

Act June 7, 1906, c. 3046, § 1, 34 Stat. 215.

Act Oct. 1, 1890, c. 1244, § 43, amended by this section, and section 42 of said act, also mentioned therein, are set forth in Comp. St. 1901, p. 2173. The amendment includes in the wine spirits defined by section 43 such spirits to which water may have been added for the sole purpose of facilitating the fermentation and economical distillation thereof; and includes in the pure sweet wine which may be fortified free of tax, fermented grape juice, to which pure anhydrous sugar has been added for the sole purpose of perfecting such wine according to commercial standard.

Amendment of Act Oct. 1, 1890, c. 1244, § 49.

Sec. 2. That section forty-nine of the said Act, approved October first, eighteen hundred and ninety, be amended so as to read as follows:

Recovery of wine spirits from fortified wines.

"Sec. 49. That wine spirits used in fortifying wines may be recovered from such wine only on the premises of a duly authorized grape-brandy distiller; and for the purpose of such recovery wine so fortified may be received as material on the premises of such a distiller, on a special permit of the collector of internal revenue in whose district the distillery is located; and the distiller will be held to pay the tax on a product from such wines as will include both the alcoholic strength therein produced by the fermentation of the grape juice and that obtained from the added distilled spirits, subject, however, to the provisions of section thirty-three hundred and nine of the Revised Statutes of the United States, as amended by section six of the Act entitled 'An Act to amend the laws relating to internal revenue,' approved March first, eighteen hundred and seventy-nine; and such spirits so recovered may be used by such distiller to fortify wines as authorized

by section forty-two of the aforesaid Act, approved October first, eighteen hundred and ninety.

Act June 7, 1906, c. 1244, § 2, 34 Stat. 215.

Act Oct. 1, 1890, c. 1244, § 49, amended by this section, is set forth in Comp. St. 1901, p. 2174. The amendment consists chiefly in the addition, at the end of the section as originally enacted, of the provisions beginning with the words "subject, however, to the provisions," etc., to the end of the section as set forth here.

Rev. St. § 3309, and Act March 1, 1879, c. 125, § 6, mentioned in the provisions so added to this section by amendment, are set forth in Comp. St. 1901, p. 2158; and Act Oct. 1, 1890, c. 1244, § 42, also mentioned therein, is set forth in Comp. St. 1901, p. 2171.

Special gaugers for supervision of fortification of wines; compensation and expenses; special tax to cover expenses; bonds.

Sec. 3. That the Commissioner of Internal Revenue is hereby authorized to assign at each winery where wines are to be fortified such number of gaugers or storekeeper gaugers, in the capacity of gaugers, for special duties as may be necessary for the proper supervision of the making and fortifying of such wines, and the compensation of such officers shall not exceed five dollars per diem while so assigned, together with their actual and necessary traveling expenses, and also a reasonable allowance for their board bills, to be fixed by the Commissioner of Internal Revenue, but not to exceed two dollars per day for said board bills; and to cover the expenses to the Government attending the making and fortification of such sweet wines there shall be levied and assessed against each maker of such wines, and collected monthly, a charge of three cents on each taxable gallon of brandy used by him in the fortification of such wines during the preceding month. That bonds hereafter given under the provisions of the aforesaid Act of October first, eighteen hundred and ninety, as amended, shall be conditioned for the payment of the tax on all brandy removed thereunder and not used and accounted for within the time and in the manner required by law and regulations, and for the payment of all charges herein imposed on the brandy so withdrawn and used; and the said bonds shall contain such other conditions as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, may by regulation prescribe.

Act June 7, 1906, c. 3046, § 3, 34 Stat. 216.

The provisions relating to bonds on withdrawal of wine spirits from warehouse, contained in Act Oct. 1, 1890, c. 1244, §§ 45, 46, are set forth in Comp. St. 1901, pp. 2172, 2173.

Fermenting vats for use in manufacture of wines or of brandy for fortification thereof permitted where brandy is distilled on premises adjacent to winery.

Sec. 4. That where brandy to be used in the fortification of wine is distilled on premises adjacent to the winery premises the Commissioner of Internal Revenue may, in his discretion, authorize the erection on either of said premises of fermenting vats for material to be used either in the manufacture of such wines or the brandy to be used in the fortification thereof; and all such materials used or received on either of said premises shall be under the supervision of the officer assigned to such winery, and shall be accounted for at such times and in such manner as the Commissioner may direct.

Act June 7, 1906, c. 3046, § 4, 34 Stat. 216.

Rev. St. §§ 3221, 3223, applicable to grape brandy withdrawn for fortification of sweet wines and accidentally destroyed.

Sec. 5. That the provisions of sections thirty-two hundred and twenty-one and thirty-two hundred and twenty-three of the Revised Statutes of the United States, as amended by an Act approved March first, eighteen hundred and seventy-nine, are hereby extended to grape brandy withdrawn for use in the fortification of sweet wines, and which, prior to such use, is accidentally destroyed by fire or other casualty while stored in the fortifying room on the winery premises.

Act June 7, 1906, c. 3046, § 5, 34 Stat. 216.

Rev. St. §§ 3221 and 3223, as amended by Act March 1, 1879, c. 125, mentioned in this section, which provide for the remission of tax on spirits accidentally destroyed, are set forth in Comp. St. 1901, p. 2087.

Unlawful recovery of spirits, or use of spirits unlawfully recovered, from fortified wines; penalty; provisions not applicable to blending of fortified wines.

Sec. 6. That any person who by any process recovers from wines fortified under the provisions of the aforesaid Act approved October first, eighteen hundred and ninety, or amendments thereto, any brandy or wine spirits used in the manufacture or fortification of said wine, otherwise than is provided for in said Act and its amendments, or who shall rectify, mix, or compound with other distilled spirits such fortified wines or grape brandy or wine spirits unlawfully recovered therefrom, shall, on conviction, be punished for each such offense by a fine of not less than two hundred dollars nor more than one thousand dollars. But the provisions of this section, and the provisions of section thirty-two hundred and forty-four of the Revised Statutes of the United States, as amended, relating to rectification, shall not be held to apply to the blending of pure sweet wines fortified under the provisions of the said Act of October first, eighteen hundred and ninety, or amendments thereto, where such wines are blended for the sole purpose of perfecting the same according to commercial standard.

Act June 7, 1906, c. 3046, § 6, 34 Stat. 216.

Rev. St. § 3244, as amended, mentioned in this section, which imposes a special tax on rectifiers of distilled spirits, is set forth in Comp. St. 1901, p. 2096.

ACT FEB. 4, 1909, c. 65. [H. R. 22884.]

An Act to Impose a Tax upon Alcoholic Compounds Coming from Porto Rico, and for Other Purposes. (35 Stat. 594.)

Tax on bay rum and other articles containing alcohol, brought from Porto Rico.

Be it enacted, &c., That upon bay rum, or any article containing alcohol, hereafter brought from Porto Rico into the United States for consumption or sale there shall be paid a tax on the spirits contained therein of one dollar and ten cents per proof gallon, to be collected at the port of entry by the collector of internal revenue of the district in which the port is located. The Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, is hereby authorized to make such rules and regulations as may be necessary to carry this Act into effect.

Act Feb. 4, 1909, c. 65, 35 Stat. 594.

CHAPTER FIVE.

Fermented Liquors.

Sec. 3339.

Tax on fermented liquors; fractional parts of a barrel, how estimated.

The tax on fermented liquors, imposed by this section, increased by the war revenue act, Act June 13, 1898, c. 448, § 1, to $2 a barrel, and afterwards reduced by an amendment of that act by Act March 2, 1901, c. 806, § 1, to $1.60 a barrel, as stated in the note under this section in Comp. St. 1901, p. 2187, is again reduced to $1 a barrel, and a like rate for any other quantity or for any fractional part of a barrel, as authorized and defined by this section, by a further amendment of Act June 13, 1898, c. 448, § 1, by Act April 12, 1902, c. 500, § 1, post, under chapter 11 A of this Title.

CHAPTER SIX.

Tobacco and Snuff.

Sec. 3362. [*As amended* 1877, 1879, 1883.]

[Amended. Act Aug. 5, 1909, c. 6, § 30.]

This section, set forth in Comp. St. 1901, p. 2200, as amended by Acts of 1877, 1879, and 1883, was again amended by Act July 1, 1902, c. 1371, § 1, 32 Stat. 714, and is still further amended by Act Aug. 5, 1909, c. 6, § 30, set forth below.

ACT AUG. 5, 1909, c. 6, § 30. [H. R. 1438.]

Amendment of Rev. St. § 3362.

Sec. 30. That section thirty-three hundred and sixty-two of the Revised Statutes of the United States, as amended, be, and the same is hereby amended so as to read as follows:

Tobacco and snuff, how put up.

"Sec. 3362. All manufactured tobacco shall be put up and prepared by the manufacturer for sale, or removal for sale or consumption, in packages of the following description and in no other manner:

"All smoking tobacco, snuff, fine-cut chewing tobacco, all cut and granulated tobacco, all shorts, the refuse of fine-cut chewing, which has passed through a riddle of thirty-six meshes to the square inch, and all refuse scraps, clippings, cuttings, and sweepings of tobacco, and all other kinds of tobacco not otherwise provided for, in packages containing one-half ounce, three-fourths of an ounce, and further packages with a difference between each package and the one next smaller of one-fourth of an ounce up to and including four ounces, and packages of six ounces, seven ounces, eight ounces, ten ounces, twelve ounces, fourteen ounces, and sixteen ounces: Provided, That snuff may, at the option of the manufacturer, be put up in bladders and in jars containing not exceeding twenty pounds.

"All cavendish, plug, and twist tobacco, in wooden packages not exceeding two hundred pounds net weight.

"And every such wooden package shall have printed or marked thereon the manufacturer's name and place of manufacture, the registered

number of the manufactory, and the gross weight, the tare, and the net weight of the tobacco in each package: Provided, That these limitations and descriptions of packages shall not apply to tobacco and snuff transported in bond for exportation and actually exported: And provided further, That perique tobacco, snuff flour, fine-cut shorts, the refuse of fine-cut chewing tobacco, refuse scraps, clippings, cuttings, and sweepings of tobacco, may be sold in bulk as material, and without the payment of tax, by one manufacturer directly to another manufacturer, or for export, under such restrictions, rules, and regulations as the Commissioner of Internal Revenue may prescribe: And provided further, That wood, metal, paper, or other materials may be used separately or in combination for packing tobacco, snuff, and cigars, under such regulations as the Commissioner of Internal Revenue may establish."

Act Aug. 5, 1909, c. 6, § 30, 36 Stat. 108.

This section is part of the Tariff Act of 1909, cited above, other sections of which are set forth or referred to ante, under Title XXXIII, "Duties upon Imports."

Rev. St. § 3362, amended by this section is set forth, as previously amended by acts of 1877, 1879, and 1883, in Comp. St. 1901, p. 2200. A further amendment thereof by Act July 1, 1902, c. 1371, § 1, 32 Stat. 714, is superseded, also, by this amendment.

This section takes effect July 1, 1910, by section 34 of this act, set forth post, under chapter 7 of this Title.

Sec. 3368.

[Amended. Act Aug. 5, 1909, c. 6, § 31.]

This section, fixing the tax on tobacco and snuff, at rates afterwards changed by amendment by Act March 3, 1875, c. 127, § 2, 18 Stat. 339, and by Act March 3, 1883, c. 121, § 4, 22 Stat. 489, Act Oct. 1, 1890, c. 1244, § 30, Act June 13, 1898, c. 448, § 3, 30 Stat. 449, and Act April 12, 1902, c. 500, § 3, 32 Stat. 96, is further amended by Act Aug. 5, 1909, c. 6, § 31, set forth below.

ACT OCT. 1, 1890, c. 1244, § 30.

[Superseded. Act Aug. 5, 1909, c. 6, § 31.]

This section, set forth in Comp. St. 1901, p. 2203, relating to the rates of tax on tobacco and snuff, is superseded by the amendment of Rev. St. § 3368, by Act Aug. 5, 1909, c. 6, § 31, set forth below.

ACT AUG. 5, 1909, c. 6, § 31. [H. R. 1438.]

Amendment of Rev. St. § 3368.

Sec. 31. That section thirty-three hundred and sixty-eight of the Revised Statutes of the United States, as amended, be, and the same is hereby amended so as to read as follows:

Tax on tobacco and snuff.

"Sec. 3368. Upon tobacco and snuff manufactured and sold, or removed for consumption or use, there shall be levied and collected the following taxes:

"On snuff, manufactured of tobacco or any substitute for tobacco, ground, dry, damp, pickled, scented, or otherwise, of all descriptions, when prepared for use, a tax of eight cents per pound. And snuff flour, when sold, or removed for use or consumption, shall be taxed as snuff, and shall be put up in packages and stamped in the same manner as snuff.

"On all chewing and smoking tobacco, fine-cut, cavendish, plug, or twist, cut or granulated, of every description; on tobacco twisted by hand or reduced into a condition to be consumed, or in any manner other than the ordinary mode of drying and curing, prepared for sale or consumption, even if prepared without the use of any machine or instrument, and without being pressed or sweetened; and on all fine-cut shorts and refuse scraps, clippings, cuttings, and sweepings of tobacco, a tax of eight cents per pound."

Act Aug. 5, 1909, c. 6, § 31, 36 Stat. 109.

This section is part of the Tariff Act of 1909, cited above, other sections of which are set forth or referred to ante, under Title XXXIII, "Duties upon Imports."

Rev. St. § 3368, amended by this section, fixed the tax on tobacco and snuff at rates subsequently changed by several amendatory and other acts, which are superseded by this section. This amendment re-enacts the original section in the same language except the rates of tax.

This section takes effect July 1, 1910, by section 34 of this act, set forth post, under chapter 7 of this Title.

CHAPTER SEVEN.

Cigars.

Sec. 3387. [*As amended* 1879, 1890.]

Manufacturer's statement and bond.

The special taxes on manufacturers of cigars imposed by the war revenue act, Act June 13, 1898, c. 448, § 4, as stated in the note under this section in Comp. St. 1901, p. 2218, are abrogated by the repeal of that section by Act April 12, 1902, c. 500, § 5, post, under chapter 11 A of this Title.

Sec. 3392. [*As amended* 1879, 1890.]

[Amended. Act Aug. 5, 1909, c. 6, § 32.]

This section, set forth as previously amended in 1879 and 1890, in Comp. St. 1901, p. 2219, is further amended by Act Aug. 5, 1909, c. 6, § 32, set forth below.

ACT AUG. 5, 1909, c. 6, § 32. [H. R. 1438.]

Amendment of Rev. St. § 3392.

Sec. 32. That section thirty-three hundred and ninety-two of the Revised Statutes of the United States, as amended by section thirty-two of the Act of October first, eighteen hundred and ninety, be amended to read as follows:

How cigars are to be packed.

"Sec. 3392. All cigars weighing more than three pounds per thousand shall be packed in boxes not before used for that purpose containing, respectively, five, ten, twelve, thirteen, twenty-five, fifty, one hundred, two hundred, two hundred and fifty, or five hundred cigars each; and every person who sells, or offers for sale, or delivers, or offers to deliver, any cigars in any other form than in new boxes as above described, or who packs in any box any cigars in excess of or less than the number provided by law to be put in each box, respectively, or who falsely brands any box, or affixes a stamp on any box

denoting a less amount of tax than that required by law, shall be fined for each offense not more than one thousand dollars, and be imprisoned not more than two years: Provided, That nothing in this section shall be construed as preventing the sale of cigars at retail by retail dealers from boxes packed, stamped, and branded in the manner prescribed by law: And provided further, That every manufacturer of cigarettes shall put up all the cigarettes that he manufactures or has manufactured for him and sells or removes for consumption or use, in packages or parcels containing five, eight, ten, fifteen, twenty, fifty, or one hundred cigarettes each, and shall securely affix to each of said packages or parcels a suitable stamp denoting the tax thereon, and shall properly cancel the same prior to such sale or removal for consumption or use, under such regulations as the Commissioner of Internal Revenue shall prescribe; and all cigarettes imported from a foreign country shall be packed, stamped, and the stamps canceled in like manner, in addition to the import stamp indicating inspection of the custom-house before they are withdrawn therefrom."

Act Aug. 5, 1909, c. 6, § 32, 36 Stat. 109.

This section is part of the Tariff Act of 1909, cited above, other sections of which are set forth or referred to ante, under Title XXXIII, "Duties upon Imports."

Rev. St. § 3392, amended by this section, is set forth, as previously amended by acts of 1879 and 1890, in Comp. St. 1901, p. 2214.

This section takes effect July 1, 1910, by section 34 of this act, set forth post, under Rev. St. § 3394.

Sec. 3394. [*As amended* 1875, 1897.]

[Amended. Act Aug. 5, 1909, c. 6, § 33.]

This section, set forth in Comp. St. 1901, p. 2200, as amended by acts of 1875 and 1897, fixing the tax on cigars and cigarettes, at rates afterwards changed by Act March 2, 1901, c. 806, § 3, 31 Stat. 939, and Act April 12, 1902, c. 500, § 3, 32 Stat. 96, was again amended by Act July 1, 1902, c. 1371, § 2, 32 Stat. 715, and is still further amended by Act Aug. 5, 1909, c. 6, § 33, set forth below.

ACT AUG. 5, 1909, c. 6, §§ 33, 34. [H. R. 1438.]

Amendment of Rev. St. § 3394.

Sec. 33. That section thirty-three hundred and ninety-four of the Revised Statutes of the United States, as amended, be, and the same is hereby amended so as to read as follows:

Tax on cigars and cigarettes.

"Sec. 3394. Upon cigars and cigarettes which shall be manufactured and sold, or removed for consumption or sale, there shall be assessed and collected the following taxes, to be paid by the manufacturer thereof: On cigars of all descriptions made of tobacco or any substitute therefor and weighing more than three pounds per thousand, three dollars per thousand; on cigars, made of tobacco, or any substitute therefor, and weighing not more than three pounds per thousand, seventy-five cents per thousand; on cigarettes, made of tobacco, or any substitute therefor, and weighing more than three pounds per thousand, three dollars and sixty cents per thousand; on cigarettes, made of tobacco, or any substitute therefor, and weighing not more than three pounds per thousand, one dollar and twenty-five cents per thousand: Provided, That all rolls of tobacco, or any substitute therefor, wrapped with tobacco, shall be classed as cigars; and all rolls of to-

bacco, or any substitute therefor, wrapped in paper or any substance other than tobacco, shall be classed as cigarettes.

"And the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, shall provide dies and stamps for cigars weighing not more than three pounds per thousand; and for cigarettes at the rates of tax imposed by this section: Provided, That such stamps shall be in denominations of five, eight, ten, fifteen, twenty, fifty, and one hundred; and the laws and regulations governing the packing and removal for sale of cigarettes, and the affixing and canceling of the stamps on the packages thereof, shall apply to cigars weighing not more than three pounds per thousand.

"No packages of manufactured tobacco, snuff, cigars, or cigarettes, prescribed by law, shall be permitted to have packed in, or attached to, or connected with, them, nor affixed to, branded, stamped, marked, written, or printed upon them, any paper, certificate, or instrument purporting to be or represent a ticket, chance, share or interest in, or dependent upon, the event of a lottery, nor any indecent or immoral picture, representation, print, or words; and any violation of the provisions of this paragraph shall subject the offender to the penalties and punishments provided by section thirty-four hundred and fifty-six of the Revised Statutes."

Act Aug. 5, 1909, c. 6, § 33, 36 Stat. 110.

This section and the section next following are part of the Tariff Act of 1909, cited above, other sections of which are set forth or referred to ante, under Title XXXIII, "Duties upon Imports."

Rev. St. 3394, amended by this section, set forth, as previously amended by acts of 1875 and 1897, in Comp. St. 1901, p. 2221, fixed the tax on cigars and cigarettes at rates subsequently changed by said amendments and other acts, among them being an amendment by Act July 1, 1902, c. 1371, § 2, 32 Stat. 715, which are superseded by this section.

This section takes effect July 1, 1910, by section 34 of this act, set forth below.

Time of taking effect of sections 30-33 of act.

Sec. 34. That the provisions of sections thirty, thirty-one, thirty-two, and thirty-three of this Act shall not take effect until July first, nineteen hundred and ten.

Act Aug. 5, 1909, c. 6, § 34, 36 Stat. 110.

See first note under preceding section of this act.

Sections 30 and 31 of this act, amending Rev. St. §§ 3362 and 3368, respectively, are set forth ante, under chapter 6 of this Title.

Section 32 of this act, amending Rev. St. § 3392, is set forth ante, under Rev. St. § 3302.

Section 33 of this act, amending Rev. St. § 3394, is set forth above.

[CHAPTER SEVEN B.]

[Oleomargarine, Adulterated Butter, and Process or Renovated Butter.]

ACT AUG. 2, 1886, c. 840, §§ 1, 3, 8.

Butter, definition of.

The definition of the word "butter," in section 1 of this act, is adopted, and the terms "adulterated butter," "process butter," and "renovated butter" are defined, for the purposes of Act May 9, 1902, c. 784, amending this act, by section 4 of that act, set forth below.

Provisions similar to those relating to manufacturers of and dealers in

oleomargarine and to the manufacture and sale of oleomargarine, contained in sections 3–8 of this act, are enacted, applying to manufacturers of and dealers in, and to the manufacture and sale of process or renovated butter and adulterated butter, and the provisions of sections 9–21 of this act apply to manufacturers of adulterated butter, to an extent necessary to enforce the marking, etc., and the regulation of the exportation and importation of adulterated butter, by Act May 9, 1902, c. 784, § 4, set forth below.

Special taxes; manufacturers; wholesale dealers; retail dealers.

Section 3 of this act is amended by Act May 9, 1902, c. 784, § 2, by adding at the end of the first clause thereof, and at the end of the section, further provisions, set forth below.

Special taxes are imposed also on manufacturers of and dealers in process or renovated butter or adulterated butter by Act May 9, 1902, c. 784, § 4, set forth below.

Tax on oleomargarine.

Section 8 of this act is amended by Act May 9, 1902, c. 784, § 3, to read as set forth in that section, below.

ACT OCT. 1, 1890, c. 1244, § 41.

[Superseded. Act May 9, 1902, c. 784, § 6.]

This section is superseded by the more comprehensive provisions relating to wholesale dealers in oleomargarine, or process, renovated, or adulterated butter, contained in Act May 9, 1902, c. 784, § 6, set forth below.

ACT MAY 9, 1902, c. 784.

An Act to Make Oleomargarine and Other Imitation Dairy Products Subject to the Laws of any State, or Territory or the District of Columbia into Which They are Transported, and to Change the Tax on Oleomargarine, and to Impose a Tax, Provide for the Inspection, and Regulate the Manufacture and Sale of Certain Dairy Products, and to Amend an Act Entitled "An Act Defining Butter, also Imposing a Tax Upon and Regulating the Manufacture, Sale, Importation, and Exportation of Oleomargarine," Approved August Second, Eighteen Hundred and Eighty-Six. (32 Stat. 193.)

Be it enacted, etc. [Sec. 1 relates to exercise of police powers of States, etc., over oleomargarine, butterine, imitation, etc., butter, or imitation cheese, transported into the State, etc.]

This section declares that all articles known as oleomargarine, butterine, imitation, process, renovated, or adulterated butter, or imitation cheese, or any substance in the semblance of butter or cheese, not the usual product of the dairy, and not made exclusively of pure and unadulterated milk or cream, transported into any State, etc., and remaining therein for use, consumption, sale, or storage therein, shall be subject to the laws of such State, etc., enacted in the exercise of its police powers, and shall not be exempt therefrom by reason of being introduced in original packages or otherwise. It is set forth post, under Title LVI A, "Regulation of Interstate and Foreign Commerce," c. 2.

Amendment of Act Aug. 2, 1886, c. 840, § 3; special taxes; manufacturers of, and wholesale dealers and retail dealers in oleomargarine.

Sec. 2. That the first clause of section three of an Act entitled "An Act defining butter, also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine," approved August second, eighteen hundred and eighty-six, be amended by adding thereto after the word "oleomargarine," at the end of said clause, the following words:

"And any person that sells, vends, or furnishes oleomargarine for the use and consumption of others, except to his own family table without compensation, who shall add to or mix with such oleomargarine any artificial coloration that causes it to look like butter of any shade of yellow shall also be held to be a manufacturer of oleomargarine within the meaning of said Act, and subject to the provisions thereof."

Section three of said Act is hereby amended by adding thereto the following: "Provided further, That wholesale dealers who vend no other oleomargarine or butterine except that upon which a tax of one-fourth of one per cent per pound is imposed by this Act, as amended, shall pay two hundred dollars; and such retail dealers as vend no other oleomargarine or butterine except that upon which is imposed by this Act, as amended, a tax of one-fourth of one cent per pound shall pay six dollars."

Act May 9, 1902, c. 784, § 2, 32 Stat. 194.

Act Aug. 2, 1886, c. 840, § 3, mentioned in and amended by this section, is set forth in Comp. St. 1901, p. 2229. The amendment consists in the addition of the provisions set forth here.

Amendment of Act Aug. 2, 1886, § 8.

Sec. 3. That section eight of an Act entitled "An Act defining butter, also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine," approved August second, eighteen hundred and eighty-six, be, and the same is hereby, amended so as to read as follows:

Tax on oleomargarine.

"Sec. 8. That upon oleomargarine which shall be manufactured and sold, or removed for consumption or use, there shall be assessed and collected a tax of ten cents per pound, to be paid by the manufacturer thereof; and any fractional part of a pound in a package shall be taxed as a pound: Provided, When oleomargarine is free from artificial coloration that causes it to look like butter of any shade of yellow said tax shall be one-fourth of one cent per pound. The tax levied by this section shall be represented by coupon stamps; and the provisions of existing laws governing the engraving, issue, sale, accountability, effacement, and destruction of stamps relating to tobacco and snuff, as far as applicable, are hereby made to apply to stamps provided for by this section."

Act May 9, 1902, c. 784, § 3, 32 Stat. 194.

Act Aug. 2, 1886, c. 840, § 8, mentioned in and amended by this section, is set forth in Comp. St. 1901, p. 2231. The amendment consists in an increase of the tax from two cents to ten cents per pound, and the insertion of the provisions relating to the tax on oleomargarine, free from artificial coloration, of one-fourth of 1 cent per pound.

Butter, adulterated butter, and process or renovated butter, definition of; special taxes; manufacturers of and wholesale dealers and retail dealers in process or renovated butter or adulterated butter; carrying on business without paying tax; regulations for and bonds of manufacturers; packages of adulterated butter, sales therefrom, and label and notice thereon; tax on adulterated butter and on process or renovated butter, and stamps; provisions relating to oleomargarine applicable.

Sec. 4. That for the purpose of this Act "butter" is hereby defined to mean an article of food as defined in "An Act defining butter, also imposing a tax upon and regulating the manufacture, sale, importa-

tion, and exportation of oleomargarine," approved August second, eighteen hundred and eighty-six; that "adulterated butter" is hereby defined to mean a grade of butter produced by mixing, reworking, rechurning in milk or cream, refining, or in any way producing a uniform, purified, or improved product from different lots or parcels of melted or unmelted butter or butter fat, in which any acid, alkali, chemical, or any substance whatever is introduced or used for the purpose or with the effect of deodorizing or removing therefrom rancidity, or any butter or butter fat with which there is mixed any substance foreign to butter as herein defined, with intent or effect of cheapening in cost the product or any butter in the manufacture or manipulation of which any process or material is used with intent or effect of causing the absorption of abnormal quantities of water, milk, or cream; that "process butter" or "renovated butter" is hereby defined to mean butter which has been subjected to any process by which it is melted, clarified or refined and made to resemble genuine butter, always excepting "adulterated butter" as defined by this Act.

That special taxes are imposed as follows:

Manufacturers of process or renovated butter shall pay fifty dollars per year and manufacturers of adulterated butter shall pay six hundred dollars per year. Every person who engages in the production of process or renovated butter or adulterated butter as a business shall be considered to be a manufacturer thereof.

Wholesale dealers in adulterated butter shall pay a tax of four hundred and eighty dollars per annum, and retail dealers in adulterated butter shall pay a tax of forty-eight dollars per annum. Every person who sells adulterated butter in less quantities than ten pounds at one time shall be regarded as a retail dealer in adulterated butter.

Every person who sells adulterated butter shall be regarded as a dealer in adulterated butter. And sections thirty-two hundred and thirty-two, thirty-two hundred and thirty-three, thirty-two hundred and thirty-four, thirty-two hundred and thirty-five, thirty-two hundred and thirty-six, thirty-two hundred and thirty-seven, thirty-two hundred and thirty-eight, thirty-two hundred and thirty-nine, thirty-two hundred and forty, thirty-two hundred and forty-one, and thirty-two hundred and forty-three of the Revised Statutes of the United States are, so far as applicable, made to extend to and include and apply to the special taxes imposed by this section and to the person upon whom they are imposed.

That every person who carries on the business of a manufacturer of process or renovated butter or adulterated butter without having paid the special tax therefor, as required by law, shall, besides being liable to the payment of the tax, be fined not less than one thousand and not more than five thousand dollars; and every person who carries on the business of a dealer in adulterated butter without having paid the special tax therefor, as required by law, shall, besides being liable to the payment of the tax, be fined not less than fifty nor more than five hundred dollars for each offense.

That every manufacturer of process or renovated butter or adulterated butter shall file with the collector of internal revenue of the district in which his manufactory is located such notices, inventories, and bonds, shall keep such books and render such returns of material

and products, shall put up such signs and affix such number of his factory, and conduct his business under such surveillance of officers and agents as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, may by regulation require. But the bond required of such manufacturer shall be with sureties satisfactory to the collector of internal revenue, and in a penal sum of not less than five hundred dollars; and the sum of said bond may be increased from time to time and additional sureties required at the discretion of the collector or under instructions of the Commissioner of Internal Revenue.

That all adulterated butter shall be packed by the manufacturer thereof in firkins, tubs, or other wooden packages not before used for that purpose, each containing not less than ten pounds, and marked, stamped, and branded as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, shall prescribe; and all sales made by manufacturers of adulterated butter shall be in original stamped packages.

Dealers in adulterated butter must sell only original or from original stamped packages, and when such original stamped packages are broken the adulterated butter sold from same shall be placed in suitable wooden or paper packages, which shall be marked and branded as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, shall prescribe. Every person who knowingly sells or offers for sale, or delivers or offers to deliver, any adulterated butter in any other form than in new wooden or paper packages as above described, or who packs in any package any adulterated butter in any manner contrary to law, or who falsely brands any package or affixes a stamp on any package denoting a less amount of tax than that required by law, shall be fined for each offense not more than one thousand dollars and be imprisoned not more than two years.

That every manufacturer of adulterated butter shall securely affix, by pasting, on each package containing adulterated butter manufactured by him a label on which shall be printed, besides the number of the manufactory and the district and State in which it is situated, these words: "Notice.—That the manufacturer of the adulterated butter herein contained has complied with all the requirements of law. Every person is cautioned not to use either this package again or the stamp thereon, nor to remove the contents of this package without destroying said stamp, under the penalty provided by law in such cases." Every manufacturer of adulterated butter who neglects to affix such label to any package containing adulterated butter made by him, or sold or offered for sale for or by him, and every person who removes any such label so affixed from any such package shall be fined fifty dollars for each package in respect to which such offense is committed.

That upon adulterated butter, when manufactured or sold or removed for consumption or use, there shall be assessed and collected a tax of ten cents per pound, to be paid by the manufacturer thereof, and any fractional part of a pound shall be taxed as a pound, and that upon process or renovated butter, when manufactured or sold or removed for consumption or use, there shall be assessed and collected a tax of one-fourth of one cent per pound, to be paid by the

manufacturer thereof, and any fractional part of a pound shall be taxed as a pound. The tax to be levied by this section shall be represented by coupon stamps, and the provisions of existing laws governing engraving, issuing, sale, accountability, effacement, and destruction of stamps relating to tobacco and snuff, as far as applicable, are hereby made to apply to the stamps provided by this section.

That the provisions of sections nine, ten, eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, eighteen, nineteen, twenty, and twenty-one of "An Act defining butter, also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine," approved August second, eighteen hundred and eighty-six, shall apply to manufacturers of "adulterated butter" to an extent necessary to enforce the marking, branding, identification, and regulation of the exportation and importation of adulterated butter.

Act May 9, 1902, c. 784, § 4, 32 Stat. 194.

Act Aug. 2, 1886, c. 840, mentioned in this section as defining butter, is set forth in Comp. St. pp. 2228–2235. Many of the provisions of sections 3–8 of that act, relating to manufacturers of and dealers in oleomargarine and to the manufacture and sale of oleomargarine, are similar to those of this section, and sections 9–21 thereof are made applicable to manufacturers of adulterated butter by this section.

Rev. St. §§ 3232–3241, 3243, also mentioned in this section and made applicable to the special taxes imposed by it, are set forth in Comp. St. 1901, pp. 2090–2096.

Inspection of process or renovated butter and sanitary inspection of factories, etc.; marks, etc., on packages; regulations and investigations; violations of provisions punishable.

Sec. 5. All parts of an Act providing for an inspection of meats for exportation, approved August thirtieth, eighteen hundred and ninety, and of an Act to provide for the inspection of live cattle, hogs, and the carcasses and products thereof which are the subjects of interstate commerce, approved March third, eighteen hundred and ninety-one, and of amendment thereto approved March second, eighteen hundred and ninety-five, which are applicable to the subjects and purposes described in this section shall apply to process or renovated butter. And the Secretary of Agriculture is hereby authorized and required to cause a rigid sanitary inspection to be made, at such times as he may deem proper or necessary, of all factories and storehouses where process or renovated butter is manufactured, packed, or prepared for market, and of the products thereof and materials going into the manufacture of the same. All process or renovated butter and the packages containing the same shall be marked with the words "Renovated Butter" or "Process Butter" and by such other marks, labels, or brands and in such manner as may be prescribed by the Secretary of Agriculture, and no process or renovated butter shall be shipped or transported from its place of manufacture into any other State or Territory or the District of Columbia, or to any foreign country, until it has been marked as provided in this section. The Secretary of Agriculture shall make all needful regulations for carrying this section into effect, and shall cause to be ascertained and reported from time to time the quantity and quality of process or renovated butter manufactured, and the character and the condition of the material from which it is made. And he shall also have power to ascertain whether or not materials used in the manufacture of said

process or renovated butter are deleterious to health or unwholesome in the finished product, and in case such deleterious or unwholesome materials are found to be used in product intended for exportation or shipment into other States or in course of exportation or shipment he shall have power to confiscate the same. Any person, firm, or corporation violating any of the provisions of this section shall be deemed guilty of a misdemeanor and on conviction thereof shall be punished by a fine of not less than fifty dollars nor more than five hundred dollars or by imprisonment not less than one month nor more than six months, or by both said punishments, in the discretion of the court.

Act May 9, 1902, c. 784, § 5, 32 Stat. 196.

Act Aug. 30, 1890, c. 839, Act March 3, 1891, c. 555, and Act March 2, 1895, c. 169, mentioned in this section, are set forth in Comp. St. 1901, pp. 3185–3192.

Books of wholesale dealers in oleomargarine, process, renovated, or adulterated butter; inspection of books; violations of provisions punishable.

Sec. 6. That wholesale dealers in oleomargarine, process, renovated, or adulterated butter shall keep such books and render such returns in relation thereto as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, may, by regulation, require; and such books shall be open at all times to the inspection of any internal-revenue officer or agent. And any person who willfully violates any of the provisions of this section shall for each such offense be fined not less than fifty dollars and not exceeding five hundred dollars, and imprisoned not less than thirty days nor more than six months.

Act May 9, 1902, c. 784, § 6, 32 Stat. 197.

This section supersedes Act Oct. 1, 1890, c. 1244, § 41, Comp. St. 1901, p. 2235, which contained provisions relating to wholesale dealers in oleomargarine only, similar to a part of the provisions of this section.

Time of taking effect of act.

Sec. 7. This Act shall take effect on the first day of July, nineteen hundred and two.

Act May 9, 1902, c. 784, § 7, 32 Stat. 197.

[CHAPTER SEVEN C.]

[Filled Cheese.]

ACT JUNE 6, 1896, c. 337, § 1.

Cheese, definition of.

Imitation cheese or any substance in the semblance of cheese not the product of the dairy, and not made exclusively of pure and unadulterated milk or cream, transported into any State, etc., and remaining therein for use, consumption, sale, or storage therein, is subject to the laws of such State, etc., enacted in the exercise of its police powers, and is not exempt therefrom by reason of being introduced in original packages or otherwise, by provisions of Act May 9, 1902, c. 784, § 1, post, under Title LVI A, "Regulation of Interstate and Foreign Commerce," c. 2.

[CHAPTER SEVEN D.]

[Mixed Flour.]

ACT JUNE 13, 1898, c. 448, §§ 35, 47.

Sec. 35. [Amended. Act April 12, 1902, c. 500, § 9.]

This section is amended by Act April 12, 1902, c. 500, § 9, set forth below.

Sec. 47. [Superseded in part. Act Feb. 25, 1903, c. 755, § 1.]

The provisions of this section for employment of additional agents are superseded by provisions for appointment of twenty additional internal revenue agents, to be in lieu of the agents provided for in section 3 of this act, set forth in Comp. St. 1901, p. 2288, and in this section, and to be the only internal revenue agents employed in addition to those provided for in Rev. St. § 3152, which are contained in Act Feb. 25, 1903, c. 755, § 1, ante, under chapter 1 of this Title.

ACT APRIL 12, 1902, c. 500, § 9.

Amendment of Act June 13, 1898, c. 448, § 35.

Sec. 9. That section thirty-five of said Act of June thirteenth, eighteen hundred and ninety-eight, and the amendments thereof, be amended so as to read as follows:

Mixed flour, definition of.

"Sec. 35. That for the purposes of this Act, the words 'mixed flour' shall be taken and construed to mean the food product resulting from the grinding or mixing together of wheat, or wheat flour, as the principal constituent in quantity, with any other grain, or the product of any other grain, or other material, except such material, and not the product of any grain, as is commonly used for baking purposes: Provided, That when the product resulting from the grinding or mixing together of wheat or wheat flour with any other grain, or the product of any other grain, of which wheat or wheat flour is not the principal constituent as specified in the foregoing definition, is intended for sale, or is sold, or offered for sale as wheat flour, such product shall be held to be mixed flour within the meaning of this Act."

Act April 12, 1902, c. 500, § 9, 32 Stat. 99.

This section is part of an act to repeal war revenue taxation, and for other purposes, cited above, other sections of which are set forth or referred to under chapter 11 A of this Title.

Act June 13, 1898, c. 448, § 35, as amended by Act March 2, 1901, c. 806, § 13, mentioned in and further amended by this section, is set forth in Comp. St. 1901, p. 2241. The amendment by this act consists in the omission, after the words "except such material," of the words "not exceeding five per centum in quantity," contained in the section as amended by Act March 2, 1901, c. 806, § 13.

CHAPTER EIGHT.

Banks and Bankers.

Sec. 3408.

The special taxes imposed on bankers by the war revenue act, Act June 13, 1898, c. 448, § 2, and the amendment thereto by Act March 2, 1901, c. 806, § 2, as stated in the note under this section in Comp. St. 1901, p. 2247, are abrogated by the repeal of that section by Act April 12, 1902, c. 500, § 2, post, under chapter 11 A of this Title.

CHAPTER NINE.

Stamp-Taxes on Specific Objects.

Secs. 3418, 3419.

The stamp-taxes on checks, drafts, and other instruments and documents, and on medicinal proprietary articles, perfumery, etc., imposed by the war revenue act, Act June 13, 1898, c. 448, § 6, and the act amendatory thereof, Act March 2, 1901, c. 806, § 5, as stated in the notes under this section in Comp. St. 1901, pp. 2252, 2253, are abrogated by the repeal of those provisions by Act April 12, 1902, c. 500, § 7, post, under chapter 11 A of this Title.

CHAPTER TEN.

Legacies and Successions.

Sec. 3438.

Tax on legacies, etc.

The tax on legacies and distributive shares of personalty imposed by the war revenue act, Act June 13, 1898, c. 448, §§ 29, 30, and the act amendatory thereof, Act March 2, 1901, c. 806, § 11, as stated in the note under this section in Comp. St. 1901, p. 2269, is abrogated by the repeal of section 29 of said Act June 13, 1898, c. 448, by Act April 12, 1902, c. 500, § 7, post, under chapter 11 A of this Title.

CHAPTER ELEVEN.

Provisions Common to Several Objects of Taxation.

Sec. 3444.

ACT MARCH 3, 1893, c. 208.

Annual statement of miscellaneous expenditures, etc.

The provision of this act set forth in Comp. St. 1901, p. 2273, is repeated in the same language in the sundry civil appropriation acts for the subsequent years. The provision for the fiscal year ending June 30, 1912, is by Act March 4, 1911, c. 285, § 1, 36 Stat. 1390.

Sec. 3446.

ACT MAY 12, 1900, c. 393, § 1.

[Amended. Act June 30, 1902, c. 1327.]

This section is amended, by the addition to the second proviso of an exception thereto, by Act June 30, 1902, c. 1327, set forth below.

Bank checks and other instruments for the payment of money, upon which stamps have been imprinted, and which, on repeal of the taxes thereon, have been filed for redemption of such stamps, may be returned to the owners, after redemption and cancellation of the stamps, by Res. Feb. 26, 1902, No. 7, set forth below.

RES. FEB. 26, 1902, No. 7.

Joint Resolution Authorizing the Commissioner of Internal Revenue to Return Bank Checks, Drafts, Certificates of Deposit, and Orders for the Payment of Money, Having Imprinted Stamps thereon, to the Owners thereof, and for Other Purposes. (32 Stat. 736.)

Preamble.

Whereas by the Act of Congress approved March second, nineteen hundred and one, entitled "An Act to amend an Act entitled 'An Act to provide ways and means to meet war expenditures, and for other purposes,' approved June thirteenth, eighteen hundred and ninety-eight, and to reduce taxation thereunder," the internal-revenue tax imposed upon bank checks, drafts, or certificates of deposit not drawing interest, or orders for the payment of any sum of money drawn upon or issued by any bank, trust company, or any person or persons, companies or corporations, at sight or on demand, was repealed on and after July first, nineteen hundred and one; and

Whereas many thousands of bank checks, drafts, certificates of deposit, and orders for the payment of money, have been imprinted with the necessary stamp and were unused on July first, nineteen hundred and one; and

Whereas the Commissioner of Internal Revenue is authorized to redeem stamps imprinted on said instruments, and which instruments are required by existing laws to be filed with the claims for said redemption of said stamps; and

Whereas the owners of same are extremely desirous that said checks, drafts, and other papers above mentioned should be returned to them after the cancellation of the stamps imprinted thereon: Now, therefore,

Return to owners of instruments having stamps imprinted thereon, after redemption and cancellation of stamps.

Resolved, &c., That the Commissioner of Internal Revenue be, and is hereby, authorized to return said imprinted instruments to the owner or owners thereof, where said return is demanded, within one year after the passage of this Act, after the redemption and cancellation of stamps imprinted thereon; and said cancellation and return to the owner or owners shall be made in such manner and under such regulations as may be prescribed by the Commissioner of Internal Revenue and approved by the Secretary of the Treasury. All such checks, drafts, and so forth, remaining unclaimed by the owner at the expiration of one year after the passage of this Act shall be destroyed in

such manner as may be prescribed by the Commissioner of Internal Revenue and approved by the Secretary of the Treasury.

Res. Feb. 26, 1902, No. 7, 32 Stat. 736.

The provision of Act March 2, 1901, c. 806, mentioned in this section, which amended Act June 13, 1898, c. 448, by repealing the tax on bank checks, etc., is incorporated in Schedule A of the act so amended, as set forth in Comp. St. 1901, pp. 2300–2305.

ACT JUNE 30, 1902, c. 1327.

An Act to Amend the Act of May Twelfth, Nineteen Hundred, Authorizing the Commissioner of Internal Revenue to Redeem or Make Allowance for Internal-Revenue Stamps. (32 Stat. 506.)

Amendment of Act May 12, 1900, c. 393, § 1; redemption of spoiled, etc., stamps.

Be it enacted, &c., That the Act entitled "An Act authorizing the Commissioner of Internal Revenue to redeem or make allowance for internal-revenue stamps," approved May twelfth, nineteen hundred, be amended by adding to the second proviso the following: "Excepting documentary and proprietary stamps issued under the Act of June thirteenth, eighteen hundred and ninety-eight, which stamps may be redeemed as hereinbefore authorized, upon presentation prior to the first day of July, nineteen hundred and four," so that said proviso shall read as follows: "Provided further, That no claim for the redemption of or allowance for stamps shall be allowed unless presented within two years after the purchase of said stamps from the Government, excepting documentary and proprietary stamps issued under the Act of June thirteenth, eighteen hundred and ninety-eight, which stamps may be redeemed as hereinbefore authorized, upon presentation prior to the first day of July, nineteen hundred and four."

Act June 30, 1902, c. 1327, 32 Stat. 506.

Act May 12, 1900, c. 393, § 1, mentioned in and amended by this section, is set forth in Comp. St. 1901, p. 2276.

[CHAPTER ELEVEN A.]

[War Revenue.]

ACT JUNE 13, 1898, c. 448, §§ 1-6, 12, 18, 20-25, Schedules A, B, §§ 27-30.

Secs. 1, 3, 5. [Amended. Act April 12, 1902, c. 500, §§ 1, 3, 6.]

These sections are amended by Act April 12, 1902, c. 500, §§ 1, 3, 6, set forth below.

Secs. 2, 4, 6, 12, 18, 20–25, Schedules A, B, secs. 27–29. [Repealed. Act April 12, 1902, c. 500, §§ 2, 5, 7.]

These sections are expressly repealed by Act April 12, 1902, c. 500, §§ 2, 5, 7, set forth below; but the taxes or duties imposed by section 29, before the taking effect of said repealing act, are subject to the provisions of section 30 of this act and amendments thereof.

Taxes accrued before the taking effect of the repealing act above mentioned, and since July 1, 1900, upon securities delivered or transferred to secure the future payment of money, which were included in paragraph

1 of Schedule A of this act, are remitted by Act June 27, 1902, c. 1160, § 4, set forth below.

Sums paid for documentary stamps used on export bills of lading, under paragraph 6 of Schedule A of this act, are to be refunded, by Act June 27, 1902, c. 1160, § 2, set forth below.

Sums paid for documentary stamps used on foreign bills of exchange drawn between July 1, 1898, and June 30, 1901, against the value of products or merchandise exported, are to be refunded, by a provision of Act Feb. 1, 1909, c. 53, set forth below.

Taxes paid on legacies for religious, literary, charitable, or educational uses, or for the encouragement of art, or to societies for the prevention of cruelty to children, under section 29 of this act, are to be refunded, by Act June 27, 1902, c. 1160, § 1, set forth below.

Legacy taxes collected on contingent beneficial interests not vested prior to July 1, 1902, are to be refunded, and no tax is to be assessed on any such interests not vested prior to that date, by Act June 27, 1902, c. 1160, § 3, set forth below.

Bonds given, prior to November 20, 1901, upon shipment to the Philippine Islands of articles subject to internal revenue tax, with benefit of drawback, as allowed by Act June 13, 1898, c. 448, § 26, Comp. St. 1901, p. 2306, may be canceled as if given upon shipment to a foreign country, upon presentation of the evidence required, by Act April 28, 1904, c. 1826, 33 Stat. 574.

Sec. 30. [Re-enacted. Act April 12, 1902, c. 500, § 8.]

This section is continued in force as to taxes or duties imposed by section 29 of this act, prior to the taking effect of the repeal of section 29 by Act April 12, 1902, c. 500, § 7, by provisions of section 8 of that act, which re-enacts this section.

ACT MARCH 2, 1901, c. 806, §§ 3, 4.

Sec. 3. [Superseded. Act April 12, 1902, c. 500, § 3. Act Aug. 5, 1909, c. 6, § 33.]

The provisions of this section were re-enacted in the same language as part of Act April 12, 1902, c. 500, § 3, 32 Stat. 96, and are superseded by the amendment of Rev. St. § 3394, by Act Aug. 5, 1909, c. 6, § 33, set forth ante, under chapter 7 of this Title.

Sec. 4. [Repealed. Act April 12, 1902, c. 500, § 7.]

Section 4 of this act is expressly repealed by Act April 12, 1902, c. 500, § 7, set forth below.

ACT APRIL 12, 1902, c. 500.

An Act to Repeal War-Revenue Taxation, and for Other Purposes. (32 Stat. 96.)

Amendment of Act June 13, 1898, c. 448, § 1.

Be it enacted, &c., That section one of the Act entitled "An Act to provide ways and means to meet war expenditures, and for other purposes," approved June thirteenth, eighteen hundred and ninety-eight, as amended by the Act of March second, nineteen hundred and one, entitled "An Act to amend an Act entitled 'An Act to provide ways and means to meet war expenditures, and for other purposes,' approved June thirteenth, eighteen hundred and ninety-eight, and to reduce taxation thereunder," be, and is hereby, further amended so as to read as follows:

Tax on fermented liquors; cancellation of stamps.

"Section 1. That there shall be paid on all beer, lager beer, ale, porter, and other similar fermented liquor, brewed or manufactured and sold, or stored in warehouse, or removed for consumption or sale,

within the United States, by whatever name such liquors may be called, in lieu of the tax now imposed by law, a tax of one dollar for every barrel containing not more than thirty-one gallons; and at a like rate for any other quantity or for any fractional part of a barrel, as authorized and defined by section thirty-three hundred and thirty-nine of the Revised Statutes of the United States: Provided, That in lieu of or in addition to the present requirements of law in that respect all stamps used for denoting the tax upon fermented liquors or other taxes may, in the discretion of the Commissioner of Internal Revenue, be canceled by perforations to be made in such manner and form as the Commissioner may, by regulations, prescribe."

Act April 12, 1902, c. 500, § 1, 32 Stat. 96.

Act June 13, 1898, c. 448, § 1, as amended by Act March 2, 1901, c. 806, § 1, mentioned in and further amended by this section, is set forth in Comp. St. 1901, p. 2286. The amendment consists, principally, in a reduction of the tax from $1.60 to $1.00 a barrel. Rev. St. § 3339, also mentioned in this section, imposing the same tax and defining the fractional parts of a barrel for the purpose of computing the tax, is set forth in Comp. St. 1901, p. 2187.

Repeal.

Sec. 2. That section two of said Act of June thirteenth, eighteen hundred and ninety eight, and all amendments thereof, are hereby repealed.

Act April 12, 1902, c. 500, § 2, 32 Stat. 96.

Act June 13, 1898, c. 448, § 2, mentioned in and repealed by this section, is set forth in Comp. St. 1901, p. 2286. It imposed various special taxes.

Sec. 3. [Superseded. Act Aug. 5, 1909, c. 6, §§ 31, 33.]

Section 3 of Act April 12, 1902, c. 500, amended Act June 13, 1898, c. 448, § 3, Comp. St. 1901, p. 2288, relating to the tax on tobacco, snuff, cigars, and cigarettes, by changing the rates of tax thereon. It is superseded by the amendment of Rev. St. §§ 3368, 3394, by Act Aug. 5, 1909, c. 6, §§ 31, 33, set forth, respectively, under chapters 6 and 7 of this Title.

Drawback or rebate of difference between higher tax paid on tobacco or snuff and rate of tax as reduced by act.

Sec. 4. That on all original and unbroken factory packages of smoking and manufactured tobacco and snuff held by manufacturers or dealers on July first, nineteen hundred and two, upon which there has been paid a higher tax than that provided for in the preceding section of this Act, there shall be allowed a drawback or rebate equal to the full amount of the difference between such higher tax and the tax imposed by this Act, after making the proper allowance for discounts and rebates heretofore authorized, but the same shall not apply in any case where the claim has not been presented within sixty days after July first, nineteen hundred and two; and no claim shall be allowed or drawback paid for a less amount than ten dollars. It shall be the duty of the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, to adopt such rules and regulations and to prescribe and furnish such blanks and forms as may be necessary to carry this section into effect.

Act April 12, 1902, c. 500, § 4, 32 Stat. 97.

An appropriation for the payment of drawback or rebate as provided in this section, with provisos annexed thereto extending the sixty days limit fixed in this section for presentation of claims, is contained in Act March 3, 1903, c. 1006, § 1, set forth below.

Repeal of Act June 13, 1898, c. 448, § 4.

Sec. 5. That section four of the Act of June thirteenth, eighteen hundred and ninety-eight, is hereby repealed.

Act April 12, 1902, c. 500, § 5, 32 Stat. 97.

Act June 13, 1898, c. 448, § 4, mentioned in and repealed by this section, is set forth in Comp. St. 1901, p. 2290. It imposed special taxes on dealers in and manufacturers of tobacco and manufacturers of cigars.

Amendment of Act June 13, 1898, c. 448, § 5.

Sec. 6. That section five of the Act of June thirteenth, eighteen hundred and ninety-eight, be amended to read as follows:

Temporary use of old stamps.

"Sec. 5. That until appropriate stamps are prepared and furnished, the stamps heretofore used to denote the payment of the internal-revenue tax on fermented liquors, tobacco, and snuff may be stamped or imprinted with a suitable device to denote the new rate of tax, and shall be affixed to all packages containing such articles on which the tax imposed by this Act is paid. And any person having possession of unaffixed stamps heretofore issued for the payment of the tax upon fermented liquors, tobacco, and snuff shall present the same to the collector of the district, who shall receive them at the price paid for such stamps by the purchasers and issue in lieu thereof new or imprinted stamps at the rate provided by this Act."

Act April 12, 1902, c. 500, § 6, 32 Stat. 97.

Act June 13, 1898, c. 448, § 5, mentioned in and amended by this section, is set forth in Comp. St. 1901, p. 2291. The amendment consists in the substitution, for the words of the section as originally enacted, "tobacco, snuff, cigars and cigarettes," of the words, "tobacco, and snuff," as set forth here, in both places where those words occur.

Repeal.

Sec. 7. That section four of said Act of March second, nineteen hundred and one, and sections six, twelve, eighteen, twenty, twenty-one, twenty-two, twenty-three, twenty-four, twenty-five, Schedule A, Schedule B, sections twenty-seven, twenty-eight, and twenty-nine of the Act of June thirteenth, eighteen hundred and ninety-eight, and all amendments of said sections and schedules be, and the same are hereby, repealed.

Act April 12, 1902, c. 500, § 7, 32 Stat. 97.

Act March 2, 1901, c. 806, § 4, and the various sections and schedules of Act June 13, 1898, c. 448, and the amendments thereof, mentioned in and repealed by this section, are set forth in Comp. St. 1901, pp. 2291, 2294, 2297–2308. Section 18 of said Act June 13, 1898, included among the sections of this act which are mentioned as repealed by this section, was repealed previously by Act March 2, 1901, c. 806, § 14, Comp. St. 1901, p. 2312.

Taxes on legacies, etc., imposed before repeal, subject to provisions as to lien, charge, collection, etc.; Act June 13, 1898, c. 448, § 30, continued in force.

Sec. 8. That all taxes or duties imposed by section twenty-nine of the Act of June thirteenth, eighteen hundred and ninety-eight, and amendments thereof, prior to the taking effect of this Act, shall be subject, as to lien, charge, collection, and otherwise, to the provisions of section thirty of said Act of June thirteenth, eighteen hundred and ninety-eight, and amendments thereof, which are hereby continued in force, as follows:

"Sec. 30. That the tax or duty aforesaid shall be due and payable in one year after the death of the testator and shall be a lien and charge upon the property of every person who may die as aforesaid for twenty years, or until the same shall, within that period, be fully paid to and discharged by the United States; and every executor, administrator, or trustee having in charge or trust any legacy or distributive share, as aforesaid, shall give notice thereof, in writing, to the collector or deputy collector of the district where the deceased grantor or bargainer last resided within thirty days after he shall have taken charge of such trust, and every executor, administrator, or trustee, before payment and distribution to the legatees, or any parties entitled to beneficial interest therein, shall pay to the collector or deputy collector of the district of which the deceased person was a resident, or in which the property was located in case of nonresidents, the amount of the duty or tax assessed upon such legacy or distributive share, and shall also make and render to the said collector or deputy collector a schedule, list, or statement, in duplicate, of the amount of such legacy or distributive share, together with the amount of duty which has accrued, or shall accrue, thereon, verified by his oath or affirmation, to be administered and certified thereon by some magistrate or officer having lawful power to administer such oaths, in such form and manner as may be prescribed by the Commissioner of Internal Revenue, which schedule, list, or statement shall contain the names of each and every person entitled to any beneficial interest therein, together with the clear value of such interest, the duplicate of which schedule, list, or statement shall be by him immediately delivered, and the tax thereon paid to such collector; and upon such payment and delivery of such schedule, list, or statement said collector or deputy collector shall grant to such person paying such duty or tax a receipt or receipts for the same in duplicate, which shall be prepared as hereinafter provided. Such receipt or receipts, duly signed and delivered by such collector or deputy collector, shall be sufficient evidence to entitle such executor, administrator, or trustee to be credited and allowed such payment by every tribunal which, by the laws of any State or Territory, is, or may be, empowered to decide upon and settle the accounts of executors and administrators. And in case such executor, administrator, or trustee shall refuse or neglect to pay the aforesaid duty or tax to the collector or deputy collector, as aforesaid, within the time hereinbefore provided, or shall neglect or refuse to deliver to said collector or deputy collector the duplicate of the schedule, list, or statement of such legacies, property, or personal estate, under oath, as aforesaid, or shall neglect or refuse to deliver the schedule, list, or statement of such legacies, property, or personal estate, under oath, as aforesaid, or shall deliver to said collector or deputy collector a false schedule or statement of such legacies, property, or personal estate, or give the names and relationship of the persons entitled to beneficial interests therein untruly, or shall not truly and correctly set forth and state therein the clear value of such beneficial interest, or where no administration upon such property or personal estate shall have been granted or allowed under existing laws, the collector or deputy collector shall make out such lists and valuation as in other cases of neglect or refusal, and shall assess the duty thereon; and the collector shall commence appro-

priate proceedings before any court of the United States, in the name of the United States, against such person or persons as may have the actual or constructive custody or possession of such property or personal estate, or any part thereof, and shall subject such property or personal estate, or any portion of the same, to be sold upon the judgment or decree of such court, and from the proceeds of such sale the amount of such tax or duty, together with all costs and expenses of every description to be allowed by such court, shall be first paid, and the balance, if any, deposited according to the order of such court, to be paid under its direction to such person or persons as shall establish title to the same. The deed or deeds, or any proper conveyance of such property or personal estate, or any portion thereof, so sold under such judgment or decree, executed by the officer lawfully charged with carrying the same into effect, shall vest in the purchaser thereof all the title of the delinquent to the property or personal estate sold under and by virtue of such judgment or decree, and shall release every other portion of such property or personal estate from the lien or charge thereon created by this Act. And every person or persons who shall have in his possession, charge, or custody any record, file, or paper containing, or supposed to contain, any information concerning such property or personal estate, as aforesaid, passing from any person who may die, as aforesaid, shall exhibit the same at the request of the collector or deputy collector of the district, and to any law officer of the United States, in the performance of his duty under this Act, his deputy or agent, who may desire to examine the same. And if any such person, having in his possession, charge, or custody any such records, files, or papers, shall refuse or neglect to exhibit the same on request, as aforesaid, he shall forfeit and pay the sum of five hundred dollars: Provided, That in all legal controversies where such deed or title shall be the subject of judicial investigation, the recital in said deed shall be prima facie evidence of its truth, and that the requirements of the law had been complied with by the officers of the Government: And provided further, That in case of willful neglect, refusal, or false statement by such executor, administrator, or trustee, as aforesaid, he shall be liable to a penalty of not exceeding one thousand dollars, to be recovered with costs of suit. Any tax paid under the provisions of sections twenty-nine and thirty shall be deducted from the particular legacy or distributive share on account of which the same is charged."

Act April 12, 1902, c. 500, § 8, 32 Stat. 97.

Act June 13, 1898, c. 448, § 29, mentioned in this section, and repealed by section 7 of this act, is set forth in Comp. St. 1901, p. 2307; and section 30 of that act, as amended by Act March 2, 1901, c. 806, § 11, which is continued in force by this section, is set forth in Comp. St. 1901, p. 2308.

Sec. 9. [Amends Act June 13, 1898, c. 448, § 35.]

This section, amending Act June 13, 1898, c. 448, § 35, is set forth ante, under chapter 7 D of this Title.

Sec. 10. [Repeals Act June 13, 1898, c. 448, § 50.]

This section repealed Act June 13, 1898, c. 448, § 50, which imposed a duty on tea. It is superseded by the Tariff Act of 1909, in which tea is included in the Free List, Act Aug. 5, 1909, c. 6, § 1, set forth ante, under Title XXXIII, "Duties upon Imports."

Time of taking effect of act.

Sec. 11. That this Act, except as otherwise specially provided fo in the preceding section, shall take effect July first, nineteen hundre and two.

Act April 12, 1902, c. 500, § 11, 32 Stat. 99.

ACT JUNE 27, 1902, c. 1160.

An Act to Provide for Refunding Taxes Paid upon Legacies an Bequests for Uses of a Religious, Charitable, or Educationa Character, for the Encouragement of Art, and so Forth, unde the Act of June Thirteenth, Eighteen Hundred and Ninety-Eight and for Other Purposes. (32 Stat. 406.)

Taxes paid on legacies for religious, literary, charitable, or educational uses, for encouragement of art, or to societies for prevention of cruelty to children, to be refunded.

Be it enacted, &c., That the Secretary of the Treasury, under ap propriate rules and regulations to be prescribed by him, be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the corporations, associations societies, or individuals as trustees or executors, such sums of money as have been paid by them as taxes upon bequests or legacies for uses of a religious, literary, charitable, or educational character, or for the encouragement of art, or legacies or bequests to societies for the prevention of cruelty to children, under the provisions of section twenty-nine of the Act entitled "An Act to provide ways and means to meet war expenditures, and for other purposes," approved June thirteenth, eighteen hundred and ninety-eight.

Act June 27, 1902, c. 1160, § 1, 32 Stat. 406.

Act June 13, 1898, c. 448, § 29, mentioned in this section, is set forth in Comp. St. 1901, p. 2307. It is repealed by Act April 12, 1902, c. 500 § 7, set forth above.

Sums paid for stamps used on export bills of lading, to be refunded.

Sec. 2. That the Secretary of the Treasury, under rules and regulations to be prescribed by him, be, and he is hereby, authorized and directed to refund, out of any money in the Treasury not otherwise appropriated, sums paid for documentary stamps used on export bills of lading, such stamps representing taxes which were illegally assessed and collected.

Act June 27, 1902, c. 1160, § 2, 32 Stat. 406.

Stamp taxes on bills of lading, mentioned in this section, were imposed by Act June 13. 1898, c. 448, §§ 6, 25, Schedule A, par. 6, Comp St. 1901, p. 2304, repealed by Act April 12, 1902, c. 500, § 7, set forth above.

Sums paid for stamps used on foreign bills of exchange drawn, between July 1, 1898, and June 30, 1901, against the value of products or merchandise exported, are to be refunded, by a provision of Act Feb. 1, 1902 c. 53, set forth below.

Legacy taxes paid on contingent beneficial interests not vested prior to July 1, 1902, to be refunded; no tax to be assessed on such interests not then vested.

Sec. 3. That in all cases where an executor, administrator, or trustee shall have paid, or shall hereafter pay, any tax upon any legacy or distributive share of personal property under the provisions of the Act approved June thirteenth, eighteen hundred and ninety-eight

entitled "An Act to provide ways and means to meet war expenditures, and for other purposes," and amendments thereof, the Secretary of the Treasury be, and he is hereby, authorized and directed to refund, out of any money in the Treasury not otherwise appropriated, upon proper application being made to the Commissioner of Internal Revenue under such rules and regulations as may be prescribed, so much of said tax as may have been collected on contingent beneficial interests which shall not have become vested prior to July first, nineteen hundred and two. And no tax shall hereafter be assessed or imposed under said Act approved June thirteenth, eighteen hundred and ninety-eight, upon or in respect of any contingent beneficial interest which shall not become absolutely vested in possession or enjoyment prior to said July first, nineteen hundred and two.

Act June 27, 1902, c. 1160, § 3, 32 Stat. 406.

Act June 13, 1898, c. 448, § 29, as amended by Act March 2, 1901, c. 806, § 10, mentioned in this section, is set forth in Comp. St. 1901, p. 2307. It is repealed by Act April 12, 1902, c. 500, § 7, set forth above.

Taxes on securities for future payment of money, remitted.

Sec. 4. That taxes which shall have accrued before the taking effect of the Act of April twelfth, nineteen hundred and two, entitled "An Act to repeal war-revenue taxation, and for other purposes," and since July first, nineteen hundred, upon securities delivered or transferred to secure the future payment of money, are hereby remitted.

Act June 27, 1902, c. 1160, § 4, 32 Stat. 407.

Stamp taxes on securities for the future payment of money, mentioned in this section, were imposed by Act June 13, 1898, c. 448, §§ 6, 25, Schedule A, par. 1, Comp. St. 1901, p. 2300, repealed by Act April 12, 1902, c. 500, § 7, set forth above.

ACT MARCH 3, 1903, c. 1006, § 1.

Drawback or rebate of tax on tobacco or snuff; limit of time for presentation of claims extended.

For the payment of drawback or rebate on original and unbroken factory packages of smoking and manufactured tobacco and snuff, as provided in section four of "An Act to repeal war-revenue taxation, and for other purposes," approved April twelfth, nineteen hundred and two, one million three hundred and seventy thousand dollars, or so much thereof as may be necessary: Provided, That claims for rebates on tobacco and snuff as set out in section four of the Act of April twelfth, nineteen hundred and two, which were presented after the sixty days' limit therein specified shall be allowed and paid upon proper proof: Provided, That the tobacco and snuff on which such rebates are claimed were duly inventoried on July first, nineteen hundred and two, in accordance with the regulations of the Commissioner of Internal Revenue, but no such claims shall be paid unless presented prior to April first, nineteen hundred and three.

Act March 3, 1903, c. 1006, § 1, 32 Stat. 1040.

Act April 12, 1902, c. 500, § 4, mentioned in this section, is set forth above.

ACT FEB. 1, 1909, c. 53. [H. R. 21120.]

An Act to Provide for Refunding Stamp Taxes Paid under the Act of June Thirteenth, Eighteen Hundred and Ninety-Eight, upon Foreign Bills of Exchange Drawn between July First, Eighteen

Hundred and Ninety-Eight, and June Thirtieth, Nineteen Hundred and One, against the Value of Products or Merchandise Actually Exported to Foreign Countries and Authorizing Rebate of Duties on Anthracite Coal Imported into the United States from October Sixth, Nineteen Hundred and Two, to January Fifteenth, Nineteen Hundred and Three, and for Other Purposes. (35 Stat. 590.)

Sums paid for stamps used on foreign bills of exchange drawn against value of products or merchandise exported, to be refunded; rebate of duties paid on anthracite coal imported from October 6, 1902, to January 15, 1903.

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the persons or corporations who have, prior to July first, nineteen hundred and four, duly presented their respective claims therefor, the sums paid for documentary stamps used on foreign bills of exchange drawn between July first, eighteen hundred and ninety-eight, and June thirtieth, nineteen hundred and one, against the value of products or merchandise actually exported to foreign countries, such stamps representing taxes which were illegally assessed and collected, said refund to be made whether said stamp taxes were paid under protest or duress or not.

That the Secretary of the Treasury be, and he is hereby, authorized and directed to make full rebate of all duties imposed by law on anthracite coal imported into any port of the United States from foreign countries from October sixth, nineteen hundred and two, to January fifteenth, nineteen hundred and three, and to repay all money paid as duties upon anthracite coal at any port of the United States to the person, persons, or corporations who paid the same upon anthracite coal imported from the sixth day of October, nineteen hundred and two, to January fifteenth, nineteen hundred and three: Provided, That the person or persons so to be paid shall produce satisfactory proof to the Secretary of the Treasury that they were not reimbursed for said tariffs in the sales to the consumer.

Act Feb. 1, 1909, c. 53, 35 Stat. 590.

The time within which claims under this act may be presented is extended by a provision of Act Aug. 5, 1909, c. 7, set forth below.

ACT AUG. 5, 1909, c. 7. [H. R. 11570.]

Time for presenting claims under Act Feb. 1, 1909, c. 53, extended.

The time within which claims may be presented for refunding the sums paid for documentary stamps used on foreign bills of exchange drawn between July first, eighteen hundred and ninety-eight, and June thirtieth, nineteen hundred and one, against the value of products or merchandise actually exported to foreign countries, specified in the Act entitled "An Act to provide for refunding stamp taxes paid under the Act of June thirtieth, eighteen hundred and ninety-eight, upon foreign bills of exchange drawn between July first, eighteen hundred and ninety-eight, and June thirtieth, nineteen hundred and one, against the value of products or merchandise actually exported to foreign countries and authorizing rebate of duties on anthracite coal imported into the United States from October sixth, nineteen hundred and two, to January fifteenth, nineteen hundred and three, and for other purposes,"

approved February first, nineteen hundred and nine, be, and is hereby, extended to December first, nineteen hundred and nine.

Act Aug. 5, 1909, c. 7, 36 Stat. 120.

This is a provision of the urgent deficiency act for the fiscal year 1909, cited above.

Act Feb. 1, 1909, c. 53, mentioned in this provision, is set forth above.

By similar provisions of subsequent deficiency appropriation acts, the time for presentation of such claims was further extended to Dec. 1, 1910, by Act June 25, 1910, c. 385, 36 Stat. 779, and to Dec. 1, 1911, by Act March 4, 1911, c. 240, 36 Stat. 1291.

TITLE XXXVI.

DEBTS DUE BY OR TO THE UNITED STATES.

Sec. 3468.

ACT AUG. 13, 1894, c. 282, §§ 3, 4.

[Amended. Act March 23, 1910, c. 109.]

Sections 3 and 4 of Act Aug. 13, 1894, c. 282, Comp. St. 1901, p. 2316, are amended by Act March 23, 1910, c. 109, set forth below.

ACT MARCH 23, 1910, c. 109. [H. R. 18902.]

An Act to Amend an Act Approved August Thirteenth, Eighteen hundred and ninety-four, Entitled "An Act Relative to Recognizances, Stipulations, Bonds, and Undertakings, and to Allow Certain Corporations to be Accepted as Surety Thereon." (36 Stat. 241.)

Amendment of Act Aug. 13, 1894, c. 282, §§ 3, 4.

Be it enacted, &c., That sections three and four of the Act entitled "An Act relative to recognizances, stipulations, bonds, and undertakings, and to allow certain corporations to be accepted as surety thereon," be, and they are hereby, amended so as to read as follows:

Deposit of copy of charter and statement of assets and liabilities.

"Sec. 3. That every company, before transacting any business under this Act, shall deposit with the Secretary of the Treasury of the United States a copy of its charter or articles of incorporation, and a statement, signed and sworn to by its president and secretary, showing its assets and liabilities. If the said Secretary of the Treasury shall be satisfied that such company has authority under its charter to do the business provided for in this Act, and that it has a paid-up capital of not less than two hundred and fifty thousand dollars, in cash or its equivalent, and is able to keep and perform its contracts, he shall grant authority in writing to such company to do business under this Act.

Act Aug. 13, 1894, c. 282, § 3, 28 Stat. 279. Act March 23, 1910, c. 109, 36 Stat. 241.

The amendment of this section and the section next following consists in the substitution of the Secretary of the Treasury for the Attorney General, wherever the latter was mentioned in said sections as originally enacted.

Filing of quarterly statement of assets and liabilities; revocation of authority to transact business.

"Sec. 4. That every such company shall, in the months of January, April, July, and October of each year, file with the said Secretary of the Treasury a statement, signed and sworn to by its president and secretary, showing its assets and liabilities, as is required by section three of this Act. And the said Secretary of the Treasury shall have the power, and it shall be his duty, to revoke the authority of any such

company to transact any new business under this Act whenever in his judgment such company is not solvent or is conducting its business in violation of this Act. He may institute inquiry at any time into the solvency of said company and may require that additional security be given at any time by any principal when he deems such company no longer sufficient security."

Act Aug. 13, 1894, c. 282, § 4, 28 Stat. 279. Act March 23, 1910, c. 109, 36 Stat. 241.

See note under preceding section.

Sec. 3477.

Assignments of claims void, unless, etc.

The provision of this section, set forth in Comp. St. 1901, p. 2320. declaring void transfers and assignments of any claim upon the United States, is not to apply to payments for rent of post-office quarters to agents of the lessors, by a provision of Act May 27, 1908, c. 206, § 1, set forth post, under Title XLVI, "The Postal Service," c. 1.

Sec. 3481.

Retention of money due States in default.

Provisions for payment of claims of certain States contained in Act May 27, 1902, c. 887, 32 Stat. 235, require that on the settlement thereof any bonds or other evidences of debt of either of said States held by the United States on any account whatever shall be credited as offsets to the United States.

Sec. 3484.

Payment for horses lost by capture.

Payment of claims of artillery and cavalry officers and private soldiers of the Confederate Army for horses, etc., taken from them in violation of the terms of surrender, is provided for by Act Feb. 27, 1902, c. 34, set forth below.

ACT FEB. 27, 1902, c. 34.

An Act for the Relief of Parties for Property Taken from Them by Military Forces of the United States. (32 Stat. 43.)

Payment for horses, side arms, and baggage taken from Confederate officers or soldiers, in violation of terms of surrender, authorized.

Be it enacted, &c., That the Quartermaster-General is directed, under such rules and regulations as may be approved by the Secretary of War, to investigate, or cause to be investigated, the claims of artillery and cavalry officers and private soldiers of the Confederate army for horses, side arms, and baggage alleged to have been taken from them by Federal troops, at and after the surrender at Appomattox, acting under orders, in violation of the terms of surrender of the Confederate armies, and he shall, subject to the approval of the Secretary of War, issue his voucher to such persons as shall be shown by such investigation to be entitled thereto, which voucher shall be paid out of any money in the United States Treasury not otherwise appropriated: Provided, That the expenditures under this Act shall not exceed fifty thousand dollars.

Act Feb. 27, 1902, c. 34, § 1, 32 Stat. 43.

Claims under this act were required to be filed within one year from March 1, 1903, by a provision of Act March 3, 1903, c. 1006, § 1, set forth below; but the time for filing them is extended by provisions of subsequent acts, also set forth below.

Proof of claims; persons to whom payment is to be made in case of death of soldier.

Sec. 2. That no claimant shall be entitled to or receive any voucher as herein provided unless he shall establish to the satisfaction of the Quartermaster-General that he, or the person through or from whom he asserts said claim, was paroled at the time of said surrender; that he had kept his parole in good faith; that he was the actual owner of the horses, side arms, and baggage for which he claims compensation; that such property was taken from him by troops of the United States acting under orders and in violation of the terms of the surrender under which he was paroled. And if the soldier has died since his parole was received, the sum he may be entitled to shall be paid to his wife; if she be dead, then to his children; if he has no wife or child or children living, then to his parents, or either of them if one of them be dead; and no other shall be entitled to receive the same. If he has minor children, the same may be paid to their guardians.

Act Feb. 27, 1902, c. 34, § 2, 32 Stat. 43.

ACT MARCH 3, 1903, c. 1006, § 1.

Time for filing claims for property taken from Confederate officers or soldiers.

Payment to Confederate soldiers: For payment of claims filed with the Quartermaster-General under Act of February twenty-seventh, nineteen hundred and two, for horses, saddles, and bridles taken from Confederate soldiers in violation of terms of surrender, * *: and all claims under said Act shall be filed within one year from the first day of March, nineteen hundred and three, or be forever barred.

Act March 3, 1903, c. 1006, § 1, 32 Stat. 1048.

This is a provision of the deficiency appropriation act for the fiscal year ending June 30, 1903, cited above.

Act Feb. 27, 1902, c. 34, mentioned in this provision, is set forth above. The time for filing claims under that act is extended by provision of subsequent acts, set forth below.

ACT APRIL 27, 1904, c. 1630, § 1. [H. R. 15054.]

Time for filing claims for property taken from Confederate officers or soldiers.

Claims for property taken from Confederate officers and soldiers after surrender: Payment to Confederate soldiers: For payment of claims filed with the Quartermaster-General under Act of February twenty-seventh, nineteen hundred and two, for horses, saddles, and bridles taken from Confederate soldiers in violation of terms of surrender, * *. The time for filing these claims under the provisions of the above-entitled Act and amendment thereto and for the payment thereof, is extended for two years from the date of the passage of this Act.

Act April 27, 1904, c. 1630, § 1, 33 Stat. 401.

This is a provision of the deficiency appropriation act for the fiscal year ending June 30, 1904, cited above.

The time for filing claims mentioned in this act is further extended by provisions of subsequent acts, set forth below.

ACT MAY 30, 1908, c. 227, § 1. [H. R. 21946.]

Time for filing claims for property taken from Confederate officers or soldiers.

Claims for property taken from Confederate officers and soldiers after surrender: The time for filing claims under the provisions of the Act of February twenty-seventh, nine hundred and two, and amend-

ments thereto, for horses, saddles, and bridles taken from Confederate soldiers in violation of terms of surrender, and for the payment thereof is extended for twelve months from the passage of this Act; and all claims not presented within this time shall be forever barred.

Act May 30, 1908, c. 227, § 1, 35 Stat. 499.

The time for filing claims mentioned in this act is further extended, by joint resolution of June 25, 1910, No. 38, set forth below.

RES. JUNE 25, 1910, No. 38. [S. J. Res. 117.]

Joint Resolution Extending the Time for the Filing of Claims under the Provisions of the Act of February Twenty-seventh, Nineteen hundred and two. (36 Stat. 883.)

Time for filing claims for property taken from Confederate officers or soldiers.

Resolved, &c., That the time for filing claims under the provisions of the Act of February twenty-seventh, nineteen hundred and two, and amendments thereto, for horses, saddles, and bridles taken from confederate soldiers in violation of terms of surrender and for the payment thereof, is extended for two years from the passage of this joint resolution; and all claims not presented within this time shall be forever barred.

Res. June 25, 1910, No. 38, 36 Stat. 883.

Sec. 3489.

Claims for collecting, etc., volunteers for the War of the Rebellion, and for horses, to be presented prior to June 30, 1874.

Provisions for payment of particular claims of States for expenses incurred in raising volunteers, and for other similar advances and expenditures, are contained in the urgent deficiency appropriation act of Feb. 14, 1902, c. 17, 32 Stat. 30, and in the act for the allowance of certain claims, etc., Act May 27, 1902, c. 887, 32 Stat. 235.

TITLE XXXVII.

COINAGE, WEIGHTS, AND MEASURES.

Sec. 3495.

Enumeration of mints and assay-offices.

The establishment of a mint at Manila, and the coinage of silver and minor coins for use in the Philippine Islands, are authorized, and the laws of the United States relating to mints and coinage, so far as applicable, are extended to the coinage of said Islands, by provisions of Act July 1, 1902, c. 1369, §§ 76–83, Act March 2, 1903, c. 980, set forth below.

The Treasury of the Philippine Islands and certain banking associations in said Islands may be designated by the Secretary of War and the Secretary of the Treasury as depositories of public money, by Act July 1, 1902, c. 1369, § 85, post, under Title XL, "The Public Moneys."

The establishment of an assay-office at Salt Lake City is provided for by Act May 30, 1908, c. 223, set forth below.

ACT JUNE 20, 1874, c. 328, § 1.

Mint at New Orleans.

A provision for an assayer for the mint at New Orleans, who shall have general charge of the institution, contained in Act March 4, 1911, c. 237, § 1, is set forth below.

ACT MARCH 2, 1895, c. 177, § 1.

Assay office at Denver mint continued.

The provision of this act and subsequent similar appropriation acts relating to the mint and assay office at Denver, set forth in Comp. St. 1901, p. 2336, is repeated in the same language in the legislative, executive, and judicial appropriation acts for the fiscal years 1903, 1904, and 1905, but is omitted from the similar act for the fiscal year ending June 30, 1906, said mint and assay office having become a coinage mint.

An appropriation for the Denver mint, for new machinery, appliances, and furniture, was made, and a contract was authorized for such machinery, appliances, and furniture, complete in every detail for the operation of said mint, by the sundry civil appropriation act for the fiscal year ending June 30, 1904, Act March 3, 1903, c. 1007, § 1, 32 Stat. 1109.

Provisions for the force necessary for the proper operations of the mint at Denver, contained in Act March 18, 1904, c. 716, § 1, are set forth below.

ACT MARCH 18, 1904, c. 716, § 1. [H. R. 9480.]

Mint at Denver; officers, clerks, etc.

Mint at Denver, Colorado: * * [Part of paragraph omitted makes appropriation for assayer in charge, melter, chief clerk, and other clerks.] Provided, That whenever the Secretary of the Treasury shall determine that it is necessary for the proper operations of the mint at Denver, Colorado, the following force may be appointed in lieu of the foregoing, at the yearly compensation herein stated, namely: Superintendent, at four thousand five hundred dollars; assayer, melter and refiner, and coiner, at three thousand dollars each; chief clerk, at two thousand five hundred dollars; weigh clerk, at one thousand six hun-

dred dollars; clerk, at one thousand four hundred dollars; two calculating clerks, at one thousand four hundred dollars each; and two clerks at one thousand two hundred dollars each; and any unexpended balance of the foregoing appropriation shall be available for payment of this latter force.

Act March 18, 1904, c. 716, § 1, 33 Stat. 109.

This is a provision of the legislative, executive, and judicial appropriation act for the fiscal year ending June 30, 1905, cited above.

The appropriation for the mint at Denver for the fiscal year ending June 30, 1912, is by Act March 4, 1911, c. 237, § 1, 36 Stat. 1199.

ACT MAY 30, 1908, c. 223. [S. 642.]

An Act to Establish an Assay Office at Salt Lake City, State of Utah. (35 Stat. 474.)

Assay office at Salt Lake City; officers, etc.

Be it enacted, &c., That the Secretary of the Treasury is hereby authorized and required to establish an assay office of the United States at Salt Lake City, in the State of Utah; said assay office to be conducted under the provisions of the Act entitled "An Act revising and amending the laws relating to the mints and assay offices and the coinage of the United States," approved February twelfth, eighteen hundred and seventy-three; that the officers of the assay office shall be an assayer in charge, at a salary of two thousand five hundred dollars per annum, who shall also perform the duties of melter; chief clerk, at a salary of one thousand five hundred dollars per annum; and the Secretary of the Treasury is hereby authorized to rent a suitable building for the use of said assay office, and there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of twenty thousand dollars for salary of assayer in charge, chief clerk, and wages of workmen, rent, and contingent expenses.

Act May 30, 1908, c. 223, 35 Stat. 474.

The provisions of Act Feb. 12, 1873, c. 131, mentioned in this section, were incorporated into Rev. St. §§ 3495–3562, set forth in Comp. St. 1901, pp. 2333–2374.

Somewhat different provisions for officers and clerks are made by subsequent appropriation acts. The provision for the fiscal year ending June 30, 1912, by Act March 4, 1911, c. 237, § 1, is set forth below.

ACT MARCH 4, 1911, c. 237, § 1. [H. R. 29360.]

Mint at New Orleans; assayer to have general charge.

Mint at New Orleans, Louisiana: Assayer who shall have general charge of the institution as under section thirty-five hundred and sixty, Revised Statutes, and who shall be a practical assayer, * *

Act March 4, 1911, c. 237, § 1, 36 Stat. 1200.

This is a provision of the legislative, executive, and judicial appropriation act for the fiscal year ending June 30, 1912, cited above. Previous appropriations provided for a superintendent, as well as an assayer and other officers, etc.

Assay office at Salt Lake City; officers, etc.

Assay office at Salt Lake City, Utah: Assayer in charge, who shall also perform the duties of melter, two thousand five hundred dollars; assistant assayer, one thousand six hundred dollars; chief clerk, who shall also perform the duties of cashier, one thousand six hundred dollars: Provided, That the chief clerk shall perform the duties of as-

sayer in charge in his absence; clerk, one thousand four hundred dollars; in all, seven thousand one hundred dollars.

Act March 4, 1911, c. 237, § 1, 36 Stat. 1202.

This is a further provision of the legislative, executive, and judicial appropriation act for the fiscal year ending June 30, 1912, cited above.

Sec. 3512.

Recoinage of gold coins.

Appropriations for recoinage of light-weight gold coins, as required by this section, are made each year in the sundry civil appropriation acts. The provision for the fiscal year ending June 30, 1912, is by Act March 4, 1911, c. 285, § 1, 36 Stat. 1390.

Sec. 3517.

Inscriptions upon coins.

The motto "In God we trust" is to be inscribed on certain denominations of gold and silver coins, by Act May 18, 1908, c. 173, set forth below.

ACT MAY 18, 1908, c. 173. [H. R. 17296.]

An Act Providing for the Restoration of the Motto "In God we Trust" on Certain Denominations of the Gold and Silver Coins of the United States. (35 Stat. 164.)

Inscription on certain coins of motto "In God we trust."

Be it enacted, &c., That the motto "In God we trust," heretofore inscribed on certain denominations of the gold and silver coins of the United States of America, shall hereafter be inscribed upon all such gold and silver coins of said denominations as heretofore.

Act May 18, 1908, c. 173, § 1, 35 Stat. 164.

Time of taking effect of act.

Sec. 2. That this Act shall take effect thirty days after its approval by the President.

Act May 18, 1908, c. 173, § 2, 35 Stat. 164.

Sec. 3526.

ACT MARCH 14, 1900, c. 41, §§ 2, 7, 8.

Redemption of United States notes and Treasury notes; reissue of redeemed United States notes.

In addition to the provisions of section 2 of this act, set forth in Comp. St. 1901, p. 2357, relating to the reissue of redeemed United States notes, the issue of such notes of certain small denominations, whenever the outstanding silver certificates of such denominations, issued under section 7 of this act, are insufficient to meet the public demand therefor, and the retirement of an equal amount of United States notes of higher denominations, are authorized by Act March 4, 1907, c. 2913, § 2, set forth below.

Denominations of silver certificates.

Whenever the outstanding silver certificates of certain small denominations, issued under section 7 of this act, set forth below, are insufficient to meet the public demand therefor, the issue of United States notes of such denominations, and the retirement of an equal amount of United States notes of higher denominations, are authorized by Act March 4, 1907, c. 2913, § 2, set forth below.

Coinage of silver bullion into subsidiary coins.

The authority given by section 8 of this act, set forth in Comp. St. 1901, p. 2359, to coin subsidiary silver coins may be exercised without

limitation as to the amount of such subsidiary coin outstanding, by a provision of Act March 3, 1903, c. 1007, § 1, set forth below.

ACT MARCH 3, 1903, c. 1007, § 1.

Limitation of amount of subsidiary silver coins removed.

* * That the authority given to the Secretary of the Treasury to coin subsidiary silver coin by the eighth section of an Act entitled "An Act to define and fix the standard of value, to maintain the parity of all forms of money issued or coined by the United States, to refund the public debt, and for other purposes," approved March fourteenth, nineteen hundred, may hereafter be exercised without limitation as to the amount of such subsidiary coin outstanding. * *

Act March 3, 1903, c. 1007, § 1, 32 Stat. 1109.

This is a provision following an appropriation for transportation of silver coin, in the sundry civil appropriation act for the fiscal year ending June 30, 1904, cited above.

ACT MARCH 4, 1907, c. 2913, § 2. [H. R. 13566.]

United States notes of small denominations to be issued, and equal amount of higher denominations retired, when outstanding silver certificates insufficient.

Sec. 2. That whenever and so long as the outstanding silver certificates of the denominations of one dollar, two dollars, and five dollars, issued under the provisions of section seven of an Act entitled "An Act to define and fix the standard of value, to maintain the parity of all forms of money issued or coined by the United States, to refund the public debt, and for other purposes," approved March fourteenth, nineteen hundred, shall be, in the opinion of the Secretary of the Treasury, insufficient to meet the public demand therefor, he is hereby authorized to issue United States notes of the denominations of one dollar, two dollars, and five dollars, and upon the issue of United States notes of such denominations an equal amount of United States notes of higher denominations shall be retired and canceled: Provided, however, That the aggregate amount of United States notes at any time outstanding shall remain as at present fixed by law: And provided further, That nothing in this Act shall be construed as affecting the right of any national bank to issue one-third in amount of its circulating notes of the denomination of five dollars, as now provided by law.

Act March 4, 1907, c. 2913, § 2, 34 Stat. 1289.

This is the second section of an act to amend the national banking act, and for other purposes, cited above, other sections of which are set forth or referred to post, under Title LXII, "National Banks," c. 2. Act March 14, 1900, c. 41, § 7, mentioned in this section, is set forth in Comp. St. 1901, p. 2359.

Sec. 3527.

ACT MARCH 3, 1881, c. 133, § 1.

Free transportation of silver coin.

An appropriation "for transportation of fractional silver coin, by registered mail or otherwise," with directions that such coin be transported "from the Treasury or subtreasuries, free of charge," and provisions otherwise similar to those of Act March 3, 1885, c. 300, § 1, set forth in the note under the provision of this act in Comp. St. 1901, p. 2361, was made in the sundry civil appropriation acts for subsequent years, down to the fiscal year ending June 30, 1910, provision for which was made by Act March 4, 1909, c. 299, § 1, 35 Stat. 960, and by the

deficiency appropriation act, Act June 25, 1910, c. 385, 36 Stat. 777. All these appropriations were accompanied by similar appropriations for transportation of minor coin.

Secs. 3528, 3529.

[Amended. Act April 24, 1906, c. 1861.]

These sections are amended by Act April 24, 1906, c. 1861, to read as set forth below.

ACT APRIL 24, 1906, c. 1861. [H. R. 229.]

An Act Providing for the Purchase of Metal and the Coinage of Minor Coins, and the Distribution and Redemption of said Coins. (34 Stat. 132.)

Amendment of Rev. St. §§ 3528, 3529.

Be it enacted, &c., That sections thirty-five hundred and twenty-eight and thirty-five hundred and twenty-nine of the Revised Statutes be, and the same are hereby, amended so as to read as follows:

Purchase of metal for minor coinage; the minor coinage profit fund.

"Sec. 3528. For the purchase of metal for the minor coinage authorized by this Act a sum not exceeding two hundred thousand dollars in lawful money of the United States shall, upon the recommendation of the Director of the Mint, and in such sums as he may designate, with the approval of the Secretary of the Treasury, be transferred to the credit of the Superintendents of the mints at Philadelphia, San Francisco, Denver, and New Orleans, at which establishments, until otherwise provided by law, such coinage shall be carried on. The superintendents, with the approval of the Director of the Mint as to price, terms, and quantity, shall purchase the metal required for such coinage by public advertisement, and the lowest and best bid shall be accepted, the fineness of the metals to be determined on the mint assay. The gain arising from the coinage of such metals into coin of a nominal value, exceeding the cost thereof, shall be credited to the special fund denominated the minor-coinage profit fund; and this fund shall be charged with the wastage incurred in such coinage, and with the cost of distributing said coins, as hereinafter provided. The balance remaining to the credit of this fund, and any balance of the profits accrued from minor coinage under former Acts, shall be, from time to time, and at least twice a year, covered into the Treasury of the United States.

Act April 24, 1906, c. 1861, 34 Stat. 132.

Rev. St. § 3528, amended by this act, is set forth in Comp. St. 1901, p. 2362. The amendment consists chiefly in the increase of the amount to be transferred for the purchase of metal from $50,000 to $200,000, and in including other mints with the mint at Philadelphia for carrying on such coinage.

Delivery of minor coins; redemption.

"Sec. 3529. The minor coins authorized by this Act may, at the discretion of the Director of the Mint, be delivered in any of the principal cities and the towns of the United States, at the cost of the mints, for transportation, and shall be exchangeable at par at the mints named, at the discretion of the superintendents, for any other coins of copper, bronze, or copper-nickel heretofore authorized, and it shall be lawful for the Treasurer and the several assistant treasurers and depositaries of the United States to redeem, in lawful money, under such rules as

may be prescribed by the Secretary of the Treasury, all copper, bronze, and copper-nickel coins authorized by law when presented in sums of not less than twenty dollars; and whenever, under this authority, these coins are presented for redemption in such quantity as to show the amount outstanding to be redundant, the Secretary of the Treasury is authorized and required to direct that such coinage shall cease until otherwise authorized by him."

Act April 24, 1906, c. 1861, 34 Stat. 132.

Rev. St. § 3529, amended by this act, is set forth in Comp. St. 1901, p. 2362. The amendment consists of such changes merely as are required to conform to the provisions for coinage of minor coins at other mints as well as the mint at Philadelphia, by Rev. St. § 3528, as amended by this act, to read as set forth above.

Appropriations for transportation of minor coin, free of charge, when requested, on deposit of an equal amount in coin or currency in the Treasury or subtreasuries, were made by the sundry civil appropriation acts for subsequent years, down to the fiscal year ending June 30, 1910, the provision for which was made by Act March 4, 1909, c. 299, § 1, 35 Stat. 909, and by the deficiency appropriation act, Act June 25, 1910, c. 385, 36 Stat. 777.

Appropriations for recoinage of worn and uncurrent minor coin are made in recent sundry civil appropriation acts. The provision for the fiscal year ending June 30, 1912, is by Act March 4, 1911, c. 285, § 1, 36 Stat. 1390.

Sec. 3536. [*As amended* 1877.]

[Amended. Act March 4, 1911, c. 267.]

This section, set forth in Comp. St. 1901, p. 3264, as amended by Act Feb. 27, 1877, c. 69, § 1, is further amended by Act March 4, 1911, c. 267, to read as set forth below.

ACT MARCH 4, 1911, c. 267. [H. R. 24885.]

An Act to Amend Section Thirty-five hundred and thirty-six of the Revised Statutes of the United States, Relating to the Weighing of Silver Coins. (36 Stat. 1354.)

Amendment of Rev. St. § 3536.

Be it enacted, &c., That section thirty-five hundred and thirty-six of the Revised Statutes of the United States be, and the same is hereby, amended so as to read as follows:

Deviations allowed in adjusting weight of silver coins.

"Sec. 3536. In adjusting the weight of the silver coins the following deviations shall not be exceeded in any single piece: In the dollar, the half and quarter dollar, and in the dime, one and one-half grains."

Act March 4, 1911, c. 267, 36 Stat. 1354.

Rev. St. § 3536, amended by this act is set forth, as previously amended, in Comp. St. 1901, p. 2364. The amendment by this act consists in the omission of a further provision of the section as originally enacted.

Sec. 3546.

ACT JUNE 19, 1878, c. 329, § 1.

Refining and parting of bullion at mints and New York assay-office; expenses, how defrayed.

So much of the provision of this act, set forth in Comp. St. 1901, p. 2369, and of other laws and parts of laws, as makes a permanent indefinite appropriation for the expenses of parting and refining bullion, is repealed by a provision of Act March 4, 1911, c. 240, set forth post, under Title XLI, "Appropriations," under Rev. St. § 3665.

ACT JULY 7, 1898, c. 571, § 1.

Refining and parting of bullion at mints and New York assay-office; expenses, how defrayed.

See note under provision of Act June 19, 1878, c. 329, § 1, above.

Secs. 3548, 3549.

[Amended. Act March 4, 1911, c. 268.]

These sections, set forth in Comp. St. 1901, pp. 2370, 2371, are amended by Act March 4, 1911, c. 268, to read as set forth below.

ACT MARCH 4, 1911, c. 268. [H. R. 24886.]

An Act to Amend Sections Thirty-five hundred and forty-eight and Thirty-five hundred and forty-nine of the Revised Statutes of the United States, Relative to the Standards for Coinage. (36 Stat. 1354.)

Amendment of Rev. St. § 3548.

Be it enacted, &c., That section thirty-five hundred and forty-eight of the Revised Statutes of the United States be, and the same is hereby, amended so as to read as follows:

Standard troy pound of Bureau of Standards to be standard for regulation of coinage.

"Sec. 3548. For the purpose of securing a due conformity in weight of the coins of the United States to the provisions of the laws relating to coinage, the standard troy pound of the Bureau of Standards of the United States shall be the standard troy pound of the Mint of the United States, conformably to which the coinage thereof shall be regulated."

Act March 4, 1911, c. 268, § 1, 36 Stat. 1354.

Rev. St. § 3548, amended by this section, is set forth in Comp. St. 1901, p. 2370. The amendment consists in the substitution of the standard troy pound of the Bureau of Standards for the standard prescribed by the original section.

Amendment of Rev. St. § 3549.

Sec. 2. That section thirty-five hundred and forty-nine of the Revised Statutes of the United States be, and the same is hereby amended so as to read as follows:

Standard weights for mints and assay offices.

"Sec. 3549. It shall be the duty of the Director of the Mint to procure for each mint and assay office, to be kept safely thereat, a series of standard weights corresponding to the standard troy pound of the Bureau of Standards of the United States, consisting of a one pound weight and the requisite subdivisions and multiples thereof from the hundredths part of a grain to twenty-five pounds. The troy weight ordinarily employed in the transactions of such mints and assay offices shall be regulated according to the above standards at least once in every year, under the inspection of the superintendent and assayer; and the accuracy of those used at the Mint at Philadelphia shall be tested annually, in the presence of the assay commissioners at the time of the annual examination and test of coins."

Act March 4, 1911, c. 268, § 2, 36 Stat. 1354.

Rev. St. § 3549, amended by this section, is set forth in Comp. St. 1901, p. 2371. The amendment consists chiefly in the substitution of standard weights corresponding to the standard troy pound of the Bureau of Standards for the standard weights prescribed by the original section

Sec. 3567.

Spanish and Mexican coins.

The Mexican silver dollar in use in the Philippine Islands and the silver coins issued by the Spanish government for use in said Islands are receivable for public dues for a limited time, by Act March 2, 1903, c. 980, § 7, set forth post, under Rev. St. § 3568.

Hawaiian silver coins are receivable in payment of all dues to the government of the Territory of Hawaii and of the United States, by Act Jan. 14, 1903, c. 186, § 1, set forth post, under Rev. St. § 3568.

Sec. 3568. [*As amended* 1877.]

Their transmission for recoinage.

Recoinage of Hawaiian silver coins into United States subsidiary silver coins is provided for by Act Jan. 14, 1903, c. 186, § 2, set forth below.

Recoinage of the silver coins in or received by the Treasury of the government of the Philippine Islands into the coins provided for use in said Islands is authorized by Act March 2, 1903, c. 980, § 5, set forth below.

ACT JULY 1, 1902, c. 1369, §§ 76-83. [*As amended* 1903.]

Philippine coinage; mint at Manila.

Sec. 76. That the government of the Philippine Islands is hereby authorized to establish a mint at the city of Manila, in said islands, for coinage purposes, and the coins hereinafter authorized may be coined at said mint. And the said government is hereby authorized to enact laws necessary for such establishment: Provided, That the laws of the United States relating to mints and coinage, so far as applicable, are hereby extended to the coinage of said islands.

Act July 1, 1902, c. 1369, § 76, 32 Stat. 710.

This section and the seven following sections, set forth below, are part of an act temporarily to provide for the administration of affairs of civil government in the Philippine Islands, and for other purposes, cited above. These sections authorize the government of the Philippine Islands to establish a mint, and to coin, for use in said Islands, certain subsidiary silver coins, and contain various provisions relating thereto. Further and more extensive provisions of the same nature, amending and repealing in part the provisions of this act, are contained in Act March 2, 1903, c. 980, set forth below.

Subsidiary silver coins.

Sec. 77. That the government of the Philippine Islands is authorized to coin for use in said islands a coin of the denomination of fifty centavos and of the weight of two hundred and eight grains, a coin of the denomination of twenty centavos and of the weight of eighty-three and ten one-hundredths grains, and a coin of the denomination of ten centavos and of the weight of forty-one and fifty-five one-hundredths grains; and the standard of said silver coins shall be such that of one thousand parts, by weight, nine hundred shall be of pure metal and one hundred of alloy, and the alloy shall be of copper.

Act July 1, 1902, c. 1369, § 77, 32 Stat. 710. Act March 2, 1903, c. 980, § 4, 32 Stat. 953.

This section is amended by Act March 2, 1903, c. 980, § 4, cited above, by increasing the weight of each of the coins authorized from that prescribed by the section as originally enacted, making it read as set forth here. The original section provided for a coin of 50 centavos of the weight of 192.9 grains, a coin of 20 centavos of the weight of 77.16 grains, and a coin of 10 centavos of the weight of 38.58 grains.

In addition to the coinage authorized by this act, the coinage of a sil-

ver peso is authorized by Act March 2, 1903, c. 980, § 2, set forth below, to be subject, by section 6 of that act, to the conditions and limitations of the provisions of this act.

Sec. 78. [Repealed. Act March 2, 1903, c. 980, § 13.]

This section provided that the coins authorized by the preceding section should be coined from silver bullion to be purchased therefor, or from silver coins issued under the Spanish government for use in said Islands, and that the subsidiary silver coins authorized thereby should be legal tender in said Islands to the amount of $10. The section is expressly repealed by Act March 2, 1903, c. 980, § 13, set forth below, and similar more comprehensive provisions of the same nature are contained in section 5 of that act, also set forth below.

Minor coins; legal tender.

Sec. 79. That the government of the Philippine Islands is also authorized to issue minor coins of the denominations of one-half centavo, one centavo, and five centavos, and such minor coins shall be legal tender in said islands for amounts not exceeding one dollar. The alloy of the five-centavo piece shall be of copper and nickel, to be composed of three-fourths copper and one-fourth nickel. The alloy of the one-centavo and one-half-centavo pieces shall be ninety-five per centum of copper and five per centum of tin and zinc, in such proportions as shall be determined by said government. The weight of the five-centavo piece shall be seventy-seven and sixteen-hundredths grains troy, and of the one-centavo piece eighty grains troy, and of the one-half-centavo piece forty grains troy.

Act July 1, 1902, c. 1369, § 79, 32 Stat. 710.

The coinage authorized by Act March 2, 1903, c. 980, set forth below, is in addition to the coinage authorized by this act.

The provisions of the law in force in the Philippine Islands making any form of money legal tender, after December 31, 1903, except as provided in Act March 2, 1903, c. 980, are repealed by section 13 of that act, set forth below.

Purchase of metal.

Sec. 80. That for the purchase of metal for the subsidiary and minor coinage, authorized by the preceding sections, an appropriation may be made by the government of the Philippine Islands from its current funds, which shall be reimbursed from the coinage under said sections; and the gain or seigniorage arising therefrom shall be paid into the treasury of said Islands.

Act July 1, 1902, c. 1369, § 80, 32 Stat. 710.

Similar provisions for the purchase of metal for the silver peso authorized by Act March 2, 1903, c. 980, are contained in section 9 of that act, set forth below.

Place of coinage.

Sec. 81. That the subsidiary and minor coinage hereinbefore authorized may be coined at the mint of the government of the Philippine Islands at Manila, or arrangements may be made by the said government with the Secretary of the Treasury of the United States for their coinage at any of the mints of the United States, at a charge covering the reasonable cost of the work.

Act July 1, 1902, c. 1369, § 81, 32 Stat. 710.

Similar provisions as to the place of coinage of the silver peso authorized by Act March 2, 1903, c. 980, are contained in section 10 of that act, set forth below.

Devices and inscriptions.

Sec. 82. That the subsidiary and minor coinage hereinbefore authorized shall bear devices and inscriptions to be prescribed by the government of the Philippine Islands and such devices and inscriptions shall express the sovereignty of the United States, that it is a coin of the Philippine Islands, the denomination of the coin, and the year of the coinage.

Act July 1, 1902, c. 1369, § 82, 32 Stat. 711.

Similar provisions as to the devices and inscriptions to be borne by the silver peso authorized by Act March 2, 1903, c. 1369, are contained in section 11 of that act, set forth below.

Redemption and reissue of worn or defective coins; execution of provisions of act.

Sec. 83. That the government of the Philippine Islands shall have the power to make all necessary appropriations and all proper regulations for the redemption and reissue of worn or defective coins and for carrying out all other provisions of this Act relating to coinage.

Act July 1, 1902, c. 1369, § 83, 32 Stat. 711.

ACT JAN. 14, 1903, c. 186.

An Act Relating to Hawaiian Silver Coinage and Silver Certificates. (32 Stat. 770.)

Hawaiian silver coins; receivable for dues to government of Territory of Hawaii and of United States.

Be it enacted, &c., That the silver coins that were coined under the laws of Hawaii, when the same are not mutilated or abraded below the standard of circulation, shall be received at the par of their face value in payment of all dues to the government of the Territory of Hawaii and of the United States, and the same shall not again be put into circulation, but they shall be recoined in the mints as United States coins.

Act Jan. 14, 1903, c. 186, § 1, 32 Stat. 770.

Recoinage into United States subsidiary silver coins.

Sec. 2. That when such coins have been received by either Government they shall be transmitted to the mint at San Francisco, in sums of not less than five hundred dollars, to be recoined into subsidiary silver coins of the United States, the expense of transportation to be paid by the United States.

Act Jan. 14, 1903, c. 186, § 2, 32 Stat. 770.

Exchange for United States silver coins.

Sec. 3. That any collector of customs or of internal revenue of the United States in the Hawaiian Islands shall, if he is so directed by the Secretary of the Treasury, exchange standard silver coins of the United States that are in his custody as such collector with the government of Hawaii, or with any person desiring to make such exchange, for coins of the government of Hawaii, at their face value when the same are not abraded below the lawful standard of circulation, and the Treasurer of the United States, under the direction of the Secretary of the Treasury, is authorized to deposit such silver coins of the United States as shall be necessary with the collector of customs or of internal revenue at Honolulu or at any Government depository for the purpose of making such exchange under such regulations as he may prescribe.

Act Jan. 14, 1903, c. 186, § 3, 32 Stat. 771.

Recoinage of mutilated or abraded coins; payment therefor.

Sec. 4. That any silver coins struck by the government of Hawaii that are mutilated or abraded below such standard may be presented for recoinage at any mint in the United States by the person owning the same, or his or her agents, in sums of not less than fifty dollars, and such owner shall be paid for such coins by the superintendent of the mint the bullion value per troy ounce of the fine silver they contain in standard silver coin of the United States, and such bullion shall be coined into subsidiary coinage of the United States.

Act Jan. 14, 1903, c. 186, § 4, 32 Stat. 771.

Legal tender in Hawaii until January 1, 1904.

Sec. 5. That silver coins heretofore struck by the government of Hawaii shall continue to be legal tender for debts in the Territory of Hawaii, in accordance with the laws of the Republic of Hawaii, until the first day of January, nineteen hundred and four, and not afterwards.

Act Jan. 14, 1903, c. 186, § 5, 32 Stat. 771.

Hawaiian silver certificates; redemption by Territorial Government.

Sec. 6. That any silver certificates heretofore issued by the government of the Hawaiian Islands, intended to be circulated as money, shall be redeemed by the Territorial government of Hawaii on or before the first day of January, nineteen hundred and five, and after said date it shall be unlawful to circulate the same as money.

Act Jan. 14, 1903, c. 186, § 6, 32 Stat. 771.

United States not bound to redeem Hawaiian silver certificates or silver coin, except as stated in act.

Sec. 7. That nothing in this Act contained shall bind the United States to redeem any silver certificates issued by the government of Hawaii, or any silver coin issued by such government, except in the manner and upon the conditions stated in this Act for the recoinage of Hawaiian silver.

Act Jan. 14, 1903, c. 186, § 7, 32 Stat. 771.

Appropriation for transportation of coins.

Sec. 8. That the sum of ten thousand dollars, or so much thereof as may be necessary, is hereby appropriated, from any moneys in the Treasury of the United States not otherwise appropriated, for the payment of the expenses of transporting said coins from the Hawaiian Islands to the mint at San Francisco, and a return of a like amount in the subsidiary coins of the United States to the Hawaiian Islands.

Act Jan. 14, 1903, c. 186, § 8, 32 Stat. 771.

ACT MARCH 2, 1903, c. 980. [*As amended* 1905, 1906.]

An Act to Establish a Standard of Value and to Provide for a Coinage System in the Philippine Islands. (32 Stat. 952.)

Philippine coinage; unit of value; legal tender.

Be it enacted, &c., That the unit of value in the Philippine Islands shall be the gold peso consisting of twelve and nine-tenths grains of gold, nine-tenths fine, said gold peso to become the unit of value when the government of the Philippine Islands shall have coined and ready for, or in, circulation not less than five million of the silver pesos hereinafter provided for in this Act, and the gold coins of the United States at the rate of one dollar for two pesos hereinafter authorized to be coined shall be legal tender for all debts, public and private, in the Philippine Islands.

Act March 2, 1903, c. 980, § 1, 32 Stat. 952.

Silver peso.

Sec. 2. That in addition to the coinage authorized for use in the Philippine Islands by the Act of July first, nineteen hundred and two, entitled "An Act temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes," the government of the Philippine Islands is authorized to coin to an amount not exceeding seventy-five million pesos, for use in said islands, a silver coin of the denomination of one peso and of the weight of four hundred and sixteen grains, and the standard of said silver coins shall be such that of one thousand parts, by weight, nine hundred shall be of pure metal and one hundred of alloy, and the alloy shall be of copper.

Act March 2, 1903, c. 980, § 2, 32 Stat. 953.

Act July 1, 1902, c. 1369, mentioned in this section, is set forth above.

Legal tender.

Sec. 3. That the silver Philippine peso authorized by this Act shall be legal tender in the Philippine Islands for all debts, public and private, unless otherwise specifically provided by contract: Provided, That debts contracted prior to the thirty-first day of December, nineteen hundred and three, may be paid in the legal-tender currency of said islands existing at the time of the making of said contracts, unless otherwise expressly provided by contract.

Act March 2, 1903, c. 980, § 3, 32 Stat. 953.

Sec. 4. [Amends Act July 1, 1902, c. 1369, § 77.]

This section amends Act July 1, 1902, c. 1369, § 77, and is incorporated into that section as set forth above.

Purchase of silver bullion; recoinage of silver coins; legal tender.

Sec. 5. That the Philippine peso herein authorized and the subsidiary silver coins authorized by section seventy-seven of the Act of July first, nineteen hundred and two, as amended by the preceding section of this Act, shall be coined under the authority of the government of the Philippine Islands in such amounts as it may determine, with the approval of the Secretary of War of the United States, except as limited in section two of this Act, from silver bullion purchased by said government, with the approval of the Secretary of War of the United States: Provided, That said government may, in its discretion, in lieu of the purchase of bullion, recoin any of the silver coins now in or hereafter received by the treasury of the government of the Philippine Islands into the coins provided for in this Act or in the Act of July first, nineteen hundred and two, as herein amended, at such rate and under such regulations as it may prescribe; and the subsidiary silver coins authorized by this Act and by the Act of July first, nineteen hundred and two, shall be legal tender in said islands to the amount of ten dollars.

Act March 2, 1903, c. 980, § 5, 32 Stat. 953.

This section re-enacts, with additional provisions, the provisions of section 78 of Act July 1, 1902, c. 1369, which section is repealed by section 13 of this act, set forth below.

Application of previous provisions to coinage authorized by act; maintenance of parity between silver peso and gold peso; issue of temporary certificates of indebtedness, redemption thereof, and use of proceeds.

Sec. 6. That the coinage authorized by this Act shall be subject to the conditions and limitations of the provisions of the Act of July first, nineteen hundred and two, entitled "An Act temporarily to pro-

vide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes," except as herein otherwise provided; and the government of the Philippine Islands may adopt such measures as it may deem proper, not inconsistent with said Act of July first, nineteen hundred and two, to maintain the value of the silver Philippine peso at the rate of one gold peso, and in order to maintain such parity between said silver Philippine pesos and the gold pesos herein provided for, and for no other purpose, may issue temporary certificates of indebtedness, bearing interest at a rate not to exceed four per centum annually, payable at periods of three months or more, but not later than one year from the date of issue, which shall be in the denominations of twenty-five dollars, or fifty pesos, or some multiple of such sum, and shall be redeemable in gold coin of the United States, or in lawful money of said islands, according to the terms of issue prescribed by the government of said islands; but the amount of such certificates outstanding at any one time shall not exceed ten million dollars, or twenty million pesos, and said certificates shall be exempt from the payment of all taxes or duties of the government of the Philippine Islands, or any local authority therein, or of the Government of the United States, as well as from taxation in any form by or under any State, municipal, or local authority in the United States or the Philippine Islands; Provided, That all the proceeds of said certificates shall be used exclusively for the maintenance of said parity, as herein provided, and for no other purpose, except that a sum not exceeding three million dollars at any one time may be used as a continuing credit for the purchase of silver bullion in execution of the provisions of this Act.

Act March 2, 1903, c. 980, § 6, 32 Stat. 953.

The government of the Philippine Islands is authorized, in order to carry out the provisions of this section, to change the weight and fineness of the silver coins authorized by the act, by Act June 23, 1906, c. 3521, § 1, set forth below.

Silver coins previously in use receivable for public dues for limited time; preference to silver pesos and silver certificates.

Sec. 7. That the Mexican silver dollar now in use in the Philippine Islands and the silver coins heretofore issued by the Spanish Government for use in said islands shall be receivable for public dues at a rate to be fixed from time to time by the proclamation of the civil governor of said lands until such date, not earlier than the first day of January, nineteen hundred and four, as may be fixed by public proclamation of said civil governor, when such coins shall cease to be so receivable: Provided, That the public offices of the government of said islands shall give a preference for all public dues to the silver pesos and the silver certificates authorized by this Act, and may at any time refuse to receive such Mexican dollars and Spanish coins as may appear to be counterfeit or defective.

Act March 2, 1903, c. 980, § 7, 32 Stat. 954.

Silver certificates to be issued on deposit of silver pesos and to be receivable for public dues; reissue; lawful reserve of banking associations; substitution of United States gold coin for silver pesos deposited.

"Sec. 8. That the treasurer of the Philippine Islands is hereby authorized, in his discretion, to receive at the treasury of the government of the said islands or any of its branches deposits of the standard silver coins of one peso authorized by this Act to be coined, in sums of not

less than twenty pesos, Philippine currency, and to issue certificates therefor in denominations of not less than two pesos nor more than five hundred pesos, and coin so deposited shall be retained in the treasury and held for the payment of such certificates on demand, and used for no other purpose. Such certificates shall be receivable for customs, taxes, and for all public dues in the Philippine Islands, and when so received may be reissued, and when held by any banking association in said islands may be counted as a part of its lawful reserve: Provided, That the treasurer of the Philippine Islands, with the approval of the governor-general, may substitute for any part of such silver pesos hereafter deposited, gold coin of the United States legally equivalent in value, and redeem the certificates hereafter issued in either silver pesos or such gold coin of equivalent value at the option of the Treasurer: Provided further, That the amount of gold coin held in such reserve shall not at any time exceed sixty per centum of the total amount of certificates outstanding."

Act March 2, 1903, c. 980, § 8, 32 Stat. 954. Act Feb. 6, 1905, c. 453, § 10, 33 Stat. 697. Act June 23, 1906, c. 3521, § 2, 34 Stat. 453.

This section as originally enacted authorized the issue of silver certificates "in denominations of not less than two nor more than ten pesos." It is amended by striking out the word "ten" and inserting in lieu thereof the words "five hundred," by Act Feb. 1905, c. 453, § 10, cited above. It is further amended by some minor changes in language and by the addition, at the end of the section as originally enacted, of the two provisos relating to substitution of gold coin for silver pesos, so as to read as set forth above.

Purchase of metal.

SEC. 9. That for the purchase of metal for the silver Philippine peso authorized by this Act, an appropriation may be made by the government of the Philippine Islands from its current funds, or as hereinbefore authorized, which shall be reimbursed from the coinage under said sections.

Act March 2, 1903, c. 980, § 9, 32 Stat. 954.

Similar provisions for the purchase of metal for the subsidiary and minor coinage authorized by Act July 1, 1902, c. 1369, are contained in section 80 of that act, set forth above.

Place of coinage.

SEC. 10. That the silver Philippine pesos hereinbefore authorized may be coined at the mint of the government of the Philippine Islands at Manila, or arrangements may be made by the said government with the Secretary of the Treasury of the United States for their coinage or any portion thereof at any of the mints of the United States, at a charge covering the reasonable cost of the work.

Act March 2, 1903, c. 980, § 10, 32 Stat. 954.

Similar provisions as to the place of coinage of the subsidiary and minor coins authorized by Act July 1, 1902, c. 1369, are contained in section 81 of that act, set forth above.

Devices and inscriptions.

SEC. 11. That the silver Philippine peso hereinbefore authorized shall bear devices and inscriptions to be prescribed by the government of the Philippine Islands, and such devices and inscriptions shall express the sovereignty of the United States, that it is a coin of the Philippine Islands, the denomination of the coin, and the year of the coinage.

Act March 2, 1903, c. 980, § 11, 32 Stat. 954.

Similar provisions as to the devices and inscriptions for the subsidiary

and minor coins authorized by Act July 1, 1902, c. 1369, are contained in section 82 of that act, set forth above.

Preparation of drawings, designs, and plates, and execution of coinage, engraving, or printing of notes and certificates.

Sec. 12. That the Secretary of the Treasury is hereby authorized and directed, when requested by the government of the Philippine Islands, to cause to be made and prepared any drawings, designs, and plates, and execute any coinage, engraving, or printing of notes and certificates authorized by this Act, and to make a proper charge for the same, covering as nearly as may be the actual cost, which shall be defrayed from the revenues of said islands.

Act March 2, 1903, c. 980, § 12, 32 Stat. 954.

Repeal.

Sec. 13. That section seventy-eight of the Act of July first, nineteen hundred and two, and all Acts and parts of Acts inconsistent with the provisions of this Act, and all provisions of law in force in the Philippine Islands making any form of money legal tender after December thirty-first, nineteen hundred and three, except as provided in this Act, are hereby repealed.

Act March 2, 1903, c. 980, § 13, 32 Stat. 955.

Act July 1, 1902, c. 1369, mentioned in and repealed in part by this section, is set forth above.

ACT JUNE 23, 1906, c. 3521. [S. 6243.]

An Act to Amend an Act Approved March Second, Nineteen hundred and three, Entitled "An Act to Establish a Standard of Value and to Provide for a Coinage System in the Philippine Islands." (34 Stat. 453.)

Change in weight and fineness of silver coins authorized.

Be it enacted, &c., That, with the approval of the President of the United States, the government of the Philippine Islands is hereby authorized, whenever in its opinion such action is desirable, in order to carry out the provisions of section six of the Act approved March second, nineteen hundred and three, entitled "An Act to establish a standard of value and to provide for a coinage system in the Philippine Islands," to change the weight and fineness of the silver coins authorized by said Act, and may in its discretion provide a weight and fineness proportionately less for subsidiary coins than for the standard Philippine pesos, and may also in its discretion recoin any of the existing coins of the Philippine Islands at the new weight and fineness when such coins are received into the Treasury or into the gold standard fund of the Philippine Islands: Provided, That the weight and fineness of the silver peso to be coined in accordance with the provisions of this section shall not be reduced below seven hundred parts of pure silver to three hundred of alloy.

Act June 23, 1906, c. 3521, § 1, 34 Stat. 453.

Act March 2, 1903, c. 980, § 6, mentioned in this section, is set forth above.

Sec. 2. [Amends Act March 2, 1903, c. 980, § 8.]

The amendment by this section of Act March 2, 1903, c. 980, § 8, is incorporated into that section, as set forth above.

Sec. 3570.

ACT MARCH 3, 1901, c. 872, § 1.

National Bureau of Standards established.

The National Bureau of Standards is transferred from the Department of the Treasury to the Department of Commerce and Labor by provisions of the act establishing that department, Act Feb. 14, 1903, c. 552, §§ 4, 10, ante, under Title XII A, "The Department of Commerce and Labor."

An appropriation for a contribution to the maintenance of the International Bureau of Weights and Measures is made by the diplomatic and consular appropriation acts for each fiscal year. The provision for the fiscal year ending June 30, 1912, is by Act March 3, 1911, c. 208, 36 Stat. 1031.

TITLE XXXVIII.

THE CURRENCY.

Sec. 3578.

ACT AUG. 4, 1896, c. 902, § 1.

Disposition of receipts for work by Bureau of Engraving and Printing.

Proceeds of work referred to in this provision, set forth in Comp. St. 1901, p. 2394, during recent fiscal years, are to be credited to the appropriation for the Bureau, by provisions of the annual sundry civil appropriation acts for each year. The provision for the fiscal year 1912 is as follows:

"During the fiscal year nineteen hundred and twelve all proceeds derived from work performed by the Bureau of Engraving and Printing, by direction of the Secretary of the Treasury, not covered and embraced in the appropriation for said bureau for the said fiscal year, instead of being covered into the Treasury as miscellaneous receipts, as provided by the Act of August fourth, eighteen hundred and eighty-six (Twenty-fourth Statutes, page two hundred and twenty-seven), be credited when received to the appropriation for said bureau for the fiscal year nineteen hundred and twelve.

Act March 4, 1911, c. 285, § 1, 36 Stat. 1389.

Sec. 3582.

ACT MAY 31, 1878, c. 146.

Further cancellation or retirement of United States legal-tender notes prohibited.

The appropriations for engraving and printing, contained in the sundry civil appropriation acts for each fiscal year and in the various deficiency appropriation acts, are followed by provisions that no portion of the sum appropriated shall be expended for printing United States notes or treasury notes of larger denomination than those that may be canceled or retired, except in so far as such printing may be necessary in executing the requirements of Act March 14, 1900, c. 41, set forth in Comp. St. 1901, pp. 2356–2360. The provisions for the fiscal year ending June 30, 1912, are contained in Act March 4, 1911, c. 285, § 1, 36 Stat. 1389.

Provisions for the issue of United States notes of small denominations whenever the outstanding silver certificates of such denominations are insufficient to meet the public demand therefor, and for the retirement of an equal amount of United States notes of higher denominations, accompanied with a proviso that the aggregate amount of United States notes at any time outstanding shall remain as at present fixed by law, are contained in Act March 4, 1907, c. 2913, § 2, set forth ante, under Title XXXVII, "Coinage, Weights, and Measures."

Sec. 3583.

[Repealed. Act March 4, 1909, c. 321, § 341.]

This section, set forth in Comp. St. 1901, p. 2398, is incorporated in the act to codify, etc., the penal laws, Act March 4, 1909, c. 321, in chapter 7, § 168, thereof, and is expressly repealed by chapter 15, § 341, of said act, taking effect January 1, 1910. Said act is set forth post, under Title LXIX A, "The Criminal Code."

ACT MAY 30, 1908, c. 229, §§ 17–19. [H. R. 21871.]

National Monetary Commission created; appointment; filling vacancies.

Sec. 17. That a Commission is hereby created, to be called the "National Monetary Commission," to be composed of nine members of the Senate, to be appointed by the Presiding Officer thereof, and nine members of the House of Representatives, to be appointed by the Speaker thereof; and any vacancy on the Commission shall be filled in the same manner as the original appointment.

Act May 30, 1908, c. 229, § 17, 35 Stat. 552.

This section and the two sections next following are part of an act to amend the national banking laws, cited above. Other sections of the act are set forth post, under Title LXII, "National Banks," c. 2.

Said sections 17–19 of this act are repealed, the repeal to take effect March 31, 1912, unless otherwise provided by Act of Congress, by Act Aug. 22, 1911, c. 36, § 2, set forth below.

A provision of Act March 4, 1909, c. 298, § 1, 35 Stat. 931, continuing the members of the Commission appointed under this section as constituting the Commission until its final report should be made, and authorizing payment of salary to members not receiving a salary from the government, is repealed by Act Aug. 22, 1911, c. 36, § 3, set forth below.

Act May 30, 1908, c. 229, cited above, is to expire by limitation on June 30, 1914, by section 20 thereof, set forth post, under Title LXII, "National Banks," c. 2.

Duties and powers of Commission.

Sec. 18. That it shall be the duty of this Commission to inquire into and report to Congress at the earliest date practicable, what changes are necessary or desirable in the monetary system of the United States or in the laws relating to banking and currency, and for this purpose they are authorized to sit during the sessions or recess of Congress, at such times and places as they may deem desirable, to send for persons and papers, to administer oaths, to summons and compel the attendance of witnesses, and to employ a disbursing officer and such secretaries, experts, stenographers, messengers, and other assistants as shall be necessary to carry out the purposes for which said Commission was created. The Commission shall have the power through subcommittee or otherwise, to examine witnesses and to make such investigations and examinations, in this or other countries, of the subjects committed to their charge as they shall deem necessary.

Act May 30, 1908, c. 229, § 18, 35 Stat. 552.

See notes under preceding section of this act.

The Commission is directed to report on all subjects referred to it under this act, on or before Jan. 8, 1912, by Act Aug. 22, 1911, c. 36, § 1, set forth below.

Appropriation for expenses, and accounts of Commission.

Sec. 19. That a sum sufficient to carry out the purposes of sections seventeen and eighteen of this Act, and to pay the necessary expenses of the Commission and its members, is hereby appropriated, out of any money in the Treasury not otherwise appropriated. Said appropriation shall be immediately available and shall be paid out on the audit and order of the chairman or acting chairman of said Commission, which audit and order shall be conclusive and binding upon all Departments as to the correctness of the accounts of such Commission.

Act May 30, 1908, c. 229, § 19, 35 Stat. 553.

See notes under section 17 of this act, set forth above.

ACT AUG. 22, 1911, c. 36. [S. 854.]

An Act to Require the National Monetary Commission to Make Final Report on or before January Eighth, Nineteen hundred and twelve, and to Repeal Sections Seventeen, Eighteen, and Nineteen of the Act Entitled "An Act to Amend the National Banking Laws," Approved May Thirtieth, Nineteen hundred and eight, the Repeal to Take Effect March Thirty-first, Nineteen hundred and twelve. (37 Stat. 30.)

National Monetary Commission; time for report.

Be it enacted, &c., That the National Monetary Commission, authorized by sections seventeen, eighteen, and nineteen of an Act entitled "An Act to amend the national banking laws," approved May thirtieth, nineteen hundred and eight, is hereby directed to make and file a full and comprehensive report on all subjects referred to it under the provisions of the aforesaid Act on or before the eighth day of January, nineteen hundred and twelve.

Act Aug. 22, 1911, c. 36, § 1, 37 Stat. 30.

Sections 17–19 of Act May 30, 1908, c. 229, mentioned in this section, are set forth above.

Repeal of Act May 30, 1908, c. 229, §§ 17-19.

Sec. 2. That sections seventeen, eighteen, and nineteen of an Act entitled "An Act to amend the national banking laws," approved May thirtieth, nineteen hundred and eight, be, and the same are hereby, repealed; the provisions of this section to take effect and be in force on and after the thirty-first day of March, nineteen hundred and twelve, unless otherwise provided by Act of Congress.

Act Aug. 22, 1911, c. 36, § 2, 37 Stat. 30.

Sections 17-19 of Act May 30, 1908, c. 229, repealed by this section, are set forth above.

Repeal of provision for continuation of membership of commission and for salary to members not in public service, of Act March 4, 1909, c. 298, § 1.

Sec. 3. That the first paragraph under the subject "Legislative," on page twenty-eight of an Act (Public, Numbered three hundred and twenty-seven, H. R. 28376, Sixtieth Congress, second session), entitled "An Act making appropriations to supply deficiencies in the appropriations for the fiscal year ending June thirtieth, nineteen hundred and nine, and for prior years, and for other purposes," approved March fourth, nineteen hundred and nine, reading as follows: "That the members of the National Monetary Commission, who were appointed on the thirtieth day of May, nineteen hundred and eight, under the provisions of section seventeen of the Act entitled 'An Act to amend the national banking laws,' approved May thirtieth, nineteen hundred and eight, shall continue to constitute the National Monetary Commission until the final report of said commission shall be made to Congress; and said National Monetary Commission are authorized to pay to such of its members as are not at the time in the public service and receiving a salary from the Government, a salary equal to that to which said members would be entitled if they were members of the Senate or House of Representatives. All Acts or parts of Acts in-

consistent with this provision are hereby repealed," be, and the same is, hereby repealed.

Act Aug. 22, 1911, c. 36, § 3, 37 Stat. 30.

The provision repealed by this section is part of Act March 4, 1908, c. 298, § 1, 35 Stat. 931.

No salary, etc., to member or employee of Commission receiving salary, etc., from Government; voluntary assistance without compensation.

Sec. 4. That no one receiving a salary or emoluments from the Government of the United States, in any capacity, shall receive any salary or emolument as a member or employee of said commission from the date of the passage of this Act: Provided, That voluntary assistance, without compensation, may be accepted by the commission from present employees or from others whose assistance may be desired by the commission.

Act Aug. 22, 1911, c. 36, § 4, 37 Stat. 30.

TITLE XXXIX.

LEGAL TENDER.

Sec. 3584.

Foreign coins.

Silver coins struck by the government of Hawaii are to be legal tender in the Territory of Hawaii until Jan. 1, 1904, and not afterwards; and silver certificates issued by that government, intended to circulate as money, are to be redeemed by the Territorial government, on or before Jan. 1, 1905, and after that date it shall be unlawful to circulate the same as money, by provisions of Act Jan. 14, 1903, c. 186, §§ 5, 6, ante, under Title XXXVII, "Coinage, Weights, and Measures."

The coinage by the government of the Philippine Islands of various silver and minor coins for use in the Islands is authorized, and the legal tender quality of such coins, as well as of the gold coins of the United States, in the Islands, is prescribed, by Act July 1, 1902, c. 1369, §§ 76–83, and Act March 2, 1903, c. 980, ante, under Title XXXVII, "Coinage, Weights, and Measures"; and by section 13 of the act last mentioned, all provisions of law in force in the Islands making any form of money legal tender after Dec. 31, 1903, except as provided in that act, are repealed.

TITLE XL.

THE PUBLIC MONEYS.

Sec. 3592.

ACT JUNE 6, 1900, c. 797.

Depositories in Cuba, Porto Rico, and Philippine Islands.

Further provisions as to depositories in the Philippine Islands, which may be regarded as superseding, as to such Islands, the provisions of this act, are contained in Act July 1, 1902, c. 1369, § 85, set forth below.

ACT JULY 1, 1902, c. 1369, § 85.

Depositories in Philippine Islands.

That the treasury of the Philippine Islands and such banking associations in said islands with a paid up capital of not less than two million dollars and chartered by the United States or any State thereof as may be designated by the Secretary of War and the Secretary of the Treasury of the United States shall be depositories of public money of the United States, subject to the provisions of existing law governing such depositories in the United States: Provided, That the treasury of the government of said islands shall not be required to deposit bonds in the Treasury of the United States, or to give other specific securities for the safe-keeping of public money except as prescribed, in his discretion, by the Secretary of War.

Act July 1, 1902, c. 1369, § 85, 32 Stat. 711.

This section is part of an act temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes, cited above.

Sec. 3617.

ACT MARCH 3, 1883, c. 143.

Receipts from private telegrams sent over Government lines.

A provision permitting transmission of private messages over telephone lines controlled by the Treasury Department, and requiring the proceeds thereof to be paid into the Treasury, as required in regard to private dispatches over Government telegraph lines by the provision of Act March 3, 1883, c. 143, set forth in Comp. St. 1901, p. 2413, is contained in Act April 28, 1904, c. 1762, § 1, set forth below.

ACT APRIL 28, 1904, c. 1762, § 1. [H. R. 14416.]

Private messages over telephone lines controlled by Treasury Department.

* * That private messages may, with the consent and authority of the Secretary of the Treasury, be transmitted over any and all telephone lines controlled by the Treasury Department, whenever it does not interfere with Government business, at such rates and on such terms and conditions as may from time to time be fixed by the Secretary of the Treasury, the proceeds thereof to be accounted for and paid into the Treasury of the United States.

Act April 28, 1904, c. 1762, § 1, 33 Stat. 460.

This is a proviso annexed to an appropriation for establishing new life-saving stations, etc., in the sundry civil appropriation act for the fiscal year ending June 30, 1906, cited above.

Sec. 3618. [*As amended* 1877.]

Proceeds of sales of material.

Moneys arising from disposition of serviceable ordnance and ordnance stores are to constitute one fund on the books of the Treasury Department, available to replace ordnance and ordnance stores, by a provision of Act April 23, 1904, c. 1485, set forth ante, under Title XVII, "Arms, Armories, and Arsenals, and Ordnance and Fortifications," subchapter "Ordnance Materials, Stores, and Supplies."

A similar provision relating to moneys arising from dispositions of medical and hospital supplies, contained in Act June 12, 1906, c. 3078, is set forth ante, under Title XIV, "The Army," c. 1.

All funds received as the value of military stores transferred by the several staff departments of the Army to the Insular Department of the Philippines are to be deposited in the Treasury, and remain available during the fiscal year and the following year for the procurement of like military stores to replace those so transferred, by a provision of Act June 12, 1906, c. 3078, set forth ante, under Title XIV, "The Army," c. 1.

Moneys arising from deductions made from carriers on account of loss of or damage to military stores in transit are to be credited to the proper appropriation or funds out of which such or similar stores shall be replaced, by a provision of Act March 2, 1905, c. 1307, set forth ante, under Title XIV, "The Army," c. 1.

Statements of all moneys received by the head of each Executive Department or other government establishment from proceeds of public property or other sources, and of all payments made from such funds, are required, by Act June 30, 1906, c. 3914, § 5, set forth post, under Title XLI, "Appropriations."

Government property at any Indian reservation, not required for the benefit of the Indians, may be transferred to another reservation, or may be sold and the proceeds covered into the Treasury, by Act July 1, 1898, c. 545, § 1, as amended by Act June 25, 1910, c. 431, § 22, set forth post, under Title XLI, "Appropriations," under Rev. St. § 3678.

Sec. 3620. [*As amended* 1877.]

Duty of disbursing officers.

Officers intrusted with the disbursement of funds for the subsistence of the Army may be authorized to keep in their possession restricted amounts of such funds, by a provision of Act March 2, 1907, c. 2511, set forth below.

In case of sickness or unavoidable absence of any disbursing clerk or disbursing agent in any executive department, etc., in Washington, D. C., the clerk of highest grade may be authorized to act in his place, by Act March 4, 1909, c. 299, § 8, set forth below.

ACT MARCH 2, 1907, c. 2511. [H. R. 23551.]

Authority to officers to keep in their possession funds for subsistence of the Army, for payments of small amounts.

* * That hereafter officers intrusted with the disbursement of funds for the subsistence of the Army are hereby authorized to keep, at their own risk, in their personal possession for disbursement, such restricted amounts of subsistence funds for facilitating payments of small amounts to public creditors as shall from time to time be authorized by the Secretary of War: * *

Act March 2, 1907, c. 2511, 34 Stat. 1166.

This is a proviso annexed to the appropriation for purchase of subsistence supplies in the Army appropriation act for the fiscal year ending June 30, 1908, cited above.

Act MARCH 4, 1909, c. 299, § 8. [H. R. 28245.]

Acting disbursing officer in case of sickness or unavoidable absence of disbursing clerk or disbursing agent in executive department, etc., in Washington, D. C.

In case of the sickness or unavoidable absence of any disbursing clerk or disbursing agent of any executive department, independent bureau, or office, in Washington, District of Columbia, he may, with the approval of the head of the department, independent bureau, or office, in which said disbursing clerk or agent is employed, authorize the clerk of highest grade employed therein to act in his place, and to discharge all the duties by law or regulations of such disbursing clerk or agent. The official bond given by the principal of the office shall be held to cover and apply to the acts of the person appointed to act in his place in such cases. Such acting officer shall, moreover, for the time being, be subject to all the liabilities and penalties prescribed by law for the official misconduct in like cases, of the disbursing clerk or disbursing agent, respectively, for whom he acts, and such acting officer shall be required by the head of the department, independent bureau, or office, to give bond to and in such sum as the disbursing clerk or disbursing agent may require.

Act March 4, 1909, c. 299, § 8, 35 Stat. 1027.

This section is part of the sundry civil appropriation act for the fiscal year ending June 30, 1910, cited above.

Sec. 3623.

ACT JULY 5, 1884, c. 217.

Accounts of disbursements under Army appropriation acts.

Provisions allowing payment of pressing obligations by disbursing officers of the Quartermaster's Department and the Ordnance Department, in cases of insufficient balance under the proper appropriation, and authorizing the adjustment of the accounts of the disbursing officers, contained in Act March 3, 1909, c. 252, and by disbursing officers of the Engineer Department, contained in Act March 3, 1911, c. 209, are set forth below.

ACT MARCH 3, 1909, c. 252. [H. R. 26915.]

Payment of pressing obligations by disbursing officers of Quartermaster's Department, although balance under proper appropriation insufficient, authorized; adjustment of accounts.

Hereafter whenever pressing obligations are required to be paid by a disbursing officer of the Quartermaster's Department and there is an insufficient balance to his official credit under the proper appropriation or appropriations for the purpose, he is authorized to make payment from the total available balance to his official credit, provided sufficient funds under the proper appropriation or appropriations have been apportioned by the Quartermaster-General for the expenditure. When such disbursements are made the accounts of the disbursing officer shall show the charging of the proper appropriations, the balances under which will be adjusted by the disbursing officer on receipt of funds or by the accounting officers of the Treasury.

Act March 3, 1909, c. 252, 35 Stat. 747.

This is a provision of the Army appropriation act for the fiscal year ending June 30, 1910, cited above.

Payment of pressing obligations by disbursing officers of Ordnance Department, although balance under proper appropriation insufficient, authorized; adjustment of accounts.

Hereafter whenever pressing obligations are required to be paid by a disbursing officer of the Ordnance Department and there is an insufficient balance to his official credit under the proper appropriation or appropriations for the purpose, he is authorized to make payment from the total available balance to his official credit, provided sufficient funds under the proper appropriation or appropriations have been allotted by the Chief of Ordnance for the expenditure. When such disbursements are made the accounts of the disbursing officer shall show the charging of the proper appropriations, the balances under which will be adjusted by the disbursing officer on receipt of funds or by the accounting officers of the Treasury.

Act March 3, 1909, c. 252, 35 Stat. 750.

This is a further provision of the Army appropriation act for the fiscal year ending June 30, 1910, cited above.

A previous provision requiring accounts of disbursements according to the items of appropriations in Army appropriation acts, contained in Act July 5, 1884, c. 217, is set forth in Comp. St. 1901, p. 2417.

ACT MARCH 3, 1911, c. 209. [H. R. 31237.]

Payment of pressing obligations by disbursing officers of Engineer Department, although balance under proper appropriation insufficient, authorized; adjustment of accounts.

Hereafter whenever pressing obligations are required to be paid by a disbursing officer of the Engineer Department and there is an insufficient balance to his official credit under the proper appropriation or appropriations for the purpose, he is authorized to make payment from the total available balance to his official credit, provided sufficient funds under the proper appropriation or appropriations have been allotted by the Chief of Engineers for the expenditure. When such disbursements are made the accounts of the disbursing officer shall show the charging of the proper appropriations, the balances under which will be adjusted by the disbursing officer on receipt of funds or by the accounting officers of the Treasury.

Act March 3, 1911, c. 209, 36 Stat. 1056.

This is a provision of the Army appropriation act for the fiscal year ending June 30, 1912, cited above.

Sec. 3646. [*As amended* 1885.]

[Amended. Act March 23, 1906, c. 1129. Act June 19, 1906, c. 3434. Act May 27, 1908, c. 206. Act Feb. 23, 1909, c. 174.]

This section, as amended by Act Feb. 16, 1885, c. 123, set forth in Comp. St. 1901, p. 2424, is further amended by Act March 23, 1906, c. 1129, Act June 19, 1906, c. 3434, Act May 27, 1908, c. 206, and Act Feb. 23, 1909, c. 174, to read as set forth below.

ACT FEB. 23, 1909, c. 174. [H. R. 25805.]

An Act to Reenact and to Amend Sections Thirty-Six Hundred and Forty-Six and Thirty-Six Hundred and Forty-Seven of the Revised Statutes. (35 Stat. 643.)

Amendment of Rev. St. §§ 3646, 3647.

Be it enacted, &c., That sections thirty-six hundred and forty-six and thirty-six hundred and forty-seven of the Revised Statutes be, and they hereby are, reenacted and amended to read as follows:

Duplicates for lost, stolen, or destroyed disbursing officers' checks or postal checks or warrants.

"Sec. 3646. Whenever any original disbursing officer's check is lost, stolen, or destroyed, the Secretary of the Treasury may authorize the officer issuing the same, after the expiration of six months and within three years from the date of such disbursing officer's check, to issue a duplicate thereof upon the execution of such bond to indemnify the United States as the Secretary of the Treasury may prescribe: Provided, That when such original disbursing officer's check does not exceed in amount the sum of fifty dollars the Secretary of the Treasury may authorize the issuance of a duplicate at any time after the expiration of thirty days and within three years from the date of such disbursing officer's check: Provided further, That whenever any original check or warrant of the Post-Office Department has been lost, stolen, or destroyed the Postmaster-General may authorize the issuance of a duplicate thereof, at any time within three years from the date of such original check or warrant, upon the execution by the owner thereof of such bond of indemnity as the Postmaster-General may prescribe: And provided further, That when such original check or warrant does not exceed in amount the sum of fifty dollars and the payee or owner is, at the date of the application, an officer or employee in the service of the Post-Office Department, whether by contract, designation, or appointment, the Postmaster-General may, in lieu of an indemnity bond, authorize the issuance of a duplicate check or warrant upon such an affidavit as he may prescribe, to be made before any postmaster by the payee or owner of an original check or warrant.

Rev. St. § 3646, as amended by Act Feb. 16, 1885, c. 123, is set forth in Comp. St. 1901, p. 2424. As further amended, by Act March 23, 1906, c. 1129, 34 Stat. 84, the section read as follows:

"Sec. 3646. Whenever any original check or warrant is lost, stolen, or destroyed, the Secretary of the Treasury may authorize the officer issuing the same, after the expiration of six months and within three years from the date of such check or warrant, to issue a duplicate thereof upon the execution of such bond to indemnify the United States as the Secretary of the Treasury may prescribe: Provided, That when such original check or warrant does not exceed in amount the sum of fifty dollars the Secretary of the Treasury may authorize the issuance of a duplicate at any time after the expiration of thirty days and within three years from the date of such check or warrant."

The further amendment by Act June 19, 1906, c. 3434, 34 Stat. 301, consisted in striking out the words "check or warrant," wherever they appeared in the section as previously amended, and substituting in lieu thereof the words "disbursing officers' check."

A provision of Act May 27, 1908, c. 206, 35 Stat. 415, amended both section 3646 and section 3647 to read, in substance, as do the last two provisos of section 3646, as set forth here. But this amendment is superseded by that of Act Feb. 23, 1909, c. 174, cited above, by which section 3646 is re-enacted and amended by adding to its provisions, as amended by Act June 19, 1906, c. 3434, the two last provisos as set forth here, and section 3647 is also re-enacted and amended to read as set forth below.

Sec. 3647.

[Amended. Act May 27, 1908, c. 206. Act Feb. 23, 1909, c. 174.]

This section, set forth in Comp. St. 1901, p. 2424, is amended to read as set forth below.

Duplicate check when officer who issued is dead or no longer in service; duplicate postal checks.

"Sec. 3647. In case the disbursing officer or agent by whom such lost, destroyed, or stolen original check was issued is dead or no longer in the service of the United States it shall be the duty of the proper accounting officer, under such regulations as the Secretary of the Treasury may prescribe, to state an account in favor of the owner of such original check for the amount thereof and to charge such amount to the account of such officer or agent: Provided, That in case a check drawn by any officer or agent of the Post-Office Department is lost, stolen, or destroyed a duplicate thereof may be issued under regulations prescribed by the Postmaster-General, as set forth in section thirty-six hundred and forty-six."

Act Feb. 23, 1909, c. 174, § 1, 35 Stat. 644.

See notes under Rev. St. § 3646, as also amended by this act, set forth above.

Sec. 3648.

Advances of public moneys prohibited.

Advances from appropriations for the Department of Agriculture are restricted by a provision of Act June 3, 1902, c. 985, set forth below.

An appropriation for traveling and other miscellaneous and emergency expenses, authorized and approved by the Attorney General, to be expended at his discretion, the provisions of the first paragraph of this section to the contrary notwithstanding, is made by the sundry civil appropriation acts for recent years. The provision for the fiscal year ending June 30, 1912, is by Act March 4, 1911, c. 285, § 1, 36 Stat. 1425.

Payment for mileage books, commutation tickets, etc., purchased by the Secretary of the Navy to be furnished to officers and others ordered to perform travel on official business, is not to be regarded as an advance of public money within the meaning of Rev. St. § 3648, by a provision of Act April 27, 1904, c. 1630, § 1, set forth ante, under Title XV, "The Navy," c. 8.

The annual subscriptions for publications for use in the immigration service may be paid in advance, by a provision of Act March 3, 1905, c. 1483, § 1, set forth below.

Rev. St. § 3648, is not to apply to subscriptions for foreign and professional newspapers and periodicals, to be paid for from the appropriation for contingent expenses of the Military Information Division, General Staff Corps, or the appropriation for the Coast Artillery School, Fort Monroe, Va., in the Army appropriation acts for recent years. The provisions for the fiscal year ending June 30, 1912, are by Act March 3, 1911, c. 209, 36 Stat. 1037, 1038.

A similar provision, as to subscriptions for foreign, professional, and other newspapers and periodicals, to be paid for from appropriations for the Military Academy, is contained in the Military Academy appropriation acts for recent years. The provision for the fiscal year ending June 30, 1912, is by Act March 3, 1911, c. 207, 36 Stat. 1025.

Rev. St. § 3648, is not to apply to subscriptions for publications for the Department of Agriculture, by a provision of Act March 4, 1909, c. 301, set forth below.

Advances under the appropriation for the Coast and Geodetic Survey to chiefs of parties are authorized by a proviso annexed to the appropriations therefor in the sundry civil appropriation acts for recent years. The provision for the fiscal year ending June 30, 1912, is by Act March 4, 1911, c. 285, § 1, 36 Stat. 1432.

ACT JUNE 3, 1902, c. 985.

Advances from appropriations for Department of Agriculture.

* * That advances of public money from the appropriations for the Department of Agriculture shall be made by the Secretary of Agriculture only to such chiefs of field parties, agricultural explorers,

special agents, and others as shall have given bonds in such sums as the Secretary of Agriculture shall direct.

Act June 3, 1902, c. 985, 32 Stat. 303.

This is a proviso in the agricultural appropriation act for the fiscal year ending June 30, 1903, cited above. It follows a proviso relating to the reorganization of the divisions of the Department of Agriculture into bureaus, set forth ante, under Title XII, "The Department of Agriculture," c. A.

ACT MARCH 3, 1905, c. 1483, § 1. [H. R. 18969.]

Advances for subscriptions for publications for immigration service.

* * That the annual subscriptions for publications for use in the immigration service at large may be paid in advance.

Act March 3, 1905, c. 1483, § 1, 33 Stat. 1182.

This is a proviso annexed to an appropriation for enforcement of the Chinese exclusion act, in the sundry civil appropriation act for the fiscal year ending June 30, 1906, cited above.

ACT MARCH 4, 1909, c. 301. [H. R. 27053.]

Advances for subscriptions for publications for Department of Agriculture.

* * That hereafter section thirty-six hundred and forty-eight of the Revised Statutes shall not apply to the subscriptions for publications for the Department of Agriculture, and the Secretary of Agriculture is authorized to pay in advance for any publications for the use of this Department.

Act March 4, 1909, c. 301, 35 Stat. 1054.

This is a proviso annexed to an appropriation for general expenses for the Department Library in the sundry civil appropriation act for the fiscal year ending June 30, 1910, cited above. Similar provisions, without the word "hereafter," were contained in the similar appropriation acts for previous years.

Sec. 3649.

Examination of depositaries.

Annual appropriations for actual expenses of examiners detailed to examine the books, accounts, and money on hand at the several subtreasuries and depositaries, including national banks acting as depositaries under Rev. St. § 3649, were made by the annual legislative, executive, and judicial appropriation acts, down to the fiscal year 1911, the provision for which was made Act June 17, 1910, c. 297, § 1, 36 Stat. 497. An appropriation for the same purposes for the same year was included with the appropriation for contingent expenses under the requirements of Rev. St. § 3653, in the sundry civil appropriation act for the year, Act June 25, 1910, c. 384, § 1, 36 Stat. 713, and this provision for expenses under both section 3649 and section 3653 is repeated in the sundry civil appropriation act for the fiscal year ending June 30, 1912, Act March 4, 1911, c. 285, § 1, 36 Stat. 1390.

Sec. 3653.

ACT AUG. 7, 1882, c. 433, § 1.

Expenses of fiscal agents; expenditure of appropriations.

The provision of this act making an appropriation for contingent expenses under Rev. St. § 3653, set forth in Comp. St. 1901, p. 2427, is repeated in the same language in the sundry civil appropriation acts for subsequent years. The paragraph following this appropriation in Comp. St. 1901, p. 2427, restricting the expenditure of the appropriation, being permanent in form, is not repeated. The provision for the fiscal year ending June 30, 1912, which includes, as did the provision for the preceding year, expenses of examination of subtreasuries, depositories, etc., is by Act March 4, 1911, c. 285, § 1, 36 Stat. 1390.

TITLE XLI.

APPROPRIATIONS.

Sec. 3660.

Manner of communicating estimates.

Further requirements as to the order and arrangement of estimates for expenses of the government, provided for by Rev. St. § 3660, Comp. St. 1901, p. 2435, and of the general appropriation bills, and as to furnishing all estimates for inclusion in the Book of Estimates, are contained in Act June 22, 1906, c. 3514, § 4, set forth below.

ACT JUNE 22, 1906, c. 3514, § 4. [H. R. 16472.]

Estimates and general appropriation bills to follow order and arrangement of appropriation acts for year preceding; all estimates to be furnished for Book of Estimates; restriction on special or additional estimates.

Hereafter the estimates for expenses of the Government, except those for sundry civil expenses, shall be prepared and submitted each year according to the order and arrangement of the appropriation Acts for the year preceding. And any changes in such order and arrangement, and transfers of salaries from one office or bureau to another office or bureau, or the consolidation of offices or bureaus desired by the head of any Executive Department may be submitted by note in the estimates. The committees of Congress in reporting general appropriation bills shall, as far as may be practicable, follow the general order and arrangement of the respective appropriation Acts for the year preceding.

Hereafter the heads of the several Executive Departments and all other officers authorized or required to make estimates for the public service shall include in their annual estimates furnished the Secretary of the Treasury for inclusion in the Book of Estimates all estimates of appropriations required for the service of the fiscal year for which they are prepared and submitted, and special or additional estimates for that fiscal year shall only be submitted to carry out laws subsequently enacted, or when deemed imperatively necessary for the public service by the Department in which they shall originate, in which case such special or additional estimate shall be accompanied by a full statement of its imperative necessity and reasons for its omission in the annual estimates.

Act June 22, 1906, c. 3514, § 4, 34 Stat. 448.

This section is part of the legislative, executive, and judicial appropriation act for the fiscal year ending June 30, 1907, cited above.

Estimates transmitted to the Treasury for submission to Congress, which do not comply with the provisions of this section, are to be rearranged so as to comply with said requirements, by Act March 4, 1909, c. 297, § 4, set forth below.

ACT MARCH 4, 1909, c. 297, § 4. [H. R. 23464.]

Estimates not conforming to requirements to be rearranged.

When estimates hereafter transmitted to the Treasury for submission to Congress do not in form and arrangement comply with the

provisions of section four of the legislative, executive, and judicial appropriation Act, approved June twenty-second, nineteen hundred and six, they shall, under direction of the Secretary of the Treasury, be rearranged so as to comply with said requirements of law.

Act March 4, 1909, c. 297, § 4, 35 Stat. 907.

This section is part of the legislative, executive, and judicial appropriation act for the fiscal year ending June 30, 1910, cited above.

Sec. 3661.

Estimates for printing and binding.

Further requirements as to estimates for printing and binding, provided for by Rev. St. § 3661, Comp. St. 1901, p. 2435, and restrictions on the use for such purposes of appropriations other than those made therefor, are contained in Act June 30, 1906, c. 3914, § 2, set forth below.

Estimates of the probable cost of all publications of the Executive Departments, bureaus, etc., required by law to be printed, are to be obtained from the Public Printer, and the application of appropriations thereto is provided for, by Res. March 30, 1906, No. 13, set forth post, under Title XLV, "Public Printing, Advertisements, and Public Documents."

Estimates by the Public Printer for clerks and other employés in the executive or administrative offices of the Government Printing Office are required, and restrictions on the use, for services in said Office of the character specified in such estimates, of funds other than those appropriated therefor, are imposed by provisions of Act Feb. 26, 1907, c. 1635, § 1, set forth post, under Title XLV, "Public Printing, Advertisements, and Public Documents."

Reports of the Committee on Printing of either House of Congress, recommending printing and binding for Congress chargeable to the appropriation therefor, are to contain estimates of the cost thereof and of the cost of work previously ordered by Congress within the same fiscal year, by a provision of Act March 4, 1907, c. 2918, § 1, set forth post, under Title XLV, "Public Printing, Advertisements, and Public Documents."

ACT JUNE 30, 1906, c. 3914, § 2. [H. R. 19844.]

Estimates for all printing and binding to be submitted in annual estimates; only appropriations made for printing and binding to be used therefor; provisions not to apply to stamped envelopes, stationery, etc.

Hereafter there shall be submitted in the regular annual estimates to Congress under and as a part of the expenses for "Printing and binding," estimates for all printing and binding required by each of the Executive Departments, their bureaus and offices, and other Government establishments at Washington, District of Columbia, for each fiscal year; and after the fiscal year nineteen hundred and seven no appropriations other than those made specifically and solely for printing and binding shall be used for such purposes in any Executive Department or other Government establishment in the District of Columbia: Provided, That nothing in this section shall apply to stamped envelopes, or envelopes and articles of stationery other than letter heads and note heads, printed in the course of manufacture.

Act June 30, 1906, c. 3914, § 2, 34 Stat. 762.

This section is part of the sundry civil appropriation act for the fiscal year ending June 30, 1907, cited above.

This section is not to apply to printing and binding necessary to expedite the work of the branch of the Adjutant-General's Office formerly known as the Record and Pension Office, by a provision of Act March 4, 1907, c. 2918, § 1, set forth below.

ACT MARCH 4, 1907, c. 2918, § 1. [H. R. 25745.]

Provisions of Act June 30, 1906, c. 3914, § 2, not to apply to printing and binding for work of former Record and Pension Office.

* * That nothing in section two of the sundry civil appropriation Act for the fiscal year ending June thirtieth, nineteen hundred and seven, shall hereafter be held to apply to so much of the printing and binding as is necessary to expedite the work of that branch of the Military Secretary's Office that was formerly known as the Record and Pension Office of the War Department.

Act March 4, 1907, c. 2918, § 1, 34 Stat. 1367.

This is a proviso annexed to an appropriation for printing and binding for the War Department, in the sundry civil appropriation act for the fiscal year ending June 30, 1908, cited above.

Act June 30, 1906, c. 3914, § 2, mentioned in this provision, is set forth above.

The Military Secretary's Office is to be known as the Adjutant-General's Office, by a provision of Act March 2, 1907, c. 2511, set forth ante, under Title XIV, "The Army," c. 1.

Sec. 3663. [*As amended* 1877.]

Requisites of estimates for appropriations for public works.

Detailed estimates of appropriations for expenses of the administrative work of carrying into effect the provisions of public building acts, so far as they relate to public buildings under control of the Treasury Department, are required by Act May 30, 1908, c. 228, § 6, set forth post, under Rev. St. § 3684.

Reports of the cost of electric light and power produced by electrical plants owned by the Government in the Executive Departments are required by a provision of Act April 27, 1904, c. 1630, § 1, set forth below.

ACT APRIL 27, 1904, c. 1630, § 1. [H. R. 15054.]

Reports of cost of electric light and power produced by electrical plants in Departments.

The head of each of the several Executive Departments at Washington, wherein electric plants are owned by the Government, is hereby authorized and directed to report to Congress at its next session the cost of electric light and power produced by such plants.

Act April 27, 1904, c. 1630, § 1, 33 Stat. 398.

This is a provision of the deficiency appropriation act for the fiscal year ending June 30, 1904, cited above.

Sec. 3665.

Amount of outstanding appropriations to be designated.

The estimates for expenses of the Government, except those for sundry civil expenses, are to be prepared according to the order and arrangement of the appropriation acts for the year preceding, by Act June 22, 1906, c. 3514, § 4, set forth ante, under Rev. St. § 3660.

The Secretary of State is required to report a detailed statement of expenditures under the appropriation for expenses in connection with foreign trade relations and for maintenance of a Division of Far Eastern Affairs in the Department, and the requisites of estimates for further appropriations are prescribed, by provisions of Act Aug. 5, 1909, c. 7, set forth ante, under Title V, "The Department of State."

ACT JULY 1, 1882, c. 262.

Estimates by Secretary of State for diplomatic and consular service.

The Secretary of State is required to submit separate estimates for rent of and for contingent expenses at consular offices, by a provision of Act March 3, 1905, c. 1484, § 1, set forth below.

ACT MARCH 3, 1893, c. 208.

Estimates by Secretary of War.

Detailed estimates for any further extension of cable or telegraph lines in Alaska are required by a provision of Act March 2, 1907, c. 2511, set forth below.

One estimate covering transportation of the Army and its supplies, and additional estimates covering other items heretofore carried in appropriation bills under that head, are required by a provision of Act March 2, 1907, c. 2511, set forth below.

Reports of the persons employed in the Signal Office and the office of the Chief of Ordnance, their duties, and the amount paid to each for services as skilled draftsmen, etc., to carry out certain appropriations, are required to be made by the Secretary of War each year in the annual estimates, by the provisions authorizing such employment, Act March 4, 1909, c. 297, § 1, set forth ante, under Title VI, "The Department of War."

An itemized statement, including similar particulars, of expenditures for employment, in the office of the Chief of Engineers, of professional and other assistants, is required to accompany the annual report of the Chief of Engineers, by Act March 3, 1909, c. 264, § 14, set forth ante, under Title VI, "The Department of War."

The Secretary of War is required to forward to Congress a detailed statement of the expenses of joint encampments and maneuvers of the Regular Army and the organized militia, by a provision of Act April 23, 1904, c. 1485, set forth ante, under Title XVI, "The Militia."

ACT MARCH 3, 1905, c. 1484, § 1. [H. R. 19150.]

Estimates by Secretary of State for rent of and expenses at consular offices.

Hereafter the Secretary of State shall, in submitting estimates for the consular service, segregate, and submit separately, estimates for rent of consular offices, and under contingent expenses estimate for the amount required annually to be expended at consular offices for purposes within the discretion of the Department.

Act March 3, 1905, c. 1484, § 1, 33 Stat. 1214.

This is a provision of the deficiency appropriation act for the fiscal year ending June 30, 1905, cited above.

ACT MARCH 2, 1907, c. 2511. [H. R. 23551.]

Estimates for further extension of cable or telegraph lines in Alaska.

* * That hereafter detailed estimates shall be submitted to Congress for any further extension of the cable or telegraph lines in the district of Alaska.

Act March 2, 1907, c. 2511, 34 Stat. 1159.

This is a proviso annexed to the appropriation for expenses of the Signal Service, including a provision for extensions of the Washington-Alaska Military Cable and Telegraph System, in the Army appropriation act for the fiscal year ending June 30, 1908, cited above.

Estimates for transportation of the Army and its supplies.

* * That estimates for the next fiscal year shall be submitted to the Congress of the United States covering transportation of the Army and its supplies in one estimate, and additional estimates shall be submitted covering other items heretofore carried in appropriation bills under the head of transportation of the Army and its supplies; * *

Act March 2, 1907, c. 2511, 34 Stat. 1170.

This is a proviso annexed to the appropriation for transportation of the Army and its supplies in the Army appropriation act for the fiscal year ending June 30, 1908, cited above.

ACT MARCH 2, 1889, c. 410, § 1.

Estimates by Secretary of the Treasury.

The Secretary of the Treasury is required to report in the annual estimates the number of persons employed, other than workmen and

adjusters, and the compensation paid to each, at each mint and assay office, out of appropriations for wages of workmen, adjusters, etc., by a provision of Act March 18, 1904, c. 716, § 1, set forth below.

The Secretary of the Treasury is required to submit, in the regular Book of Estimates, detailed estimates of the expenses of maintaining the Public Health and Marine-Hospital Service, by a provision of Act March 3, 1905, c. 1484, § 1, set forth below.

The Secretary of the Treasury is directed to submit to Congress annually detailed estimates of appropriations for expenses, both in the Office of the Supervising Architect and in the field, of the administrative work of carrying into effect the provisions of public-building acts, so far as they relate to public buildings under control of the Treasury Department; and he is required to submit annually in the Book of Estimates a statement showing the names of all persons whose salaries or compensation are paid from said appropriations, their duties, and the rate of compensation and the amount paid to each of them, by Act May 30, 1908, c. 228, § 6, set forth post, under Rev. St. § 3684.

The Secretary of the Treasury is required each year to prepare and submit in his annual report to Congress estimates of the public revenue and the public revenues for the fiscal year current, and also for the fiscal year next ensuing, together with a statement of the receipts and expenditures of the Government for the preceding fiscal year, by a provision of Act Feb. 26, 1907, c. 1635, § 1, set forth ante, under Title VII, "The Department of the Treasury," c. 2.

ACT MARCH 18, 1904, c. 716, § 1. [H. R. 9480.]

Reports by Secretary of the Treasury of persons employed at mints and assay offices, other than workmen and adjusters, paid out of appropriations for workmen, adjusters, etc.

The Secretary of the Treasury shall report to Congress each year in the annual estimates the number of persons employed, other than workmen and adjusters, and the compensation paid to each, at each mint and assay office, out of appropriations made for wages of workmen, adjusters, and other employees.

Act March 18, 1904, c. 716, § 1, 33 Stat. 111. Act Feb. 3, 1905, c. 297, § 1, 33 Stat. 657.

This is a provision of the legislative, executive, and judicial appropriation act for the fiscal year ending June 30, 1905, repeated in the same language in the similar act for the fiscal year ending June 30, 1906, cited above.

ACT MARCH 3, 1905, c. 1484, § 1. [H. R. 19150.]

Estimates by Secretary of the Treasury for Public Health and Marine-Hospital Service.

* * And the Secretary of the Treasury shall, for the fiscal year nineteen hundred and seven, and annually thereafter, submit to Congress, in the regular Book of Estimates, detailed estimates of the expenses of maintaining the Public Health and Marine-Hospital Service.

Act March 3, 1905, c. 1484, § 1, 33 Stat. 1217.

This is a provision of the deficiency appropriation act for the fiscal year ending June 30, 1905, cited above. It follows a provision repealing so much of Act June 26, 1884, c. 121, § 15, set forth in Comp. St. 1901, p. 2851, as made a permanent appropriation of the receipts for duties on tonnage provided for by said act for the expenses of maintaining the Marine Hospital Service.

ACT MARCH 4, 1911, c. 240. [H. R. 32957.]

Repeal of permanent indefinite appropriations for parting and refining bullion; disposition of unexpended balance.

All laws and parts of laws, to the extent that they make a permanent indefinite appropriation for the expenses of parting and refining bullion, are repealed to take effect from and after June thirtieth,

nineteen hundred and twelve, and the Secretary of the Treasury shall, for the fiscal year nineteen hundred and thirteen, and annually thereafter, submit to Congress, in the regular Book of Estimates, detailed estimates for the expenses of this service.

The unexpended balance, after meeting all obligations, of the permanent indefinite appropriation for parting and refining bullion remaining on the books of the Treasury two years after the close of the fiscal year nineteen hundred and twelve shall be covered into the Treasury as a miscellaneous receipt.

Act March 4, 1911, c. 240, 36 Stat. 1292.

These are provisions of the deficiency appropriation act for the fiscal year 1911 cited above.

Provisions making permanent indefinite appropriations for expenses of parting and refining bullion, repealed by this act, were made by Act June 19, 1878, c. 329, § 1, and Act July 7, 1898, c. 571, § 1, set forth in Comp. St. 1901, pp. 2368, 2369, and other similar provisions are referred to in the notes under those acts. Previous similar provisions were contained in Act Aug. 15, 1876, c. 287, § 1, 19 Stat. 157, and Act March 3, 1877, c. 102, § 1, 19 Stat. 306.

Sec. 3666.

ACT FEB. 23, 1881, c. 73, § 1.

Estimates for pay of the Navy.

Requirements as to the form and contents of estimates for pay of the Navy, more specific than the provision of this act set forth in Comp. St. 1901, p. 2441, are contained in provisions of Act May 13, 1908, c. 166, and Act March 3, 1909, c. 255, set forth below.

ACT MAY 13, 1908, c. 166. [H. R. 20471.]

Schedule or list of, and estimates for pay of, Navy.

The Secretary of the Navy shall send to Congress at the beginning of its next regular session a complete schedule or list showing the amount in money of all pay under the provisions of this Act and for all allowances for each grade of officers in the Navy, including retired officers, and for all officers included in this Act and for all enlisted men so included.

The estimates for the support of the Navy shall hereafter show, under the head of Pay of the Navy, the sums allowed for pay of officers belonging to the line, to the several departments of the staff, and to the retired list; the estimates to show under each head the amount allowed for pay proper, for increases due to longevity and foreign service, and for pay at sea rates to officers employed on shore; together with the total number of warrant and petty officers and seamen of the several grades and designations, including as to each class the amount allowed for pay proper and for longevity or service increases. The estimates shall include a list giving the rates of pay for all petty officers and other enlisted men of the Navy.

Act May 13, 1908, c. 166, 35 Stat. 129. Act March 3, 1909, c. 255, 35 Stat. 754.

These are provisions of the naval appropriation act for the fiscal year ending June 30, 1909, cited above, which are repeated in the similar act for the fiscal year ending June 30, 1910, also cited above.

ACT APRIL 17, 1900, c. 192, § 1.

Statements in estimates of number and salaries of persons employed under appropriations for increase of Navy, etc.

Special provisions of the legislative, executive, and judicial appropriation act for the fiscal year ending June 30, 1904, Act Feb. 25, 1903, c

755, § 1, 32 Stat. 887, directed the Secretary of the Navy "to submit in the regular annual estimates for the fiscal year nineteen hundred and five estimates in detail for all clerks and other employees engaged upon and necessary for, at the time of preparing such estimates, the conduct of the regular and permanent work of the Department, and who are paid out of appropriations for 'Increase of the Navy' or other general appropriations the rates of compensation under said estimates not to exceed the rate of compensation then actually being paid." And it was further provided that he "shall also submit an estimate for the fiscal year nineteen hundred and five of the amount that in his judgment should be authorized to be used out of appropriations for 'Increase of the Navy' or other general appropriations under the naval establishment for emergency, clerical, or other services that may, in his judgment, be requisite in the Department in executing the purposes of said appropriations."

In the legislative, executive, and judicial appropriation act for the next following fiscal year, ending June 30, 1905, Act March 18, 1904, c. 716, § 1, 33 Stat. 117–122, under the head "Navy Department," appropriations were made for additional clerks and other employés on the permanent force in various offices and bureaus of the Department, in lieu of employés previously authorized and paid from appropriations for "new ships."

Statements of the persons employed and the compensation paid to each from the appropriations for "Increase of the Navy," and for "Public Works," for services as draftsmen and other technical services, to carry into effect said appropriations, are required to be made each year in the annual estimates, by the provisions authorizing such employment. Such provisions for the fiscal year ending June 30, 1910, contained in Act March 4, 1909, c. 297, § 1, are set forth ante, under Title X, "The Department of the Navy."

Detailed estimates for classified civil-service employés to be employed during the next fiscal year at the several navy yards and stations are required, and payment of such employés from the lump appropriations of the several bureaus of the Department, except under specific authority granted based on such estimates, is forbidden, by a provision of Act May 30, 1908, c. 227, § 1, set forth post, under Rev. St. § 3676.

Sec. 3668.

ACT MARCH 3, 1901, c. 853, § 1.

Estimates for personal services in office of Geological Survey.

The provision of this act set forth in Comp. St. 1901, p. 2445, is superseded by the requirement, in lieu of the specific estimates required by this provision, of notes in the annual Book of Estimates, showing the number of persons employed, etc., during the fiscal year next preceding, enacted by a provision of Act June 28, 1902, c. 1301, § 1, set forth below.

ACT JUNE 3, 1902, c. 985.

Estimates for Department of Agriculture.

* * That hereafter the estimates of appropriations for the Department of Agriculture shall be prepared and submitted each year according to the order and arrangement of the Act for the year preceding; and any changes in such order or arrangement desired by the Secretary of Agriculture may be submitted by note in the estimates.

It shall be the duty of the Secretary of Agriculture to submit, in the Book of Estimates for the fiscal year nineteen hundred and four, and annually thereafter, immediately following estimates of each of the respective offices, bureaus and divisions of the Department of Agriculture a statement showing in detail the number of clerks who were employed in the District of Columbia upon regular and continuous work for thirty days or more during the previous fiscal year in or

under such offices, bureaus or divisions under authority of and paid from general appropriations, indicating in the case of every such employment the rate of compensation received and the appropriation from which paid.

Act June 3, 1902, c. 985, 32 Stat. 303.

These are provisions of the agricultural appropriation act for the fiscal year ending June 30, 1903, cited above.

A subsequent provision of Act March 4, 1907, c. 2907, 34 Stat. 1282, requiring the Secretary of Agriculture each year "to submit to Congress classified and detailed estimates of every subject of expenditure intended for the Agricultural Department for the next fiscal year, and detailed reports of all expenditures under any appropriation for such service during the preceding fiscal year," is repealed, with other provisions of this act, by a provision of Act March 4, 1911, c. 238, set forth below.

A further provision requiring the Secretary of Agriculture annually to transmit for submission in the Book of Estimates detailed estimates for all executive officers, clerks, and employés, etc., contained in Act May 26, 1910, c. 256, is set forth below.

Provisions similar to those of the first paragraph of this provision relating to the order and arrangement of the estimates, which are of general application to the estimates for expenses of the Government, except those for sundry civil expenses, are contained in Act June 22, 1906, c. 3514, § 4, set forth ante, under Rev. St. § 3660.

ACT JUNE 28, 1902, c. 1301, § 1.

Estimates for Light-House Establishment; detailed statements of number and compensation of persons employed during preceding year.

Hereafter there shall be submitted in the annual Book of Estimates, under each item of appropriation under the head of "Light-House Establishment," notes showing the number of persons employed and the rate of compensation paid to each from each of said appropriations during the fiscal year next preceding the fiscal year for which estimates are submitted.

Act June 28, 1902, c. 1301, § 1, 32 Stat. 433.

This is a provision of the sundry civil appropriation act for the fiscal year ending June 30, 1903, cited above.

A further requirement of statements, following each estimate, showing the amount required for each object of expenditure mentioned therein, and the expenditures under each object for the preceding year, contained in Act June 25, 1910, c. 384, § 1, is set forth below.

Estimates for Geological Survey; detailed statements of number and compensation of persons employed during preceding year.

Hereafter, in lieu of the specific estimates for personal services now required by law, there shall be submitted in the Annual Book of Estimates, under each item of appropriation under "General expenses of the Geological Survey," notes showing the number of persons employed and the rate of compensation paid to each from each of said appropriations during the fiscal year next preceding the fiscal year for which estimates are submitted.

Act June 28, 1902, c. 1301, § 1, 32 Stat. 455.

This is a further provision of the sundry civil appropriation act for the fiscal year ending June 30, 1903, cited above. Specific estimates for personal services in the office of the Geological Survey, mentioned in this provision, were required by a provision of Act March 3, 1901, c. 853, § 1, set forth in Comp. St. 1901, p. 2445, which may be regarded as superseded by this act.

The estimates for the Geological Survey were required to be itemized,

by a provision of Act March 3, 1887, c. 362, set forth in Comp. St. 1901, p. 1489.

All printing and engraving for the Geological Survey is required to be estimated for separately and in detail, and appropriated for separately, by a provision of Act Aug. 4, 1886, c. 902, § 1, set forth in Comp. St. 1901, p. 2394.

Estimates for Census Office.

* * That estimates in detail for the expenses of the permanent Census Office for the fiscal year nineteen hundred and four and annually thereafter shall be submitted in the regular Book of Estimates.

Act June 28, 1902, c. 1301, § 1, 32 Stat. 456.

This is a further provision of the sundry civil appropriation act for the fiscal year ending June 30, 1903, cited above.

A permanent census office is established by Act March 6, 1902, c. 139, ante, under Title XXXI, "The Census."

ACT MARCH 3, 1903, c. 1006.

Estimates for Department of Commerce and Labor.

That the Secretary of Commerce and Labor shall submit to Congress for the fiscal year nineteen hundred and five, and annually thereafter, estimates in detail for all personal services and for all general and miscellaneous expenses for the Department of Commerce and Labor.

Act March 3, 1903, c. 1006, 32 Stat. 1082.

This is a provision of the deficiency appropriation act for the fiscal year ending June 30, 1903, cited above.

The Department of Commerce and Labor is established by Act Feb. 14, 1903, c. 552, set forth ante, under Title XII A, "The Department of Commerce and Labor."

Estimates to cover the cost of establishment and maintenance of fish hatcheries in Alaska, and the salaries and traveling expenses of officials and other expenditures necessary to carry out the provisions of Act June 26, 1906, c. 3547, for the protection and regulation of the fisheries of Alaska, are required by section 12 of that act, set forth post under Title LI, "Regulation of Fisheries," subtitle, "Fisheries in Waters of Alaska."

Estimates for compensation of shipping commissioners and clerks of shipping commissioners for services under Act June 19, 1886, c. 421, Comp. St. 1901, p. 2991, are required by Act June 25, 1910, c. 384, § 7, set forth below.

ACT MARCH 3, 1905, c. 1402. [H. R. 17094.]

Estimates for fortifications for insular possessions.

Hereafter all estimates for fortifications for insular possessions of the United States shall be made and submitted to Congress showing amount proposed to be expended at each harbor in each insular possession.

Act March 3, 1905, c. 1402, 33 Stat. 847.

This is a provision of the fortifications appropriation act of March 3, 1905, cited above.

ACT MARCH 3, 1905, c. 1483, § 1. [H. R. 18969.]

Estimates for expenses of insular and territorial affairs within jurisdiction of Department of Justice.

Insular and Territorial affairs: For defraying the necessary expenses incurred in the conduct of insular and other territorial matters and affairs within the jurisdiction of the Department of Justice, including the payment of necessary employees at the seat of government or elsewhere, to be selected and their compensation fixed by the Attorney-General, and to be expended under his direction, * *: Provided,

That estimates under this appropriation shall hereafter be submitted in detail under Legislative, Executive, and Judicial expenses.

Act March 3, 1905, c. 1483, § 1, 33 Stat. 1206.

This is a provision of the sundry civil appropriation act for the fiscal year ending June 30, 1905, cited above. Previous appropriations under this head were made also by the sundry civil appropriation acts.

Estimates for expenses and maintenance of the Freedmen's Hospital and Asylum are to be submitted by the Secretary of the Interior, by a provision of Act March 3, 1905, c. 1483, § 1, set forth ante, under Title XXVII, "The Freedmen."

ACT MAY 27, 1908, c. 200, § 1. [H. R. 21260.]

Estimates for United States Penitentiary, McNeils Island, Wash.

United States Penitentiary, McNeils Island, Washington: That for the fiscal year nineteen hundred and ten, and annually thereafter, the Attorney-General shall submit estimates in detail for all expenses of maintaining said penitentiary, including salaries of all necessary officers and employees therefor.

Act May 27, 1908, c. 200, § 1, 35 Stat. 374.

This is a provision of the sundry civil appropriation act for the fiscal year ending June 30, 1909, cited above.

ACT MAY 26, 1910, c. 256. [H. R. 18162.]

Estimates for Department of Agriculture; detailed estimates for officers, clerks, and employés.

The Secretary of Agriculture for the fiscal year nineteen hundred and twelve, and annually thereafter, shall transmit to the Secretary of the Treasury for submission to Congress in the Book of Estimates detailed estimates for all executive officers, clerks, and employees below the grade of clerk, indicating the salary or compensation of each, necessary to be employed by the various bureaus, offices, and divisions of the Department of Agriculture.

Act May 26, 1910, c. 256, 36 Stat. 440.

This is a provision of the agricultural appropriation act for the fiscal year ending June 30, 1911, cited above.

ACT JUNE 25, 1910, c. 384, §§ 1, 5, 7, 8. [H. R. 25552.]

Estimates for Light-House Establishment; detailed statements of amounts required and of expenditures for preceding year.

Hereafter there shall be submitted, following each estimate for support of the Light-House Establishment, statements showing the amount required for each object of expenditure mentioned in each of said estimates, together with a statement of the expenditures under each of such objects for the fiscal year terminated next preceding the period of submitting said estimates.

Act June 25, 1910, c. 384, § 1, 36 Stat. 755.

This is a provision of the sundry civil appropriation act for the fiscal year ending June 30, 1911, cited above.

A somewhat similar provision of the sundry civil appropriation act for the preceding year, Act March 4, 1909, c. 299, § 1, 35 Stat. 973, is superseded by this act.

Estimates for expenses of regulating immigration; detailed statements of amounts required and of expenditures for preceding year.

Hereafter there shall be submitted, following the estimates under the foregoing appropriation for expenses of regulating immigration, statements showing the amount required for each object of expendi-

ture mentioned in said estimates, together with a statement of the expenditures under each of such objects for the fiscal year terminated next preceding the period of submitting said estimates.

Act June 25, 1910, c. 384, § 1, 36 Stat. 764.

This is a further provision of the sundry civil appropriation act for the fiscal year ending June 30, 1911, cited above.

A somewhat similar provision of the sundry civil appropriation act for the preceding year, Act March 4, 1909, c. 290, § 1, 35 Stat. 982, is superseded by this act.

Estimates for construction of Isthmian Canal; detailed statements of officers, employés, etc., and of items of materials, etc., with amounts for like purposes for preceding year.

Sec. 5. Hereafter there shall be submitted under each item of appropriation, proposed in the annual estimates for construction of the Isthmian Canal, notes giving in parallel columns information which will show the number, by grade or classes, of officers, employees, and skilled and unskilled laborers proposed to be paid under each of said appropriations for the ensuing fiscal year and those being paid at the close of the fiscal year next preceding the period when said estimates are prepared and submitted; also, in connection with each item for material and miscellaneous purposes other than salaries or pay for personal services, the amounts actually expended or obligated for like purposes during the entire fiscal year next preceding the preparation and submission of said estimates.

Act June 25, 1910, c. 384, § 5, 36 Stat. 773.

This section is part of the sundry civil appropriation act for the fiscal year ending June 30, 1911, cited above.

Repeal of permanent indefinite appropriation for compensation of shipping commissioners and clerks for services under Act June 19, 1886, c. 421; detailed estimates by Secretary of Commerce and Labor for such compensation.

Sec. 7. So much of the Act approved June nineteenth, eighteen hundred and eighty-six (Statutes at Large, volume twenty-four, page seventy-nine), as makes a permanent indefinite appropriation to pay compensation to shipping commissioners and the clerks of the shipping commissioners for services under said Act is hereby repealed, to take effect from and after June thirtieth, nineteen hundred and eleven; and the Secretary of Commerce and Labor shall, for the fiscal year nineteen hundred and twelve, and annually thereafter, submit to Congress in the regular Book of Estimates detailed estimates for compensation of such commissioners and clerks.

Act June 25, 1910, c. 384, § 7, 36 Stat. 773.

This section is part of the sundry civil appropriation act for the fiscal year ending June 30, 1911, cited above.

Act June 19, 1886, c. 421, repealed in part by this section, is set forth in Comp. St. 1901, p. 2991.

Repeal of permanent indefinite appropriation for salaries and contingent expenses of Steamboat Inspection Service; detailed estimates by Secretary of Commerce and Labor for such salaries and expenses.

Sec. 8. All laws and parts of laws, to the extent that they make a permanent indefinite appropriation to pay salaries of the Supervising Inspector-General, supervising inspectors, local inspectors, and assistant inspectors of steam vessels, and clerks of the steamboat inspec-

tors, and for contingent expenses of the Steamboat Inspection Service, are repealed, to take effect from and after June thirtieth, nineteen hundred and eleven; and the Secretary of Commerce and Labor shall, for the fiscal year nineteen hundred and twelve, and annually thereafter, submit to Congress, in the regular Book of Estimates, detailed estimates for salaries and contingent expenses of the Steamboat Inspection Service.

Act June 25, 1910, c. 384, § 8, 36 Stat. 773.

This section is part of the sundry civil appropriation act for the fiscal year ending June 30, 1911, cited above.

A permanent indefinite appropriation for "salaries and expenses of steamboat inspectors," etc., repealed by this section, was made by a paragraph of Rev. St. § 3689, set forth in Comp. St. 1901, p. 2462.

ACT MARCH 4, 1911, c. 238. [H. R. 31596.]

Repeal of provisions of Act March 4, 1907, c. 2907, requiring certain reports, estimates, etc., by Secretary of Agriculture.

That the provisions of the Act entitled "An Act making appropriations for the Department of Agriculture for the fiscal year ending June thirtieth, nineteen hundred and eight," requiring the Secretary of Agriculture to submit to Congress classified and detailed reports of receipts and classified and detailed estimates and reports of expenditures by the Forest Service, and classified and detailed estimates and reports of every subject of expenditure by the Agricultural Department; statements showing all appointments, promotions, or other changes made in the salaries paid from lump funds, are hereby repealed.

Act March 4, 1911, c. 238, 36 Stat. 1264.

This is a provision of the agricultural appropriation act for the fiscal year ending June 30, 1912, cited above.

The provisions repealed by this act are contained in Act March 4, 1907, c. 2907, 34 Stat. 1270, 1280, 1282.

A further provision of this act requires the Secretary of Agriculture to prepare a statement of expenditures made for the Forest Service each fiscal year from 1900 to 1910, inclusive.

ACT MARCH 4, 1911, c. 285, § 1. [H. R. 32909.]

Estimates for National Parks; classified statements of receipts and expenditures for preceding year.

Hereafter the Secretary of the Interior shall submit in the annual Book of Estimates, following the estimates for each of the national parks, a classified statement of the receipts and expenditures for the complete fiscal year next preceding the fiscal year for which estimates of appropriations are submitted.

Act March 4, 1911, c. 285, § 1, 36 Stat. 1421.

This is a provision of the sundry civil appropriation act for the fiscal year ending June 30, 1912, cited above.

Sec. 3669.

Estimates to be submitted to Congress.

The Secretary of the Treasury, besides transmitting the estimates to Congress, as required by this section, set forth in Comp. St. 1901, p. 2445, is required, if such estimates exceed the estimated revenues, to transmit a statement of the estimates to the President, so that he may make recommendations thereon to Congress, by Act March 4, 1909, c. 299, § 7, set forth below.

ACT MARCH 4, 1909, c. 299, § 7. [H. R. 28245.]

Statement of estimates, if exceeding estimated revenues, to be transmitted to the President, that he may make recommendations to Congress thereon.

Immediately upon the receipt of the regular annual estimates of appropriations needed for the various branches of the Government it shall be the duty of the Secretary of the Treasury to estimate as nearly as may be the revenues of the Government for the ensuing fiscal year, and if the estimates for appropriations, including the estimated amount necessary to meet all continuing and permanent appropriations, shall exceed the estimated revenues the Secretary of the Treasury shall transmit the estimates to Congress as heretofore required by law and at once transmit a detailed statement of all of said estimates to the President, to the end that he may, in giving Congress information of the state of the Union and in recommending to their consideration such measures as he may judge necessary, advise the Congress how in his judgment the estimated appropriations could with least injury to the public service be reduced so as to bring the appropriations within the estimated revenues, or, if such reduction be not in his judgment practicable without undue injury to the public service, that he may recommend to Congress such loans or new taxes as may be necessary to cover the deficiency.

Act March 4, 1909, c. 299, § 7, 35 Stat. 1027.

This section is part of the sundry civil appropriation act for the fiscal year ending June 30, 1910, cited above.

Sec. 3671.

Estimates of expenses of collecting internal revenue.

The Commissioner of Internal Revenue is required to make a detailed statement to Congress once in each year as to how he has expended the sum appropriated for detecting and bringing to trial and punishment persons guilty of violating the internal revenue laws, and also a detailed statement of all miscellaneous expenditures in the Bureau of Internal Revenue for which appropriation is made in the sundry civil appropriation act, by a provision of Act March 3, 1893, c. 208, repeated in subsequent similar acts, set forth in Comp. St. 1901, p. 2273. The provision for the fiscal year ending June 30, 1912, is by Act March 4, 1911, c. 285, § 1, 36 Stat. 1390.

Sec. 3672. [*As amended* 1877.]

Statement of proceeds of sales of old material.

The statement of proceeds of sales of old material, required by this section, set forth in Comp. St. 1901, p. 2447, to be included in the Book of Estimates, is to be submitted separately, by a provision of Act June 25, 1910, c. 384, § 1, set forth below.

Statements of all money arising from proceeds of public property or from any source other than the postal service, received by the head of each Executive Department or other Government establishment, and of payments from such funds, are required by Act June 30, 1906, c. 3914, § 5, set forth below.

ACT JUNE 30, 1906, c. 3914, § 5. [H. R. 19844.]

Statements of money received from proceeds of public property or other sources, and of payments therefrom.

Hereafter the Secretary of the Treasury shall require, and it shall be the duty of the head of each Executive Department or other Gov-

ernment establishment to furnish him, within thirty days after the close of each fiscal year, a statement of all money arising from proceeds of public property of any kind or from any source other than the postal service, received by said head of Department or other Government establishment during the previous fiscal year for or on account of the public service, or in any other manner in the discharge of his official duties other than as salary or compensation, which was not paid into the General Treasury of the United States, together with a detailed account of all payments, if any, made from such funds during such year. All such statements, together with a similar statement applying to the Treasury Department, shall be transmitted by the Secretary of the Treasury to Congress at the beginning of each regular session.

Act June 30, 1906, c. 3914, § 5, 34 Stat. 763.

This section is part of the sundry civil appropriation act for the fiscal year ending June 30, 1907, cited above.

ACT JUNE 25, 1910, c. 384, § 6. [H. R. 25552.]

Statement of proceeds of sales of old material, etc., separate from Book of Estimates.

Sec. 6. Hereafter the statement of the proceeds of all sales of old material, condemned stores, supplies, or other public property of any kind shall be submitted to Congress at the beginning of each regular session thereof as a separate communication and shall not hereafter be included in the annual Book of Estimates.

Act June 25, 1910, c. 384, § 6, 36 Stat. 773.

This section is part of the sundry civil appropriation act for the fiscal year ending June 30, 1911, cited above.

The previous requirement of a statement of proceeds of sales of old material, etc., to be included in the appendix to the Book of Estimates, is contained in Rev. St. § 3672, Comp. St. 1901, p. 2447.

Sec. 3676.

Appropriations for Navy controlled by Secretary; for each Bureau to be kept separately.

Payment out of the lump appropriations for the several bureaus of the Department of classified civil-service employés for clerical, etc., work at navy yards and stations is restricted by provisions of Act May 30, 1908, c. 297, § 1, set forth below.

ACT MARCH 3, 1893, c. 212.

Creation of "Naval Supply Fund."

A Naval Supply Account is created and its scope and purposes are prescribed and the "Naval Supply Fund" created by a provision of Act March 3, 1893, c. 212, and increased by provisions of Act June 10, 1896, c. 399, and Act March 3, 1897, c. 386, set forth in Comp. St. 1901, p. 2451, is abolished, by provisions of Act June 25, 1910, c. 385, and Act March 4, 1911, c. 239, set forth below.

ACT JUNE 10, 1896, c. 399.

Increase of "Naval Supply Fund."

See note under Act March 3, 1893, c. 212, above.

ACT MARCH 3, 1897, c. 386.

Further increase of "Naval Supply Fund."

See note under Act March 3, 1893, c. 212, above.

ACT MAY 30, 1908, c. 227, § 1. [H. R. 21946.]

Payment of classified civil service employés at navy yards and stations from lump appropriations for bureaus; estimates required; employment and payment forbidden except under authority granted on estimates.

The Secretary of the Navy is authorized to employ and pay, during the fiscal year nineteen hundred and nine, out of the lump appropriations of the several bureaus of the Navy Department, such classified civil-service employees as may be necessary to properly perform the clerical, drafting, inspection, messenger, and other classified work at the several navy-yards and stations: Provided, That the Secretary of the Navy shall submit to Congress detailed estimates for all such classified civil-service employees that may be required to be employed during the fiscal year nineteen hundred and ten, and annually thereafter, and no such classified civil-service employees shall be employed during the fiscal year nineteen hundred and ten, or in any subsequent fiscal year, and paid from such lump appropriations except under specific authorization granted by law from year to year based upon estimates as herein required.

Act May 30, 1908, c. 227, § 1, 35 Stat. 505.

This is a provision of the deficiency appropriation act for the fiscal year ending June 30, 1908, cited above.

A previous provision authorizing employment of and payment out of lump appropriations for such services, and requiring estimates therefor for the fiscal year 1909, contained in Act March 4, 1907, c. 2919, § 1, 34 Stat. 1383, is superseded by this provision.

ACT JUNE 25, 1910, c. 385. [H. R. 26730.]

"Naval Supply Account" created; stores on hand, purchases, etc., to be charged thereto; payments for purchases from "General Account of Advances," to be returned; use of specific appropriations; credit for material, stores, etc., turned in.

Naval supply account for the Naval Establishment: All stores on hand July first, nineteen hundred and ten, shall be charged to a naval supply account on the records of the Bureau of Supplies and Accounts, and all purchases of stock or expenditures for manufactured or repaired articles for stock at navy-yards or stations, during the fiscal years nineteen hundred and eleven and nineteen hundred and twelve, shall be charged to this account and be paid for from "General account of advances."

The amount so advanced during the fiscal years nineteen hundred and eleven and nineteen hundred and twelve shall be charged to the proper appropriations as these stores are consumed from stock, and when disbursements made for all other purposes are accomplished, the amount so charged shall be returned to "General account of advances" by pay or counter warrants: Provided, however, That such material as provisions, clothing and small stores, medical stores, and such other materials as the Secretary of the Navy may designate, may be purchased by specific appropriations or transferred to specific appropriations before such materials are issued for use or consumption. The said charge, however, to any particular appropriation shall be limited to the amount appropriated therefor.

Credit shall be made to appropriations during said fiscal years nineteen hundred and eleven and nineteen hundred and twelve for the value of surveyed material taken from repairs made to ships or

plant at navy-yards and stations, or for stores turned in from ships, and this credit shall not be used by the bureaus to increase the amount of that appropriation, but shall be a deduction from the operating expenses of the annual appropriation concerned, subject to the same provision as stated in above paragraph.

Act June 25, 1910, c. 385, 36 Stat. 792.

There are provisions of the deficiency appropriation act for the fiscal year 1910, cited above.

ACT MARCH 4, 1911, c. 239. [H. R. 32212.]

"Naval Supply Fund" abolished; disposition of sums to credit thereof; "Naval Supply Account" to govern charging, crediting, etc., of stores for Naval Establishment; limitation of expenditure under "General Account of Advances."

The permanent Naval Supply Fund created by the Act of March third, eighteen hundred and ninety-three, as modified by the Acts of June tenth, eighteen hundred and ninety-six, and March third, eighteen hundred and ninety-seven, and further increased by the Acts of January fifth, eighteen hundred and ninety-nine, and February fourteenth, nineteen hundred and two, is hereby abolished, and of the sum remaining on the books of the Treasury to the credit of the said fund after the adjustment of all liabilities, the Secretary of the Treasury is hereby authorized and directed to cause the sum of one million five hundred thousand dollars transferred to the credit of said fund from the General Account of Advances to be returned to General Account of Advances, and the remainder to be covered into the Treasury; and hereafter the Naval Supply Account for the Naval Establishment, as created by the Act of June twenty-fifth, nineteen hundred and ten, under the Bureau of Supplies and Accounts, shall govern the charging, crediting, receipt, purchase, transfer, manufacture, repair, issue, and consumption of all stores for the Naval Establishment, excepting the materials named in that Act and such other materials as the Secretary of the Navy may designate: Provided, That the amount expended under General Account of Advances for the purchase and manufacture of stores and materials for the Naval Establishment shall not exceed the amount available for such purposes.

Act March 4, 1911, c. 239, 36 Stat. 1279.

These are provisions of the naval appropriation act for the fiscal year ending June 30, 1912, cited above.

The provisions of Act March 3, 1893, c. 212, creating the "Naval Supply Fund," and of subsequent acts increasing said Fund, which is abolished by this section, are set forth in Comp. St. 1901, pp. 2451, 2452.

The provisions of Act June 25, 1910, c. 385, mentioned in this act, relating to the "Naval Supply Account," are set forth above.

Sec. 3678.

Application of moneys appropriated.

No part of the appropriations for the support of the Regular Army is to be used to pay any part of the expenses of the organized militia while engaged in joint encampment, maneuvers, and field instruction, as provided by Act Jan. 21, 1903, c. 196, § 15, set forth ante, under Title XVI, "The Militia," and payments to the militia under that section are to be made solely from the sums appropriated for such purpose, by provisions of Act April 23, 1904, c. 1485, and Act March 2, 1905, c. 1307, also set forth ante, under Title XVI, "The Militia."

No part of the appropriations for the Quartermaster's Department are to be used in payment of extra duty pay for Army service men in the

Quartermaster's Department at West Point, by a provision of Act March 2, 1907, c. 2511, set forth ante, under Title XIV, "The Army," c. 4.

No part of the appropriations for the Ordnance Department is to be used in payment of freight on ordnance, etc., issued by said department, by a provision of Act March 2, 1901, c. 803, set forth in Comp. St. 1901, p. 1148, repeated in subsequent Army appropriation acts.

Appropriations for the Ordnance Department are applicable to defray expenses in connection with the procurement by it of stores for other executive departments or bureaus, by a provision of Act June 12, 1906, c. 3078, set forth ante, under Title XVII, "Arms, Armories and Arsenals, and Ordnance and Fortifications," subchapter "Ordnance Materials, Stores, and Supplies."

Certain appropriations for ordnance stores, ammunition, etc., for the Army, are made available for two years, by a provision of Act March 2, 1907, c. 2511, set forth ante, under Title XVII, "Arms, Armories, and Arsenals, and Ordnance and Fortifications," subchapter "Ordnance Materials, Stores, and Supplies."

Certain books and periodicals needed by the scientific divisions of the Geological Survey may be paid for out of appropriations for said survey, by a provision of Act June 28, 1902, c. 1301, § 1, set forth ante, under Title XXXII, "The Public Lands," c. 9a.

Appropriations for supplies for the United States courts and judicial officers are to be expended only for supplies purchased by the Department of Justice for distribution, by a provision of Act March 3, 1899, c. 424, § 1, Comp. St. 1901, p. 210, repeated in Act June 28, 1902, c. 1301, § 1, 32 Stat. 476.

Restrictions on the use of appropriations made for printing and binding for illustrations, etc., contained in Act March 3, 1905, c. 1483, § 1, are set forth post, under Title XLV, "Public Printing, Advertisements, and Public Documents."

The appropriations to which the cost of printing and binding, etc., for the Executive Departments, bureaus, etc., is to be charged, are prescribed, and the application of appropriations to the printing and binding, etc., of publications required by law, for which estimates have been furnished as required, is directed by Res. March 30, 1906, No. 13, set forth post, under Title XLV, "Public Printing, Advertisements, and Public Documents."

Restrictions on the use, for services of clerks and other employés in the executive and administrative offices of the Government Printing Office, of funds other than those appropriated therefor for which estimates have been furnished as required, are contained in provisions of Act Feb. 26, 1907, c. 1635, § 1, set forth post, under Title XLV, "Public Printing, Advertisements, and Public Documents."

The use of the surplus of certain appropriations or of sums not required for certain purposes for which they were appropriated, in the Indian appropriation acts, for different purposes, is authorized by provisions of Act March 1, 1907, c. 2285, set forth below.

Amounts appropriated or authorized for completion of river and harbor works, proving insufficient for completion, may be applied to the prosecution of the work, by a provision of Act March 2, 1907, c. 2509, set forth post, under Title LXIII, "Rivers and Harbors," subchapter "Improvements of Rivers and Harbors."

The use of public money or of any appropriation for compensation or expenses of any commission, etc., unless authorized by law, is forbidden, and details from any executive department or other government establishment in connection with any such commission, etc., are also prohibited, by Act March 4, 1909, c. 299, § 9, set forth post, under Rev. St. § 3681.

Provisions of recent sundry civil appropriation acts authorize the Secretary of the Treasury, during the particular fiscal year, out of the appropriations "Fuel, lights, and water for public buildings," and "Pay of assistant custodians and janitors," to furnish steam for the operation of pneumatic tubes of the postal service, and to pay employés in the production of said steam, the proceeds derived from the sale of said steam to be credited to said appropriations in proportion to the amounts expended therefrom. The provision for the fiscal year 1912 is by Act March 4, 1911, c. 285, § 1, 36 Stat. 1392.

ACT MARCH 3, 1879, c. 182.

[Repealed. Act June 25, 1910, c. 385, § 1.]

The provisions of this act, set forth in Comp. St. 1901, p. 2453, for payment of expenses of maintaining and repairing light vessels from the appropriations for the work on which the vessels are employed, are repealed by a provision of Act June 25, 1910, c. 385, § 1, set forth below.

ACT JUNE 7, 1897, c. 3, § 11.

[Repealed. Act March 3, 1911, c. 210, § 1.]

This section of the Indian appropriation act for 1898, set forth in Comp. St. 1901, p. 2454, authorizing the use of a general appropriation to accomplish the object of a specific appropriation where the funds appropriated therefor in specific terms are not sufficient, is repealed by a provision of Act March 3, 1911, c. 210, § 1, set forth below.

Other provisions relating to the use of Indian appropriations, contained in Act March 1, 1907, c. 2285, are also set forth below.

ACT JULY 1, 1902, c. 1351.

No act to be construed to make an appropriation unless it specifically declares an appropriation to be made.

Hereafter no Act of Congress shall be construed to make an appropriation out of the Treasury of the United States unless such Act shall, in specific terms, declare an appropriation to be made for the purpose or purposes specified in the Act.

Act July 1, 1902, c. 1351, 32 Stat. 560.

This is a provision of the deficiency appropriation act for the fiscal year ending June 30, 1902, cited above.

A similar provision, applicable to execution of contracts involving payment of money in excess of appropriations, as well as appropriations, is contained in Act June 30, 1906, c. 3914, § 9, set forth below.

The style and title of acts making appropriations are prescribed by Rev. St. § 11, Comp. St. 1901, p. 5.

ACT JUNE 30, 1906, c. 3914, § 9. [H. R. 19844.]

No act to be construed to make an appropriation or to authorize execution of contract in excess of appropriations unless it specifically declares an appropriation to be made or that a contract may be executed.

No Act of Congress hereafter passed shall be construed to make an appropriation out of the Treasury of the United States, or to authorize the execution of a contract involving the payment of money in excess of appropriations made by law, unless such Act shall in specific terms declare an appropriation to be made or that a contract may be executed.

Act June 30, 1906, c. 3914, § 9, 34 Stat. 764.

This section is part of the sundry civil appropriation act for the fiscal year ending June 30, 1906, cited above.

A previous similar restriction on the construction of acts as making appropriations, contained in Act July 1, 1902, c. 1351, is set forth above.

ACT MARCH 1, 1907, c. 2285. [H. R. 22580.]

Use of surplus of appropriations for subsistence of Indians; transfer of funds for employés at Indian agencies; appropriations immediately available; transfer of property not in use at Indian reservations or schools.

That hereafter the Secretary of the Interior, under the direction of the President, may use any surplus that may remain in any of the said appropriations for the purchase of subsistence for the several Indian tribes, to an amount not exceeding twenty-five thousand dollars in the aggregate, to supply any subsistence deficiency that may occur: Pro-

vided, That any diversions which shall be made under authority of this section shall be reported in detail, and the reason therefor, to Congress, at the session of Congress next succeeding such diversion: Provided, further, That the Secretary of the Interior, under direction of the President, may use any sums appropriated in this Act for subsistence, and not absolutely necessary for that purpose, for the purchase of stock cattle for the benefit of the tribe for which such appropriation is made, and shall report to Congress, at its next session thereafter, an account of his action under this provision: Provided further, That funds appropriated to fulfill treaty obligations shall not be used.

That hereafter when not required for the purpose for which appropriated, the funds provided for the pay of specified employees at any Indian agency may be used by the Secretary of the Interior for the pay of other employees at such agency, but no deficiency shall be thereby created; and, when necessary, specified employees may be detailed for other service when not required for the duty for which they were engaged; and that the several appropriations made for millers, blacksmiths, engineers, carpenters, physicians, and other persons, and for various articles provided for by treaty stipulation for the several Indian tribes, may be diverted to other uses for the benefit of said tribes, respectively, within the discretion of the President, and with the consent of said tribes, expressed in the usual manner; and that he cause report to be made to Congress, at its next session thereafter, of his action under this provision: Provided, That so much of the appropriations of any annual Indian appropriation Act as may be required to pay for goods and supplies, for expenses incident to their purchase, and for transportation of the same, for the fiscal year for which such appropriations are made, shall be immediately available, upon the approval of such Act, but no such goods or supplies shall be distributed or delivered to any of said Indians prior to the beginning of such fiscal year.

That hereafter where there is Government property on hand at any of the Indian reservations or schools not required for the use or benefit of the Indians of said reservations or schools, the Secretary of the Interior is hereby authorized to move such property to other Indian reservations or schools where it may be required.

Act March 1, 1907, c. 2285, 34 Stat. 1016.

These are provisions of the Indian appropriation act for the fiscal year ending June 30, 1908, cited above.

Provisions similar to these to a great extent, but without the word "hereafter," accompanied the appropriations for like purposes in the Indian appropriation acts for previous years.

Further provisions, for the disposition of government property at Indian reservations, not required for the use of the Indians, are contained in Act July 1, 1898, c. 545, § 6, as amended by Act June 25, 1910, c. 431, § 22, set forth below.

ACT MARCH 2, 1907, c. 2507. [H. R. 23821.]

Indirect or general expenses of manufacturing, etc., operations by Chief of Ordnance to be charged against appropriations therefor.

The Chief of Ordnance, in conducting manufacturing or similar operations, is authorized to charge any indirect or general expense for labor or material therefor against any of the appropriations authorizing these operations in such manner as is most economical and ef-

ficient, provided that the methods adopted shall show that each of such appropriations bears its ratable share of the total amount of these expenses.

Act March 2, 1907, c. 2507, 34 Stat. 1062.

This is a provision of the fortifications appropriation act of March 2, 1907, cited above.

A further provision, authorizing the Chief of Ordnance, in manufacturing or similar operations, to use material procured under any appropriation and replace the same in kind or otherwise, contained in Act March 4, 1911, c. 242, is set forth below.

ACT JUNE 25, 1910, c. 384, § 1. [H. R. 25552.]

Repeal of provisions of Act March 3, 1879, c. 182, relating to expenses of light vessels.

All the provisions in the sundry civil appropriation Act approved March third, eighteen hundred and seventy-nine (Twentieth Statutes at Large, page three hundred and seventy-nine), in the paragraph under the head "Expenses of light-vessels," are hereby repealed.

Act June 25, 1910, c. 384, § 1, 36 Stat. 755.

This is a provision of the sundry civil appropriation act for the fiscal year ending June 30, 1911, cited above.

The provisions of Act March 3, 1879, c. 182, repealed by this act, are set forth in Comp. St. 1901, p. 2453.

Appropriation for furniture, etc., for public buildings; expenditures for assistants to inspector, etc., to cease.

* * That expenditures for traveling expenses and subsistence of persons detailed to assist the inspector and assistant inspector of furniture may continue to be made, as heretofore, from the appropriation for "Furniture, and repairs of same, for public buildings" for the remainder of the fiscal year ending June thirtieth, nineteen hundred and ten, and no longer.

Act June 25, 1910, c. 384, § 1, 36 Stat. 710.

This is a proviso annexed to the appropriation for general expenses of public buildings in the sundry civil appropriation act for the fiscal year ending June 30, 1911, cited above.

ACT JUNE 25, 1910, c. 431, § 22. [H. R. 24992.]

Amendment of Act July 1, 1898, c. 545, § 6.

Sec. 22. That section six of the Indian appropriation act of July first, eighteen hundred and ninety-eight, be, and it is hereby, amended so as to read as follows:

Government property at Indian reservations not required for Indians; transfer or sale and disposition of proceeds.

"Sec. 6. That whenever there is on hand at any of the Indian reservations government property not required for the use and benefit of the Indians on such reservations, the Secretary of the Interior is authorized to cause any such property to be transferred to any other Indian reservation where it may be used advantageously, or to cause it to be sold and the proceeds thereof deposited and covered into the Treasury in conformity with section thirty-six hundred and eighteen of the Revised Statutes of the United States."

Act June 25, 1910, c. 431, § 22, 36 Stat. 861.

This section is part of an act to provide for determining heirs of deceased Indians, etc., cited above.

The provision amended by this section is Act July 1, 1898, c. 545, § 6, 30 Stat. 596.

A similar provision for the transfer of government at any Indian res-

ervation or school to other reservations or schools when it may be required, contained in Act March 1, 1907, c. 2285, is set forth above.

ACT MARCH 3, 1911, c. 210, §§ 1, 28. [H. R. 28406.]

Repeal of Act June 7, 1897, c. 3, § 11.

* * and that section eleven of the Indian appropriation Act for the fiscal year eighteen hundred and ninety-eight, approved June seventh, eighteen hundred and ninety-seven (Thirtieth Statutes at Large, page ninety-three), is hereby repealed.

Act March 3, 1911, c. 210, § 1, 36 Stat. 1062.

This is a provision of section 1 of the Indian appropriation act for the fiscal year ending June 30, 1912, cited above.

Act June 7, 1897, c. 3, § 11, repealed by this provision, is set forth in Comp St. 1901, p. 2454.

Payments to Indians from appropriations in satisfaction of judgments; how to be made; accounting.

Sec. 28. Hereafter payments to Indians made from moneys appropriated by Congress in satisfaction of the judgment of any court shall be made under the direction of the officers of the Interior Department charged by law with the supervision of Indian affairs, and all such payments shall be accounted for to the Treasury in conformity with law.

Act March 3, 1911, c. 210, § 28, 36 Stat. 1077.

This section is part of the Indian appropriation act for the fiscal year ending June 30, 1912, cited above.

ACT MARCH 4, 1911, c. 237, § 1. [H. R. 29360.]

Appropriations for Court of Customs Appeals; detailed statement of expenditure.

A detailed statement of the expenditure of the appropriations for the United States Court of Customs Appeals shall be submitted to Congress at the beginning of each regular session thereof.

Act March 4, 1911, c. 237, § 1, 36 Stat. 1234.

This is a provision of the legislative, executive, and judicial appropriation act for the fiscal year ending June 30, 1912, cited above.

Appropriations for Commerce Court; detailed statement of expenditure.

A detailed statement of the expenditure of the appropriations for the United States Commerce Court shall be submitted to Congress at the beginning of each regular session thereof.

Act March 4, 1911, c. 237, § 1, 36 Stat. 1234.

This is a further provision of the legislative, executive, and judicial appropriation act for the fiscal year ending June 30, 1912, cited above.

ACT MARCH 4, 1911, c. 239. [H. R. 32212.]

Direct and indirect charges to be included in cost of work under naval appropriations; accounts and reports thereof.

* * That hereafter, in fixing the cost of work under the various naval appropriations, the direct and indirect charges incident thereto shall be included in such cost: And provided further, That the Bureau of Supplies and Accounts shall keep the money accounts of the Naval Establishment in such manner as to show such charges and shall report the same annually for the information of Congress.

Act March 4, 1911, c. 239, 36 Stat. 1267.

These are provisos, annexed to the appropriation under the head "Contingent, Navy," in the naval appropriation act for the fiscal year ending June 30, 1912, cited above.

Somewhat similar provisions, without the word "hereafter," were con-

tained in the naval appropriation act for the preceding year, Act June 24, 1910, c. 378, 36 Stat. 607.

Further provisions of the naval appropriation act for the fiscal year 1912, some of which are repeated from the similar act for the preceding year, apply in terms only to "any sum hereby appropriated, any sum appropriated by this act," etc. Act March 4, 1911, c. 239, 36 Stat. 1288, 1289.

ACT MARCH 4, 1911, c. 242. [H. R. 32865.]

Use of material procured under any appropriation in manufacturing, etc., operations by Chief of Ordnance.

The Chief of Ordnance, in conducting manufacturing or similar operations under any particular appropriation heretofore or hereafter made, is authorized to use material procured under any appropriation and to replace the same in kind or otherwise: Provided, That in doing so the methods shall be such that each appropriation will be charged with the full value of the material used in carrying out its object.

Act March 4, 1911, c. 242, 36 Stat. 1344.

This is a provision of the fortifications appropriation act of March 4, 1911, cited above.

A previous provision, authorizing the Chief of Ordnance, in manufacturing or similar operations, to charge indirect expenses against appropriations therefor, contained in Act March 2, 1907, c. 2507, is set forth above.

Sec. 3679.

[Amended. Act March 3, 1905, c. 1481, § 4. Act Feb. 27, 1906, c. 510, § 3.]

This section is amended by Act March 3, 1905, c. 1484, § 4, and Act Feb. 27, 1906, c. 510, § 3, to read as set forth below.

ACT FEB. 27, 1906, c. 510, § 3. [H. R. 12320.]

Amendment of Rev. St. § 3679.

That section thirty-six hundred and seventy-nine of the Revised Statutes of the United States, as amended by section four of the deficiency appropriation Act approved March third, nineteen hundred and five, is hereby further amended to read as follows:

No expenditures beyond appropriations; acceptance of voluntary service for Government or employment of personal service in excess of that authorized, forbidden; appropriations for contingent expenses or other general purposes to be apportioned in monthly or other allotments; violation of section punishable.

"Sec. 3679. No Executive Department or other Government establishment of the United States shall expend, in any one fiscal year, any sum in excess of appropriations made by Congress for that fiscal year, or involve the Government in any contract or other obligation for the future payment of money in excess of such appropriations unless such contract or obligation is authorized by law. Nor shall any Department or any officer of the Government accept voluntary service for the Government or employ personal service in excess of that authorized by law, except in cases of sudden emergency involving the loss of human life or the destruction of property. All appropriations made for contingent expenses or other general purposes, except appropriations made in fulfillment of contract obligations expressly authorized by law, or for objects required or authorized by law without reference

to the amounts annually appropriated therefor, shall, on or before the beginning of each fiscal year, be so apportioned by monthly or other allotments as to prevent expenditures in one portion of the year which may necessitate deficiency or additional appropriations to complete the service of the fiscal year for which said appropriations are made; and all such apportionments shall be adhered to and shall not be waived or modified except upon the happening of some extraordinary emergency or unusual circumstance which could not be anticipated at the time of making such apportionment, but this provision shall not apply to the contingent appropriations of the Senate or House of Representatives; and in case said apportionments are waived or modified as herein provided, the same shall be waived or modified in writing by the head of such Executive Department or other Government establishment having control of the expenditure, and the reasons therefor shall be fully set forth in each particular case and communicated to Congress in connection with estimates for any additional appropriations required on account thereof. Any person violating any provision of this section shall be summarily removed from office and may also be punished by a fine of not less than one hundred dollars or by imprisonment for not less than one month."

Act Feb. 27, 1906, c. 510, § 3, 34 Stat. 48.

This section is part of the urgent deficiency appropriation act for the fiscal year ending June 30, 1906, cited above.

Rev. St. § 3679, amended by Act March 3, 1905, c. 1484, and by this section, is set forth in Comp. St. 1901, p. 2454. The original section is re-enacted, with some additions, in the first sentence of the amended section as set forth here. A previous provision similar to that in the second sentence of the section as amended, contained in Act May 1, 1884, c. 37, is also set forth in Comp. St. 1901, p. 2455.

Rev. St. § 3679, as amended by Act March 3, 1905, c. 1484, § 4, mentioned in this section, was as follows:

"Sec. 3679. No Department of the Government shall expend, in any one fiscal year, any sum in excess of appropriations made by Congress for that fiscal year, or involve the Government in any contract or obligation for the future payment of money in excess of such appropriations unless such contract or obligation is authorized by law. Nor shall any Department or officer of the Government accept voluntary service for the Government or employ personal service in excess of that authorized by law, except in cases of sudden emergency involving the loss of human life or the destruction of property. All appropriations made for contingent expenses or other general purposes, except appropriations made for the fulfillment of contract obligations expressly authorized by law, or for objects required or authorized by law without reference to the amounts annually appropriated therefor, shall, on or before the beginning of each fiscal year, be so apportioned by monthly or other allotments as to prevent undue expenditures in one portion of the year that may require deficiency or additional appropriations to complete the service of the fiscal year; and all such apportionments shall be adhered to except when waived or modified in specific cases by the written order of the head of the Executive Department or other Government establishment having control of the expenditure, but this provision shall not apply to the contingent appropriations of the Senate or House of Representatives; and all such waivers or modifications, together with the reasons therefor, shall be communicated to Congress in connection with estimates for any additional appropriations required on account thereof. Any person violating any provision of this section shall be summarily removed from office and may also be punished by a fine of not less than one hundred dollars or by imprisonment for not less than one month."

A further restriction on contracts or purchases, unless authorized by law or under an adequate appropriation, except in the War and Navy

Departments for certain supplies, etc., contained in Act June 12, 1906, c. 3078, is set forth below.

The employment of Indians and the hiring of their property, in connection with the construction of any irrigation project under the Reclamation Service, authorized by a provision of Act March 1, 1907, c. 2285, 34 Stat. 1015, is exempt from the provisions of this section by a proviso annexed to said provision.

ACT JUNE 12, 1906, c. 3078. [H. R. 14397.]

No contracts or purchases unless authorized or under adequate appropriation, except for Army and Navy supplies, etc.

* * That no contract or purchase on behalf of the United States shall be made, unless the same is authorized by law or is under an appropriation adequate to its fulfillment, except in the War and Navy Departments, for clothing, subsistence, forage, fuel, quarters, transportation, or medical and hospital supplies, which, however, shall not exceed the necessities of the current year: * *

Act June 12, 1906, c. 3078, 34 Stat. 255.

This is a proviso annexed to an appropriation for the purchase of medical and hospital supplies, etc., in the Army appropriation act for the fiscal year ending June 30, 1907, cited above.

Sec. 3680.

Restrictions on use of appropriations for contingent expenses of Congress.

Further restrictions on the use of appropriations for contingent expenses of either House of Congress, for payment for personal services, are contained in a provision of Act Feb. 14, 1902, c. 17, set forth below.

The provision of Rev. St. § 3679, as amended by Act Feb. 27, 1906, c. 510, § 3, set forth above, that the apportionments of appropriations thereby provided for shall not be waived or modified, does not apply to the contingent appropriations of the Senate or House of Representatives.

ACT FEB. 14, 1902, c. 17.

Restrictions on use of appropriations for contingent expenses of Congress, for payment of personal services.

* * That hereafter appropriations made for contingent expenses of the House of Representatives or the Senate shall not be used for the payment of personal services except upon the express and specific authorization of the House or Senate in whose behalf such services are rendered. Nor shall such appropriations be used for any expenses not intimately and directly connected with the routine legislative business of either House of Congress, and the accounting officers of the Treasury shall apply the provisions of this paragraph in the settlement of the accounts of expenditures from said appropriations incurred for services or materials subsequent to the approval of this Act.

Act Feb. 14, 1902, c. 17, 32 Stat. 26.

This is a proviso annexed to an appropriation for miscellaneous items, in the urgent deficiency appropriation act for the fiscal year ending June 30, 1902, cited above.

Previous provisions restricting the use of such appropriations are contained in Rev. St. § 3680, Comp. St. 1901, p. 2455.

No payments are to be made from the contingent fund of either house of Congress unless sanctioned by the committee designated for that purpose, by Rev. St. § 76, Comp. St. 1901, p. 43.

Sec. 3681.

Expenses of commissions and inquiries.

The use of public money or of any appropriation for compensation or expenses of any commission, etc., unless authorized by law, is forbidden,

and details from any executive department or other government establishment in connection with any such commission, etc., are also prohibited, by Act March 4, 1909, c. 299, § 9, set forth below.

ACT MARCH 4, 1909, c. 299, § 9. [H. R. 28245.]

Use of public moneys or appropriations for compensation or expenses of any commission, etc., forbidden, unless authorized by law; details from executive departments, etc., in connection with any such commission, etc., prohibited.

That hereafter no part of the public moneys, or of any appropriation heretofore or hereafter made by Congress, shall be used for the payment of compensation or expenses of any commission, council, board, or other similar body, or any members thereof, or for expenses in connection with any work or the results of any work or action of any commission, council, board, or other similar body, unless the creation of the same shall be or shall have been authorized by law; nor shall there be employed by detail, hereafter or heretofore made, or otherwise personal services from any executive department or other government establishment in connection with any such commission, council, board, or other similar body.

Act March 4, 1909, c. 299, § 9, 35 Stat. 1027.

This section is part of the sundry civil appropriation act for the fiscal year ending June 30, 1910, cited above.

Sec. 3682.

Restrictions on contingent, etc., appropriations.

The apportionment of appropriations for contingent expenses, by monthly or other allotments, to prevent undue expenditures in one portion of the year, is provided for by Rev. St. § 3679, as amended by Act Feb. 27, 1906, c. 510, § 3, set forth above.

Sec. 3684.

Buildings under control of Treasury Department.

Appropriations for public buildings under control of the Treasury Department are to be available only for the purposes specifically enumerated, and separate estimates of appropriations for the administrative work of carrying into effect public building acts are required to be submitted annually, by Act May 30, 1908, c. 228, § 6, set forth below.

ACT MAY 30, 1908, c. 228, § 6. [H. R. 21897.]

Appropriations for public buildings available only for purposes specifically enumerated; separate estimates required for appropriations for administrative work of carrying into effect public building acts; appointments, etc., subject to civil service laws and rules; statement in estimates as to persons employed; effect of act on previous and subsequent appropriations.

That the appropriations made to carry into effect the provisions of legislation authorizing the acquisition of land for sites for public buildings or the enlargement thereof, or for the construction, enlargement, extension, remodeling, or special repairs of public buildings under the control of the Treasury Department, shall be deemed to be available only for the purposes specifically enumerated in said legislation, and the Secretary of the Treasury is hereby authorized and directed to submit to Congress annually detailed estimates of appropriations necessary for defraying all expenses, both in the Office of the Supervising Architect and in the field, of every kind and character incident to, or requisite for, the administrative work of carrying into effect the provisions of this or subsequent public-building Acts, so far as

the same relate to public buildings under the control of the Treasury Department, such estimates to be in addition to and separate and apart from the estimates of appropriations providing specifically for the salaries of certain officers and employees in the Office of the Supervising Architect; that the appropriations for said administrative work, when made, shall be immediately available for such personal services and all other expenses and supplies, both for office and field work, as the Secretary of the Treasury may deem necessary and specially order or approve to carry into effect the provisions of this and subsequent Acts relating to the acquisition of land for sites or the enlargement thereof, or for the construction, enlargement, extension, remodeling, or special repairs of public buildings under the control of the Treasury Department, including the annual appropriations under the control of the Supervising Architect: Provided, That such persons as may be regularly appointed and paid from such appropriations shall be subject, in all respects, to the laws, rules, and regulations respecting entrance into or separation from the classified civil service of the United States, and shall be employed only in the Office of the Supervising Architect or in fieldwork of construction and repair under his supervision and control, and the Secretary of the Treasury shall annually submit to Congress in the Book of Estimates a statement, showing the names of all persons whose salaries or compensation are paid from said appropriations, their duties, and the rate of compensation and the amount paid to each of them, respectively: And provided further, That this Act shall not be construed as rendering unavailable for the employment of personal services in the Office of the Supervising Architect, or for any other purpose now authorized by law, any of the appropriations or balances of appropriations made prior to July first, nineteen hundred and seven, for the acquisition of land for sites, or the enlargement thereof, or for the erection, enlargement, extension, remodeling, or special repairs of public buildings under the control of the Treasury Department, or any of the annual appropriations under the control of the Supervising Architect. And all appropriations made in full or in part subsequent to July first, nineteen hundred and seven, for extension of the limits of cost of public buildings or sites, or for the acquisition of land for sites, or the enlargement thereof, or for the erection, enlargement, extension, remodeling, or special repairs of public buildings under the control of the Treasury Department, or for any annual appropriation under the control of the Supervising Architect, shall be subject to the provisions hereof.

Act May 30, 1908, c. 228, § 6; 35 Stat. 537.

Previous provisions for the employment of skilled draftsmen, civil engineers, and others, in the office of the Supervising Architect, contained in Act Aug. 5, 1882, c. 389, § 1, set forth in Comp. St. 1901, p. 127, and in subsequent appropriation acts, substantially in the language of the appropriation for the year ending June 30, 1902, set forth in the note under that provision, were continued down to Act May 22, 1908, c. 186, § 1, 35 Stat. 201, for the fiscal year ending June 30, 1909. The deficiency appropriation act of May 30, 1908, c. 227, § 1, 35 Stat. 490, contained a further authorization of the employment of such services during the same fiscal year, with provisos annexed thereto that the services authorized by that act and the previous act for that year should be paid from and charged against appropriations for construction of public buildings made in whole or in part prior to July 1, 1907.

Subsequent appropriations to enable the Secretary of the Treasury to

execute the provisions of this section are made by the annual sundry civil appropriation acts. The provision for the fiscal year ending June 30, 1912, and accompanying provisions for the disbursement of appropriations for [illegible] public buildings, contained in Act March 4, 1911, c. 285, § 1, are set forth below.

ACT MARCH 4, 1911, c. 285, § 1. [H. R. 32909.]

Appropriations to carry into effect public-building acts; employment of services; general expenses.

General expenses of public buildings: To enable the Secretary of the Treasury to execute and give effect to the provisions of section six of the Act of May thirtieth, nineteen hundred and eight (Thirty-fifth Statutes, page five hundred and thirty-seven, part one): For additional salary of one thousand dollars for the Supervising Architect of the Treasury for the fiscal year nineteen hundred and twelve, and for compensation of skilled draftsmen, civil engineers, computers, and such other services as the Secretary of the Treasury may deem necessary and specially order, to be employed only in the office of the Supervising Architect exclusively to carry into effect public building legislation, including the administrative work in connection with the annual appropriations under the control of the Supervising Architect's office: Provided, That the expenditures on this account for the fiscal year ending June thirtieth, nineteen hundred and twelve, shall not exceed four hundred thousand dollars; for compensation of supervising superintendents, superintendents, and junior superintendents of construction, inspectors of public buildings, and inspectors of mechanical and electrical engineering, in connection with the erection and inspection of work on public buildings, at rates of compensation to be determined by the Secretary of the Treasury, but in no case exceeding eight dollars per day, Sundays included: Provided, That the expenditures on this account for the fiscal year ending June thirtieth, nineteen hundred and twelve, shall not exceed two hundred and forty thousand dollars; for compensation of mechanical labor force, including carpenters, plumbers, machinists, and such other services as the Secretary of the Treasury may deem necessary and specially order, including the compensation of superintendents and assistant superintendents of repairs, engaged in work incident to repair of buildings, mechanical equipment, and vaults, safes, and locks, at such rates of compensation as may be determined by the Secretary of the Treasury, but in no case to exceed for any one person the rates current for similar services at the time and in the place where such services are performed: Provided, That the expenditures on this account for the fiscal year ending June thirtieth, nineteen hundred and twelve, shall not exceed eighty thousand dollars; for expenses of superintendence, including traveling expenses of building and furniture inspectors and other officers and employees, on duty or detailed in connection with work on public buildings and the furnishing and equipment thereof, under orders from the Treasury Department, office rent, and expenses incident thereto, for superintendents, including temporary stenographic and other assistance incident to the preparation of reports and the care of public property, and so forth; for commissions to disbursing agents in accordance with law for cost of advertising; for office supplies, including drafting materials, specially prepared paper, typewriting machines and exchange of same,

and furniture, carpets, and office equipment, stationery, telephone service, and such other articles and supplies as the Secretary of the Treasury may deem necessary and specially order or approve for the use of the office of the Supervising Architect, not including heat, light, janitor service, awnings, curtains, or any expenses for the general maintenance of the Treasury building, but including not exceeding one thousand five hundred dollars for books of reference, technical periodicals and journals, subscriptions to which may be paid in advance, and also for contingencies of every kind and character, including compensation and expenses of judges to select plans, care of sites acquired for public buildings, commissions to architects under the provisions of the Act approved February twentieth, eighteen hundred and ninety-three, traveling expenses of site agents, recording deeds and other evidences of title, telephone service at completed public buildings for use of custodians, photographic instruments, chemicals, plates, and photographic materials, and such other minor and incidental expenses not enumerated, connected solely with work on public buildings and the acquisition of sites, and the administrative work connected with the annual appropriations under the Supervising Architect's office, as the Secretary of the Treasury may deem necessary and specially order or approve, but not including surveys, plaster models, progress photographs, test pit borings, or mill and shop inspections; in all, for the foregoing objects for general expenses of public buildings, eight hundred thousand dollars.

Act March 4, 1911, c. 285, § 1, 36 Stat. 1386.

This is a provision of the sundry civil appropriation act for the fiscal year ending June 30, 1912, cited above.

Act May 30, 1908, c. 228, § 6, the provisions of which are mentioned in this paragraph, is set forth above.

Act Feb. 20, 1893, c. 146, which is also mentioned in this paragraph, is set forth in Comp. St. 1901, p. 2522.

Compensation for services of architects successful in competition as to plans for buildings, under said Act Feb. 20, 1893, c. 146, is to be made from the appropriation for "general expenses of public buildings" available at the time, by Act June 25, 1910, c. 383, § 34, set forth post, under Title XLIII A, "Public Buildings and Works."

Appropriations for construction of public buildings; disbursement by Treasury Department, and in exceptional cases, by collectors of customs; compensation for disbursements allowed only to disbursing agents who have given bonds.

Hereafter all disbursements of money appropriated for the construction of public buildings under the control of the Treasury Department shall be made by the Treasury Department at Washington, District of Columbia, except in cases of public buildings located so remote from the seat of government as to occasion hardship by undue delay in making payments to contractors, in every such exceptional case the Secretary of the Treasury may, in his discretion, require the collector of customs at or nearest the place where such building is being constructed to make the disbursement, as provided in section seventeen hundred and sixty-five of the Revised Statutes of the United States, but in such exceptional cases no additional compensation shall be paid to any collector of customs for disbursements made hereunder; and hereafter no compensation or commissions shall be allowed for the disbursement of any appropriation for the construction, extension, enlargement, remodeling, or repairs of any public

building under the control of the Treasury Department, except to disbursing agents heretofore appointed and who have qualified by giving bonds.

Act March 4, 1911, c. 285, § 1, 36 Stat. 1387.

This is a further provision of the sundry civil appropriation act for the fiscal year ending June 30, 1916, cited above.

Sec. 3686.

ACT JUNE 23, 1874, c. 455, § 1.

Payments of appropriations for charitable, etc., purposes.

A provision fixing the term of service of Members of Congress or Senators appointed to represent Congress on any board of trustees or board of directors of any corporation or institution to which Congress makes any appropriation, contained in Act March 3, 1893, c. 199, § 1, is set forth below.

ACT MARCH 3, 1893, c. 199, § 1.

Term of service of members of Congress or Senators as trustees or directors of corporations or institutions to which Congress makes appropriations.

That hereafter in all cases where Members of Congress or Senators are appointed to represent Congress on any board of trustees or board of directors of any corporation or institution to which Congress makes any appropriation, the term of said Members or Senators, as such trustee or director, shall continue until the expiration of two months after the first meeting of the Congress chosen next after their appointment.

Act March 3, 1893, c. 199, § 1, 27 Stat. 553.

This is a provision of the District of Columbia appropriation act for the fiscal year ending June 30, 1894, cited above.

PERMANENT ANNUAL APPROPRIATIONS.

Sec. 3687. [*As amended* 1894.]

Collecting revenue from customs.

Appropriations to defray the expenses of collecting the revenue from customs, additional to the permanent appropriation for that purpose made by this section, are made each year. The provision for the fiscal year ending June 30, 1912, is by Act March 4, 1911, c. 285, § 1, 36 Stat. 1393. And further appropriations for the same purpose are made by the deficiency appropriation acts.

The Secretary of the Treasury was authorized, during the fiscal year 1911, to provide motor boats, etc., for the use of customs officials in boarding vessels, counting passengers on excursions boats, and assisting in the enforcement of the laws relating to navigation and inspection of vessels, and to defray the expenses thereof from the permanent annual appropriation for collecting the revenue from customs, by a provision of Act June 25, 1910, c. 385, 36 Stat. 781. But for the fiscal year ending June 30, 1912, an appropriation to enable the Secretary of Commerce and Labor to provide motor boats, etc, for similar purposes, is made by the legislative, executive, and judicial appropriation act for that year, under the head "Enforcement of navigation laws," Act March 4, 1911, c. 237, § 1, 36 Stat. 1230.

Fees of collectors and other customs officers, for payment of which a permanent indefinite appropriation was made by Act June 19, 1886, c. 421, § 1, set forth in Comp. St. 1901, p. 2991, are to be paid from the appropriation for expense of collecting the revenue from customs, by a provision of Act March 4, 1907, c. 2918, § 1, set forth post, under Title L, "Regulation of Vessels in Domestic Commerce."

ACT MARCH 3, 1879, c. 182, § 1.

Detection and prevention of frauds on customs revenue.

Subsequent provisions amending the provision of this act set forth in Comp. St. 1901, p. 2460, by increasing the amount authorized to be expended, and directing the disposition of sums received from fines, etc., connected with the customs, fees, etc., and other sources specified, contained in Act April 27, 1904, c. 1630, § 1, and Act March 4, 1907, c. 2918, § 1, are set forth below.

ACT APRIL 27, 1904, c. 1630, § 1. [H. R. 15054.]

Detection and prevention of frauds on customs revenue; increase of amount to be expended.

* * and the provisions of the Act of March third, eighteen hundred and seventy-nine (Twentieth Statutes, page three hundred and eighty-six), authorizing the Secretary of the Treasury to expend out of the appropriation for defraying the expenses of collecting the revenues from customs such amount as he may deem necessary, not exceeding one hundred thousand dollars per annum, for the detection and prevention of frauds upon the customs revenue, are hereby amended so as to increase the amount to be so expended for the year nineteen hundred and four, and yearly thereafter, to one hundred and fifty thousand dollars.

Act April 27, 1904, c. 1630, § 1, 33 Stat. 396.

This is a provision accompanying the appropriation to defray the expenses of collecting the revenue from customs in the deficiency appropriation act for the fiscal year ending June 30, 1904, cited above.

The provisions of Act March 3, 1879, c. 182, § 1, mentioned in and amended by this paragraph, are set forth in Comp. St. 1901, p. 2460.

The amount authorized by this act to be expended yearly is increased, for the fiscal year 1908 and subsequent years, by provisions of Act March 4, 1907, c. 2918, § 1, set forth below, and other acts referred to in the notes under said act, below.

ACT MARCH 4, 1907, c. 2918, § 1. [H. R. 25745.]

Detection and prevention of frauds on customs revenue; increase of amount to be expended; disposal of sums received from fines, etc., fees, etc., and other sources.

* * And the provisions of the Act of March third, eighteen hundred and seventy-nine (Twentieth Statutes, page three hundred and eighty-six), as amended by the Act of April twenty-seventh, nineteen hundred and four (Thirty-third Statutes, page three hundred and ninety-six), authorizing the Secretary of the Treasury to expend out of the appropriation for defraying the expenses of collecting the revenue from customs such amount as he may deem necessary, not exceeding one hundred and fifty thousand dollars per annum, for the detection and prevention of frauds upon the customs revenue, are hereby further amended so as to increase the amount to be so expended for the fiscal year nineteen hundred and eight, to two hundred thousand dollars; and from and after the close of the fiscal year nineteen hundred and seven all sums received from fines, penalties, and forfeitures, connected with the customs, and from fees paid into the Treasury by customs officers, and from storage, cartage, drayage, labor, and services, shall be covered into the Treasury as are other miscellaneous receipts.

Act March 4, 1907, c. 2918, § 1, 34 Stat. 1315.

These are provisions accompanying the appropriation to defray the expenses of collecting the revenue from customs in the sundry civil appropriation act for the fiscal year ending June 30, 1908, cited above.

The provisions of Act March 3, 1879, c. 182, § 1, mentioned in and

amended by this paragraph, are set forth as originally enacted in Comp. St. 1901, p. 2460. And the provisions, amendatory thereof, of Act April 27, 1904, c. 1630, § 1, also mentioned in this paragraph, are set forth above.

The provisions of this act, increasing the amount to be expended for the fiscal year 1908 to $200,000, are repeated for subsequent years by the similar appropriation acts. The provision for the fiscal year ending June 30, 1912, is by Act March 4, 1911, c. 285, § 1, 36 Stat. 1393.

A permanent appropriation of $3,000,000 for expenses of inspection of cattle, etc., and for carrying into effect the provisions of Act June 30, 1906, c. 3913, relating to meat inspection, re-enacted in Act March 4, 1907, c. 2907, set forth post, under Title LVI A, "Regulation of Interstate and Foreign Commerce," c. 3, is made by a provision of said Act June 30, 1906, c. 3913, also set forth post, under said Title LVI A, c. 3.

A permanent annual appropriation of $10,000, for the purposes authorized by Act March 3, 1879, c. 186, entitled "An act to promote the education of the blind," set forth in Comp. St. 1901, pp. 3372–3374, is made by Act June 25, 1906, c. 3536, set forth post, under Title LXIX, "Hospitals, Asylums, and Cemeteries," c. 5a.

The annual appropriation to each State and Territory for agricultural colleges is increased, with a further annual increase for five years, and the annual sum to be paid thereafter to each State and Territory is to be $50,000, by provisions of Act March 4, 1907, c. 2907, set forth post, under Title LVI D, "Agricultural Colleges and Experiment Stations," c. 1.

The annual appropriation to the States and Territories for agricultural experiment stations is increased, and a further annual increase for five years is provided for, and the annual amount to be paid thereafter to each State and Territory is to be $30,000, by Act March 16, 1906, c. 951, set forth post, under Title LVI D, "Agricultural Colleges and Experiment Stations," c. 2.

Sec. 3689. [*As amended* 1874, 1875, 1878.]

Permanent indefinite appropriations; salaries and expenses of steamboat inspectors.

The permanent indefinite appropriation made by the paragraph of Rev. St. § 3689, set forth under this heading in Comp. St. 1901, p. 2462, is included in the repeal of all laws and parts of laws making such an appropriation, by Act June 25, 1910, c. 384, § 8, set forth ante, under Rev. St. § 3668.

Repayment of excess of deposits for unascertained duties (customs).

The provision referred to in the note to the paragraph under this heading of Rev. St. § 3689, Comp. St. 1901, p. 2464, as contained in Act June 10, 1890, c. 407, § 24, making a permanent indefinite appropriation for refunding the excess of payments or deposits for customs duties, is amended by Act Aug. 5, 1909, c. 407, c. 6, § 28, to read as set forth ante, under Title XXXIV, "Collection of Duties upon Imports," c. 8.

Marine-Hospital Establishment.

Besides the repeal of all provisions for collection of hospital tax on seamen by Act June 26, 1884, c. 121, § 15, as stated in the note under the paragraph of Rev. St. § 3689, set forth in Comp. St. 1901, p. 2465, making permanent appropriations for the Marine-Hospital Establishment, the appropriation made by said Act June 26, 1884, c. 121, § 15, of receipts for duties on tonnage provided for by said act, for the expenses of maintaining the Marine-Hospital Service, is also repealed by a provision of Act March 3, 1905, c. 1484, § 1, set forth post, under Title XLVIII, "Regulation of Commerce and Navigation," c. 3.

Instructing the blind.

The permanent indefinite appropriation for instruction of indigent blind children of the District of Columbia, set forth in Comp. St. 1901,

p. 2469, is expressly repealed, to take effect on and after July 1, 1908, and an appropriation for that purpose for the next fiscal year is made, by a provision of Act May 26, 1908, c. 198, § 1, set forth post, under Title LIX, "Hospitals, Asylums, and Cemeteries," c. 5.

Immigrant fund.

The head tax on aliens entering the United States, collected under Act Feb. 20, 1907, c. 1134, § 1, set forth ante, under Title XXIX, "Immigration," subtitle "Regulation and Restriction of Immigration in General," together with all moneys received under the laws regulating the immigration of aliens, which, by provisions of said section, were to constitute a permanent appropriation to be called the "immigrant fund," to be used to defray the expense of regulating the immigration of aliens, are to be covered into the Treasury to the credit of "miscellaneous receipts," by a provision of Act March 4, 1909, c. 299, § 1, also set forth ante, under Title XXIX, "Immigration," subtitle "Regulation and Restriction of Immigration in General."

Compensation of shipping commissioners, etc.

So much of Act June 19, 1884, c. 421, set forth in Comp. St. 1901, p. 2991, as makes a permanent indefinite appropriation to pay compensation to shipping commissioners and clerks of shipping commissioners under said act, is repealed, by Act June 25, 1910, c. 384, § 7, set forth ante, under Rev. St. § 3668.

Expenses of parting and refining bullion.

All laws and parts of laws, to the extent that they make a permanent indefinite appropriation for expenses of parting and refining bullion, are repealed by a provision of Act March 4, 1911, c. 240, set forth ante, under Rev. St. § 3665.

Sec. 3691.

ACT JUNE 20, 1874, c. 328, § 5.

Unexpended balances to be carried to surplus fund; exceptions.

Provisions similar to those of this section, set forth in Comp. St. 1901, p. 2472, for the disposal of unexpended balances of appropriations, are contained in Act March 4, 1909, c. 299, § 10, set forth below.

ACT OCT. 2, 1888, c. 1069.

Disposal of unexpended balances of appropriations for National Home for Disabled Volunteer Soldiers.

Appropriations for the construction of buildings at any of the branches of the Home are to continue available until expended, by a provision of Act June 6, 1900, c. 785, § 1, set forth in Comp. St. 1901, p. 3342.

ACT MARCH 4, 1909, c. 299, § 10. [H. R. 28245.]

Balances remaining unexpended on July 1, 1904, to be carried to surplus fund; exceptions.

The Secretary of the Treasury shall cause all unexpended balances of appropriations which remained on the books of the Treasury on the first day of July, nineteen hundred and four, except permanent specific appropriations, judgments and findings of courts, trust funds, and appropriations for fulfilling treaty obligations with the Indians, to be carried to the surplus fund and covered into the Treasury: Provided, That such sums of said balances as may be needed to pay contracts existing and not fully discharged at the date of this Act shall remain available for said purposes. For the purposes herein declared no appropriation made prior to July first, nineteen hundred and four, shall be construed to be a permanent specific appropriation unless by its

language it is specifically and in express terms made available for use until expended.

Act March 4, 1909, c. 299, § 10, 35 Stat. 1027.

This section is part of the sundry civil appropriation act for the fiscal year ending June 30, 1910, cited above.

Previous provisions for disposal of unexpended balances of appropriations, contained in Rev. St. § 3691, and acts subsequent thereto, are set forth in Comp. St. 1901, pp. 2471-2474.

The application of this section to unexpended balances of river and harbor appropriations is limited, by Res. June 25, 1909, No. 3, set forth below.

RES. JUNE 25, 1909, No. 3. [S. J. Res. 33.]

Joint Resolution Relating to the Provisions of Section Ten of the Sundry Civil Act of March Fourth, Nineteen Hundred and Nine. (36 Stat. 183.)

Use of unexpended balances of river and harbor appropriations when essential to maintenance or prosecution of work.

Resolved, &c., That the provisions of section ten of the Act entitled "An Act making appropriations for sundry civil expenses of the Government for the fiscal year ending June thirtieth, nineteen hundred and ten, and for other purposes," approved March fourth, nineteen hundred and nine, shall not be construed as applying to the unexpended balance of any river and harbor appropriation, the use of which may be essential, in the judgment of the Secretary of War, for the further maintenance or prosecution of the work to which it pertains as heretofore authorized by Congress.

Res. June 25, 1909, No. 3, 36 Stat. 183.

Act March 4, 1909, c. 294, § 10, mentioned in this resolution, is set forth above.

TITLE XLII.

THE PUBLIC DEBT.

Sec. 3693.

Payment in coin.

Subsequent provisions for payment in United States gold coin of the present standard of value, of any bonds and certificates of indebtedness of the United States thereafter issued, are contained in Act Feb. 4, 1910, c. 25, set forth below.

ACT JUNE 13, 1898, c. 448, § 32.

[Amended. Act Aug. 5, 1909, c. 6, § 40.]

This section, set forth in Comp. St. 1901, p. 2476, authorizing the Secretary of the Treasury to borrow to meet public expenditures and to issue certificates of indebtedness therefor, is amended by Act Aug. 5, 1909, c. 6, § 40, set forth below.

ACT JUNE 28, 1902, c. 1302, § 8.

Loans to defray expenditures for Panama Canal; issue of bonds; interest; exemption from taxation; disposal of bonds.

Sec. 8. That the Secretary of the Treasury is hereby authorized to borrow on the credit of the United States from time to time, as the proceeds may be required to defray expenditures authorized by this Act (such proceeds when received to be used only for the purpose of meeting such expenditures), the sum of one hundred and thirty million dollars, or so much thereof as may be necessary, and to prepare and issue therefor coupon or registered bonds of the United States in such form as he may prescribe, and in denominations of twenty dollars or some multiple of that sum, redeemable in gold coin at the pleasure of the United States after ten years from the date of their issue, and payable thirty years from such date, and bearing interest payable quarterly in gold coin at the rate of two per centum per annum; and the bonds herein authorized shall be exempt from all taxes or duties of the United States, as well as from taxation in any form by or under State, municipal, or local authority: Provided, That said bonds may be disposed of by the Secretary of the Treasury at not less than par, under such regulations as he may prescribe, giving to all citizens of the United States an equal opportunity to subscribe therefor, but no commissions shall be allowed or paid thereon; and a sum not exceeding one-tenth of one per centum of the amount of the bonds herein authorized is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to pay the expense of preparing, advertising, and issuing the same.

Act June 28, 1902, c. 1302, § 8, 32 Stat. 484.

The bonds authorized by this section have all the rights and privileges accorded by law to other two per cent. bonds of the United States, by Act Dec. 21, 1905, c. 3, § 1, set forth below.

A loan of an additional sum for the same purpose, and the issue of 3 per cent. bonds therefor, are authorized, and the authority contained in this section for the issue of 2 per cent. bonds is repealed, by Act Aug. 5, 1909, c. 6, § 39, set forth below.

ACT DEC. 21, 1905, c. 3, § 1. [H. R. 480.]

Bonds authorized for construction of canal to have all rights and privileges of other two per cent. bonds of United States; tax on circulating notes of national banking associations based on deposit of such bonds.

Be it enacted, &c., That the two per cent. bonds of the United States authorized by section eight of the Act entitled "An act to provide for the construction of a canal connecting the waters of the Atlantic and Pacific oceans," approved June twenty-eight, nineteen hundred and two, shall have all the rights and privileges accorded by law to other two per cent. bonds of the United States, and every national banking association having on deposit, as provided by law, such bonds issued under the provisions of said section eight of said Act approved June twenty-eight, nineteen hundred and two, to secure its circulating notes, shall pay to the Treasurer of the United States, in the months of January and July, a tax of one-fourth of one per cent each half year upon the average amount of such of its notes in circulation as are based upon the deposit of said two per cent bonds; and such taxes shall be in lieu of existing taxes on its notes in circulation imposed by section fifty-two hundred and fourteen of the Revised Statutes.

Act Dec. 21, 1905, c. 3, § 1, 34 Stat. 5.

Act June 28, 1902, c. 1302, § 8, mentioned in this section, is set forth above.

Rev. St. § 5214, also mentioned in this section, is set forth in Comp. St. 1901, p. 3500. An amendment thereof, re-enacting the provisions of this section relating to the tax on circulating notes of national banks based on deposit of bonds issued for construction of the Panama Canal, contained in Act May 30, 1908, c. 229, § 9, is set forth post, under Title LXII, "National Banks," c. 3.

ACT AUG. 5, 1909, c. 6, §§ 39, 40. [H. R. 1438.]

Loans to defray expenditures for Panama Canal; issue of additional bonds; interest; exemption from taxation; disposal of bonds; repeal in part of Act June 28, 1902, c. 1302, § 8.

Sec. 39. That the Secretary of the Treasury is hereby authorized to borrow on the credit of the United States from time to time, as the proceeds may be required to defray expenditures on account of the Panama Canal and to reimburse the Treasury for such expenditures already made and not covered by previous issues of bonds, the sum of two hundred and ninety million five hundred and sixty-nine thousand dollars (which sum together with the eighty-four million six hundred and thirty-one thousand nine hundred dollars already borrowed upon issues of two per cent bonds under section eight of the Act of June twenty-eighth, nineteen hundred and two, equals the estimate of the Isthmian Canal Commission to cover the entire cost of the Canal from its inception to its completion), and to prepare and issue therefor coupon or registered bonds of the United States in such form as he may prescribe, and in denominations of one hundred dollars, five hundred dollars, and one thousand dollars, payable fifty years from the date of issue, and bearing interest payable quarterly in gold coin at a rate not exceeding three per centum per annum; and the bonds herein authorized shall be exempt from all taxes or duties of the United States, as well as from taxation in any form by or under State, municipal, or local authority: Provided, That said bonds may be disposed of by the Secretary of the Treasury at not less than par, under such regula-

tions as he may prescribe, giving to all citizens of the United States an equal opportunity to subscribe therefor, but no commissions shall be allowed or paid thereon; and a sum not exceeding one-tenth of one per centum of the amount of the bonds herein authorized is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to pay the expenses of preparing, advertising, and issuing the same; and the authority contained in section eight of the Act of June twenty-eighth, nineteen hundred and two, for the issue of bonds bearing interest at two per centum per annum, is hereby repealed.

Act Aug. 5, 1909, c. 6, § 39, 36 Stat. 117.

This section and the section next following are part of the Tariff Act of 1909, cited above, other sections of which are set forth or referred to ante, under Title XXXIII, "Duties upon Imports."

Act June 28, 1902, c. 1302, § 8, which is repealed in part by the proviso at the end of this section, and which authorized the previous issues of 2 per cent. bonds mentioned in this section, is set forth above.

The insertion, in bonds to be issued under this section, of a provision that they shall not be receivable as security for the issue of circulating notes to national banks, is authorized by Act March 2, 1911, c. 195, set forth below.

Amendment of Act June 13, 1898, c. 448, § 32.

Sec. 40. That section thirty-two of an Act, entitled, "An Act providing ways and means to meet war expenditures, and for other purposes," approved June thirteenth, eighteen hundred and ninety-eight, be, and the same is hereby, amended to read as follows:

Loans to meet public expenditures; issue of certificates of indebtedness; limitation; counterfeiting, etc.

"That the Secretary of the Treasury is authorized to borrow from time to time, at a rate of interest not exceeding three per centum per annum, such sum or sums as, in his judgment, may be necessary to meet public expenditures, and to issue therefor certificates of indebtedness in such form as he may prescribe and in denominations of fifty dollars or some multiple of that sum; and each certificate so issued shall be payable, with the interest accrued thereon, at such time, not exceeding one year from the date of its issue, as the Secretary of the Treasury may prescribe: Provided, That the sum of such certificates outstanding shall at no time exceed two hundred millions of dollars; and the provisions of existing law respecting counterfeiting and other fraudulent practices are hereby extended to the bonds and certificates of indebtedness authorized by this Act."

Act Aug. 5, 1909, c. 6, § 40, 36 Stat. 117.

See first note under preceding section of this act.

Act June 13, 1898, c. 448, § 32, amended by this section, is set forth in Comp. St. 1901, p. 2476. The amendment consists chiefly in an increase of the limitation in the proviso of the amount of the certificates outstanding from $100,000,000 to $200,000,000.

ACT FEB. 4, 1910, c. 25. [H. R. 19548.]

An Act Prescribing Certain Provisions and Conditions under which Bonds and Certificates of Indebtedness of the United States may be Issued, and for Other Purposes. (36 Stat. 192.)

Bonds and certificates of indebtedness to be payable in gold coin of present standard; denominations of bonds.

Be it enacted, &c., That any bonds and certificates of indebtedness of the United States hereafter issued shall be payable, principal and

interest, in United States gold coin of the present standard of value; and that such bonds may be issued in such denominations as may be prescribed by the Secretary of the Treasury.

Act Feb. 4, 1910, c. 25, § 1, 36 Stat. 192.

Certificates of indebtedness; exemption from taxation; appropriation for expenses of issue, etc.

Sec. 2. That any certificates of indebtedness hereafter issued shall be exempt from all taxes or duties of the United States, as well as from taxation in any form by or under state, municipal, or local authority; and that a sum not exceeding one-tenth of one per centum of the amount of any certificates of indebtedness issued is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to pay the expenses of preparing, advertising, and issuing the same.

Act Feb. 4, 1910, c. 25, § 2, 36 Stat. 192.

Repeal.

Sec. 3. That all Acts or parts of Acts inconsistent with the provisions of this Act are hereby repealed.

Act Feb. 4, 1910, c. 25, § 3, 36 Stat. 192.

ACT MARCH 2, 1911, c. 195. [S. 10456.]

An Act to Restrain the Secretary of the Treasury from Receiving Bonds Issued to Provide Money for the Building of the Panama Canal as Security for the Issue of Circulating Notes to National Banks, and for Other Purposes. (36 Stat. 1013.)

Bonds for expenditures for Panama Canal may contain provision that they shall not be receivable as security for national bank circulating notes.

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized to insert in the bonds to be issued by him under section thirty-nine of an Act entitled "An Act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," approved August fifth, nineteen hundred and nine, a provision that such bonds shall not be receivable by the Treasurer of the United States as security for the issue of circulating notes to national banks; and the bonds containing such provision shall not be receivable for that purpose.

Act March 2, 1911, c. 195, 36 Stat. 1013.

Sec. 3708.

[Repealed. Act March 4, 1909, c. 321, § 341.]

This section, set forth in Comp. St. 1901, p. 2482, is incorporated in the act to codify, etc., the penal laws, Act March 4, 1909, c. 321, in chapter 7, § 175, thereof, and is expressly repealed by chapter 15, § 341, of said act, taking effect January 1, 1910. Said act is set forth post, under Title LXIX A, "The Criminal Code."

TITLE XLIII.

PUBLIC CONTRACTS.

Sec. 3709. [*As amended* 1894.]

Advertisements for proposals; [exceptions; bids; acceptance or rejection.]

Provisions superseding those of this section, set forth in Comp. St. 1901, p. 2484, as to advertising and contracting for supplies of fuel, ice, stationery, and other miscellaneous supplies for the Executive Departments and other government establishments in Washington, are contained in Act June 17, 1910, c. 297, § 4, set forth below.

The purchase of Indian supplies is to be made in conformity with the requirements of this section, by Act June 25, 1910, c. 431, § 23, set forth below.

This section does not apply to any purchase or service rendered for the District of Columbia of an amount not exceeding $25, by a provision of Act March 2, 1911, c. 192, set forth below.

The appointment of a purchasing agent for the Post Office Department is provided for, and his duties and proceedings in making purchases for supplies necessary for that department are prescribed, by Act April 28, 1904, c. 1759, § 3, set forth post, under Rev. St. § 3732.

The purchase of supplies and the procurement of services for all branches of the Army service in open market when the aggregate does not exceed $500 are authorized by a provision of Act June 12, 1906, c. 3078, set forth post, under Rev. St. § 3716.

ACT MARCH 4, 1909, c. 299, § 1. [H. R. 28245.]

Proposals for repair of vessels in Light-House Service to be on specifications securing competition.

* * That hereafter any and all proposals for bids for any new machinery or other new equipment necessary in the repair of any vessel in the Light-House Service shall be on specifications prepared and submitted that will secure competition in the bids for furnishing such machinery or equipment.

Act March 4, 1909, c. 299, § 1, 35 Stat. 973.

This is a proviso annexed to an appropriation for repairs of a light-house tender in the sundry civil appropriation act for the fiscal year ending June 30, 1910, cited above.

ACT JUNE 17, 1910, c. 297, § 4. [H. R. 22643.]

Advertisements and contracts for Executive Departments, etc., in Washington by Secretary of Treasury; general supply committee, its duties, etc.; articles to be purchased; bonds of contractors; purchase or drawing of supplies, by departments, etc.; telephone and electric light and power service.

Sec. 4. That hereafter all supplies of fuel, ice, stationery, and other miscellaneous supplies for the executive departments and other government establishments in Washington, when the public exigencies do not rquire the immediate delivery of the article, shall be advertised and contracted for by the Secretary of the Treasury, instead of by the several departments and establishments, upon such days as he may designate. There shall be a general supply committee in lieu of the board provided for in section thirty-seven hundred and nine of the Revised

Statutes as amended, composed of officers, one from each such department, designated by the head thereof, the duties of which committee shall be to make, under the direction of the said Secretary, an annual schedule of required miscellaneous supplies, to standardize such supplies, eliminating all unnecessary grades and varieties, and to aid said Secretary in soliciting bids based upon formulas and specifications drawn up by such experts in the service of the Government as the committee may see fit to call upon, who shall render whatever assistance they may require. The committee shall aid said Secretary in securing the proper fulfillment of the contracts for such supplies, for which purpose the said Secretary shall prescribe, and all departments comply with, rules providing for such examination and tests of the articles received as may be necessary for such purpose; in making additions to the said schedule; in opening and considering the bids, and shall perform such other similar duties as he may assign to them: Provided, That the articles intended to be purchased in this manner are those in common use by or suitable to the ordinary needs of two or more such departments or establishments; but the said Secretary shall have discretion to amend the annual common supply schedule from time to time as to any articles that, in his judgment, can as well be thus purchased. In all cases only one bond for the proper performance of each contract shall be required, notwithstanding that supplies for more than one department or government establishment are included in such contract. Every purchase or drawing of such supplies from the contractor shall be immediately reported to said committee. No disbursing officer shall be a member of such committee. No department or establishment shall purchase or draw supplies from the common schedule through more than one office or bureau, except in case of detached bureaus or offices having field or outlying service, which may purchase directly from the contractor with the permission of the head of their department: And provided further, That telephone service, electric light, and power service purchased or contracted for from companies or individuals shall be so obtained by him.

Act June 17, 1910, c. 297, § 4, 36 Stat. 531.

This section is part of the legislative, executive, and judicial appropriation act for the fiscal year ending June 30, 1911, cited above.

Rev. St. § 3709, mentioned in this section, is set forth in Comp. St. 1901, p. 2484.

ACT JUNE 25, 1910, c. 431, § 23. [H. R. 24992.]

Purchase of Indian supplies; employment of Indian labor and purchase of Indian products.

Sec. 23. That hereafter the purchase of Indian supplies shall be made in conformity with the requirements of section thirty-seven hundred and nine of the Revised Statutes of the United States: Provided, That so far as may be practicable Indian labor shall be employed, and purchases of the products of Indian industry may be made in open market in the discretion of the Secretary of the Interior. All Acts and parts of Acts in conflict with the provisions of this section are hereby repealed.

Act June 25, 1910, c. 431, § 23, 36 Stat. 861.

This section is part of an act to provide for determining the heirs of deceased Indians, etc., cited above.

ACT MARCH 2, 1911, c. 192. [H. R. 31856.]

Purchases or services for District of Columbia not exceeding $25.

Hereafter section thirty-seven hundred and nine of the Revised Statutes of the United States shall not be construed to apply to any purchase or service rendered for the District of Columbia when the aggregate amount involved does not exceed the sum of twenty-five dollars.

Act March 2, 1911, c. 192, 36 Stat. 975.

This is a provision of the District of Columbia appropriation act for the fiscal year ending June 30, 1912, cited above.

Sec. 3716.

Advertisements for supplies for Quartermaster's Department.

The purchase of supplies and the procurement of services for all branches of the Army service in open market, when the aggregate does not exceed $500, are authorized by a provision of Act June 12, 1906, c. 3078, set forth below.

Provisions for the purchase of horses from mounted officers ordered to duty beyond seas or making a change of station, contained in Act March 23, 1910, c. 115, are set forth below.

ACT JULY 5, 1884, c. 217.

Purchases of supplies for Quartermaster's and Commissary Departments; transportation of stores for Army by private parties.

The purchase of supplies and the procurement of services for all branches of the Army service in open market, when the aggregate does not exceed $500, are authorized by a provision of Act June 12, 1906, c. 3078, set forth below.

Vessels of the United States, or belonging to the United States, and no others, are to be employed in the transportation of supplies for the use of the Army or Navy, unless their freight charges are found unreasonable, by Act April 28, 1904, c. 1766, set forth below.

Purchases of horses for cavalry, artillery, etc.

The provision of the Army appropriation act for the fiscal year ending June 30, 1902, Act March 2, 1901, c. 803, § 1, set forth in the note to this act in Comp. St. 1901, p. 2492, is repeated, with variations in the amount appropriated and other changes and additions, from year to year, in the Army appropriation acts for subsequent fiscal years. The provision for the fiscal year ending June 30, 1912, is by Act March 3, 1911, c. 209, 36 Stat. 1049.

The Secretary of War is authorized to permit the purchase, by the Quartermaster's Department, of horses from mounted officers of the line who may be ordered to duty beyond the seas or to make a change of station in the United States, when the cost of transportation of such horses shall exceed the sum allowed therefor by the Army Regulations, by a provision of Act March 23, 1910, c. 115, set forth below.

ACT MAY 1, 1888, c. 212.

Purchases of technical and scientific supplies for Military Academy.

The provision of this act and of subsequent appropriation acts, set forth in Comp. St. 1901, p. 2493, is repeated in the same language in the subsequent acts making appropriations for the Military Academy for each fiscal year. The provision for the fiscal year ending June 30, 1912, is by Act March 3, 1911, c. 207, 36 Stat. 1024.

ACT SEPT. 22, 1888, c. 1027, § 1.

Limit of number of draught and pack animals.

The Army appropriation acts for recent fiscal years contain appropriations "for the purchase and hire of draft and pack animals in such numbers as are actually required for the service, including reasonable provision for replacing unserviceable animals." The provision for the fiscal year ending June 30, 1912, is by Act March 3, 1911, c. 209, 36 Stat. 1051.

ACT FEB. 27, 1893, c. 168.

Purchases of medicines and medical supplies.

The purchase of supplies and the procurement of services for all branches of the Army service in the open market, when the aggregate does not exceed $500, are authorized by a provision of Act June 12, 1906, c. 3078, set forth below.

ACT MARCH 2, 1901, c. 803.

Printing for Quartermaster's Department; purchases of supplies for departments and posts, etc., of Army.

The first provision of this act, set forth in Comp. St. 1901, p. 2495, relating to expenditures for printing, is repeated in the same language in the Army appropriation acts for subsequent fiscal years. The provision for the fiscal year ending June 30, 1912, which authorizes the purchase of material as well as the hire of labor for the purpose, is by Act March 3, 1911, c. 209, set forth below.

The further provision of Act March 2, 1901, c. 803, also set forth in Comp. St. 1901, p. 2495, relating to purchase of supplies, is not repeated in the Army appropriation acts after that for the fiscal year 1905, but a general provision authorizing the purchase of supplies and the procurement of services for all branches of the Army service in open market, when the aggregate does not exceed $500, is contained in Act June 12, 1906, c. 3078, set forth below.

ACT APRIL 28, 1904, c. 1766. [S. 2263.]

An Act to Require the Employment of Vessels of the United States for Public Purposes. (33 Stat. 518.)

Transportation of supplies for Army or Navy to be by vessels of United States, unless freight charges are found excessive.

Be it enacted, &c., That vessels of the United States, or belonging to the United States, and no others, shall be employed in the transportation by sea of coal, provisions, fodder, or supplies of any description, purchased pursuant to law, for the use of the Army or Navy unless the President shall find that the rates of freight charges by said vessels are excessive and unreasonable, in which case contracts shall be made under the law as it now exists: Provided, That no greater charges be made by such vessels for transportation of articles for the use of the said Army and Navy than are made by such vessels for transportation of like goods for private parties or companies.

Act April 28, 1904, c. 1766, § 1, 33 Stat. 518.

Time of taking effect of act.

Sec. 2. That this Act shall take effect sixty days after its passage.

Act April 28, 1904, c. 1766, § 2, 33 Stat. 519.

ACT JUNE 12, 1906, c. 3078. [H. R. 14397.]

Purchase of supplies and procurement of services for all branches of Army service in open market.

Hereafter the purchase of supplies and the procurement of services for all branches of the Army service may be made in open market, in the manner common among business men, when the aggregate of the amount required does not exceed five hundred dollars; but every such purchase exceeding one hundred dollars shall be promptly reported to the Secretary of War for approval, under such regulations as he may prescribe.

Act June 12, 1906, c. 3078, 34 Stat. 258.

This is a provision of the Army appropriation act for the fiscal year ending June 30, 1907, cited above.

Previous provisions similar to some extent to those of this paragraph, authorizing the purchase of signal stores, etc., and the engagement of

services by the Signal Corps, the purchase of medicines, etc., and the engagement of services by the Medical Department, and the purchase of ordnance and ordnance stores, etc., and the procurement of services by the Ordnance Department, were contained in Act March 2, 1903, c. 975, 32 Stat. 929, 940, 942, and Act April 23, 1904, c. 1485, 33 Stat. 275. All these provisions may be regarded as superseded by the more comprehensive provisions of this paragraph.

A provision similar to that of this paragraph relating to the purchase of supplies and the procurement of services for all branches of the naval service, contained in Act March 2, 1907, c. 2512, is set forth post, under Rev. St. § 3721.

ACT MAY 11, 1908, c. 163. [H. R. 17288.]

Purchases of special articles of ordnance property.

Whenever proposals are invited for the furnishing of articles of ordnance property, the character of which or the ingredients thereof are of such a nature that the interests of the public service would be injured by publicly divulging them, the Chief of Ordnance is authorized to purchase such articles in such manner as he may deem most economical and efficient.

Act May 11, 1908, c. 163, 35 Stat. 125.

This is a provision of the Army appropriation act for the fiscal year ending June 30, 1909, cited above.

Further provisions relating to ordnance contracts, contained in Act March 23, 1910, c. 115, are set forth below.

ACT MARCH 23, 1910, c. 115. [H. R. 15384.]

Purchase of horses from mounted officers.

* * That hereafter when a mounted officer is ordered to duty beyond the seas or to make a change of station in the United States in which the cost of transportation for his authorized number of owned horses exceeds the sum at the time allowed for that purpose in the Army Regulations, the Secretary of War is authorized, under such regulations in respect to inspection and valuation as he may prescribe, in his discretion to permit the purchase of said horses by the Quartermaster's Department, at a price not exceeding the average contract price paid for horses during the preceding fiscal year, the exact price to be fixed by a board of officers.

Act March 23, 1910, c. 115, 36 Stat. 254.

This is a proviso annexed to an appropriation for horses for cavalry, etc., in the Army appropriation act for the fiscal year ending June 30, 1911, cited above.

A previous similar provision was contained in Act March 2, 1903, c. 975, 32 Stat. 937.

Ordnance contracts; requirements.

Ordnance contracts: Hereafter whenever contracts which are not to be performed within sixty days are made on behalf of the Government by the Chief of Ordnance, or by officers under him authorized to make them, and are in excess of five hundred dollars in amount, such contracts shall be reduced to writing and signed by the contracting parties with their names at the end thereof. In all other cases contracts shall be prepared under such regulations as may be prescribed by the Chief of Ordnance.

Act March 23, 1910, c. 115, 36 Stat. 261.

This is a further provision of the Army appropriation act for the fiscal year ending June 30, 1911, cited above.

A previous provision relating to purchases of special articles of ordnance property, contained in Act May 11, 1908, c. 163, is set forth above.

ACT MARCH 3, 1911, c. 209. [H. R. 31237.]

Printing for Quartermaster's Department to be done at Government Printing Office or by contract except in cases of emergency.

* * That no part of the appropriations for the Quartermaster's Department shall be expended on printing unless the same shall be done at the Government Printing Office, or by contract after due notice and competition, except in such cases as the emergency will not admit of the giving notice of competition, and in cases where it is impracticable to have the necessary printing done by contract the same may be done, with the approval of the Secretary of War, by the purchase of material and hire of the necessary labor for the purpose.

Act March 3, 1911, c. 209, 36 Stat. 1047.

This is a proviso annexed to an appropriation for the Quartermaster's Department for regular supplies, in the army appropriation act for the fiscal year ending June 30, 1912, cited above.

Provisions similar, to a greater or less extent, were contained in Act March 2, 1901, c. 803, and subsequent Army appropriation acts.

Sec. 3717.

Separate proposals required for works, etc.

It is made the duty of the Secretary of War to apply the money appropriated for fortifications, etc., by contract or otherwise, as may be most economical and advantageous, and requirements as to making such contracts, proposals therefor, securities, etc., are prescribed, by provisions of Act June 25, 1906, c. 3540, set forth below.

Works of improvement authorized to be prosecuted or completed under contracts may, in the discretion of the Secretary of War, be carried on by contract or otherwise, as may be most economical or advantageous, by a provision of Act March 2, 1907, c. 2509, § 1, set forth below.

ACT MARCH 3, 1875, c. 133, § 2.

Contracts for material for public improvements; preference to domestic materials and labor.

The fortifications appropriation acts for recent years require all material purchased under their provisions to be of American manufacture, except in cases when, in the judgment of the Secretary of War, it will be to the manifest interest of the United States to purchase such materials in limited quantities abroad. The provision for the fiscal year 1912 is by Act March 4, 1911, c. 242, 36 Stat. 1343.

ACT JUNE 25, 1906, c. 3540. [H. R. 14171.]

Appropriations for fortifications, etc.; work to be carried on by contract or otherwise; advertisement for proposals, making contracts, and requirement of securities.

It shall be the duty of the Secretary of War to apply the money herein and hereafter appropriated for fortifications and other works of defense, in carrying on the various works, by contract or otherwise, as may be most economical and advantageous to the Government. Where said works are done by contract, such contract shall be made after sufficient public advertisement for proposals, in such manner and form as the Secretary of War shall prescribe; and such contracts shall be made with the lowest responsible bidders, accompanied by such securities as the Secretary of War shall require, conditioned for the faithful prosecution and completion of the work according to such contract.

Act June 25, 1906, c. 3540, 34 Stat. 463.

This is a provision of the fortifications appropriations act of June 25, 1906, cited above.

ACT MARCH 2, 1907, c. 2509, § 1. [H. R. 24991.]

Works of improvement of rivers and harbors to be carried on by contract or otherwise.

All works of improvement heretofore or herein authorized to be prosecuted or completed under contracts may, in the discretion of the Secretary of War, be carried on by contract or otherwise, as may be most economical or advantageous to the United States.

Act March 2, 1907, c. 2509, § 1, 34 Stat. 1110.

This is a provision of the river and harbor appropriation act of March 2, 1907, cited above. A previous provision in the same language was contained in Act June 13, 1902, c. 1079, § 1, 32 Stat. 371.

Sec. 3718. [*As amended* 1890, 1892, 1893.]

Naval supplies to be furnished by contract.

The Navy appropriation acts for the fiscal years 1911 and 1912 contain provisos, annexed to the appropriations for ordnance and ordnance stores, and for ammunition for ships of the Navy, that no part of those appropriations "shall be expended for the purchase of shells or projectiles except for shells or projectiles purchased in accordance with the terms and conditions of proposals submitted by the Secretary of the Navy to all the manufacturers of shells and projectiles and upon bids received in accordance with the terms and requirements of such proposals." Act June 24, 1910, c. 378, 36 Stat. 611. Act March 4, 1911, c. 239, 36 Stat. 1271.

Sec. 3719. [*As amended* 1896.]

Guarantee of bid [or certified check].

The amount of the check which, by the proviso added to this section by amendment by Act May 25, 1896, c. 239, set forth in Comp. St. 1901, p. 2499, the Secretary of the Navy may accept in lieu of the guaranty required to accompany a proposal for naval supplies and in lieu of the bond required for performance of a contract for furnishing such supplies, may be from 25 to 50 per cent. of the amount of such proposal or contract, by Act Dec. 11, 1906, c. 1, set forth below.

ACT DEC. 11, 1906, c. 1. [S. 1804.]

An Act Providing for the Use of Certified Checks to Secure Compliance with Proposals and Contracts for Naval Supplies. (34 Stat. 841.)

Certified check in lieu of guaranty accompanying proposal or of bond for performance of contract for naval supplies.

Be it enacted, &c., That the Secretary of the Navy may, in his discretion, accept, in lieu of the written guaranty required to accompany a proposal for naval supplies, and in lieu of the bond required for the faithful performance of a contract for furnishing such supplies, a certified check, payable to the order of the Secretary of the Navy, for from twenty-five to fifty per centum of the amount of such proposal or contract, the check to be held by the Secretary of the Navy until the requirements of the proposal or contract shall be complied with and as a guaranty for compliance with the same.

Act Dec. 11, 1906, c. 1, 34 Stat. 841.

A previous provision similar to that of this act, except in requiring a certified check for the full amount of the proposal or contract, is contained in the proviso annexed to Rev. St. § 3719 by Act May 25, 1896, c. 239, incorporated in that section as set forth in Comp. St. 1901, p. 2499.

Sec. 3720.

[Repealed in part. Act June 22, 1910, c. 331.]

That part of this section, set forth in Comp. St. 1901, p. 2499, containing the words "and reported by the Secretary of the Navy to congress at the commencement of every regular session. The report shall contain a schedule embracing the offers by classes, indicating such as have been accepted," is repealed, with a clause of Rev. St. § 429, by Act June 22, 1910, c. 331, set forth ante, under Title X, "The Department of the Navy."

Sec. 3721.

Purchases [for naval service] without advertisements.

A provision prescribing the construction of the words "ordnance" and "gunpowder," in Rev. St. § 3721, Comp. St. 1901, p. 2500, was contained in Act Aug. 5, 1882, c. 391, 22 Stat. 288, but was repealed by Act July 5, 1884, c. 235, § 4, 23 Stat. 159.

The purchase of supplies and the procurement of services for all branches of the naval service in open market, when the aggregate does not exceed $500, are authorized by a provision of Act March 2, 1907, c. 2512, set forth below.

ACT MARCH 2, 1907, c. 2512. [H. R. 24925.]

Purchase of supplies and procurement of services for all branches of naval service in open market.

* * That hereafter the purchase of supplies and the procurement of services for all branches of the naval service may be made in open market in the manner common among business men, without formal contract or bond, when the aggregate of the amount required does not exceed five hundred dollars, and when, in the opinion of the proper administrative officers, such limitation of amount is not designed to evade purchase under formal contract or bond, and equally or more advantageous terms can thereby be secured.

Act March 2, 1907, c. 2512, 34 Stat. 1193.

This is a provision of the naval appropriation act for the fiscal year ending June 30, 1908, cited above.

A similar provision relating to the purchase of supplies and the procurement of services for all branches of the Army service, contained in Act June 12, 1906, c. 3078, is set forth ante, under Rev. St. § 3716.

Sec. 3730.

Relinquishment of reservations on deliveries.

The Secretary of the Navy is authorized to make partial payments during the progress of the work under contracts, by Act Aug. 22, 1911, c. 42, set forth below.

ACT AUG. 22, 1911, c. 42. [S. 2003.]

An Act Authorizing the Secretary of the Navy to Make Partial Payments for Work Already Done under Public Contracts. (37 Stat. 32.)

Partial payments during progress of work under contracts.

Be it enacted, &c., That the Secretary of the Navy be, and he hereby is, authorized, in his discretion, to make partial payments from time to time during the progress of the work under existing contracts and all contracts hereafter made under the Navy Department for public purposes, but not in excess of the value of work already done; and

the contracts hereafter made shall provide for a lien in favor of the Government, which lien is hereby made paramount to all other liens, upon the articles or thing contracted for on account of all payments so made: Provided, That partial payments shall not be made under such contracts except where stipulated for, and then only in accordance with contract provisions.

Act Aug. 22, 1911, c. 42, 37 Stat. 32.

A previous provision, somewhat similar to this act, contained in Act March 4, 1911, c. 239, 36 Stat. 1267, was repealed by Res. Aug. 14, 1911, No. 5, 37 Stat. 38.

Sec. 3732.

ACT AUG. 15, 1894, c. 290, § 4.

Contracts for supplies for Indian Service in advance of appropriations.

Provisions for the purchase of supplies for the Indian Service, and the letting of contracts, and the hire of labor, are contained in the Indian appropriation acts for recent fiscal years. They relate only to purchases, etc., provided for by other parts of the acts, and are of permanency only as they affect such purchases made under the acts. The provisions for the fiscal year ending June 30, 1912, are by Act March 3, 1911, c. 210, 36 Stat. 1061.

ACT APRIL 28, 1904, c. 1759, § 3. [H. R. 13521.]

Purchasing agent for Post-Office Department; appointment; salary; bond; duties; purchases of supplies.

That there shall be appointed by the President, by and with the advice and consent of the Senate, a purchasing agent for the Post-Office Department, who shall hold office for four years unless sooner removed by the President, and who shall receive an annual salary of four thousand dollars, give bond to the United States in such sum as the Postmaster-General may determine, and report direct to the Postmaster-General; and who shall, under such regulations, not inconsistent with existing law, as the Postmaster-General shall prescribe, and subject to his direction and control, have supervision of the purchase of all supplies for the postal service.

The purchasing agent, in making purchases for supplies necessary for the Post-Office Department, shall advertise, as now provided by law, and award contracts for such supplies to the lowest responsible bidder in pursuance of existing law. The purchasing agent shall have recorded in a book to be kept for that purpose a true and faithful abstract of all bids made for furnishing supplies to the Post-Office Department, giving the name of the party bidding, the terms of the offer, the sum to be paid, and he shall keep on file and preserve all such bids until the end of the contract term to which they relate. Each bidder shall have the right to be present, either in person or by attorney, when the bids are opened, and shall have the right to examine and inspect all bids. All purchases, advertisements, and contracts for supplies for the Post-Office Department shall be made by the purchasing agent in the name of the Postmaster-General subject to his approval, and in purchasing such supplies preference shall be given to articles of domestic production and manufacture, conditions of price and quality being equal. There shall be separate proposals and separate contracts for each class of material furnished. These records shall be open at all times for the inspection of Congress, and for the inspection of those who may be

interested in such contracts made, or to be made, to furnish supplies to the Post-Office Department.

Act April 28, 1904, c. 1759, § 3, 33 Stat. 440.

This section is part of the postal appropriation act for the fiscal year ending June 30, 1905, cited above.

Sec. 3733.

No contract to exceed appropriation.

No contracts are to be made for payment for any site for a public building in excess of the amount specifically appropriated therefor, by a provision of Rev. St. § 3734, as amended by Act June 25, 1910, c. 383, § 33, set forth below.

Where appropriations are made in part only for carrying into effect provisions for public buildings, contracts may be entered into within the full limit of cost fixed by Congress therefor, by Act May 30, 1908, c. 228, § 34, set forth post, under Title XLIII A, "Public Buildings and Works."

Sec. 3734.

[Amended. Act June 25, 1910, c. 383, § 33.]

This section, set forth in Comp. St. 1901, p. 2506, is amended by Act June 25, 1910, c. 383, § 33, to read as set forth below.

ACT JUNE 25, 1910, c. 383, § 33. [H. R. 26987.]

Amendment of Rev. St. § 3734.

Sec. 33. That section thirty-seven hundred and thirty-four of the Revised Statutes of the United States be, and the same is hereby, amended so as to read as follows:

Restrictions on commencement of new buildings; payments or contracts for sites; sketch plans to be approved before expenditure; subsequent changes; limit of cost.

"Sec. 3734. And hereafter no money shall be paid nor contracts made for payment for any site for a public building in excess of the amount specifically appropriated therefor; and no money shall be expended upon any public building until after sketch plans showing the tentative design and arrangement of such building, together with outline description and detailed estimates of the cost thereof shall have been made by the Supervising Architect of the Treasury Department (except when otherwise authorized by law) and said sketch plans and estimates shall have been approved by the Secretary of the Treasury and the head of each executive department who will have officials located in such building; but such approval shall not prevent subsequent changes in the design, arrangement, materials, or methods of construction or cost which may be found necessary or advantageous: Provided, That no such changes shall be made involving an expense in excess of the limit of cost fixed or extended by Congress, and all appropriations made for the construction of such building shall be expended within the limit of cost so fixed or extended."

Act June 25, 1910, c. 383, § 33, 36 Stat. 699.

This section is part of an act to increase the limit of cost of certain public buildings, etc., cited above.

Rev. St. § 3734, amended by this section, is set forth in Comp. St. 1901, p. 2506.

Sec. 3735.

Contracts limited to one year.

The Postmaster-General is authorized to make contracts for supplies for the "Supply Division" for a term not exceeding four years, by Act April 21, 1902, c. 563, § 1, set forth below.

The Postmaster-General is authorized to make contracts for marine postal service, Detroit, Michigan, for a period not exceeding 10 years, by Act March 3, 1903, c. 1009, § 1, set forth post, under Title XLVI, "The Postal Service," c. 8.

The Postmaster-General is authorized to contract, for a period not exceeding four years, for all envelopes, stamped or otherwise, designed for sale to the public or for use by the departments, etc., by a provision of Act June 26, 1906, c. 3546, set forth post, under Title XLVI, "The Postal Service," c. 5.

ACT APRIL 21, 1902, c. 563, § 1.

Contracts for supplies for Supply Division may be made for four years.

And hereafter the Postmaster-General is authorized to contract for a term not exceeding four years, for the supply of any or all articles enumerated under the head of "Supply Division," when, in his judgment, it shall appear to be for the best interests of the service.

Act April 21, 1902, c. 563, § 1, 32 Stat. 114.

This is a provision of the postal service appropriation act for the fiscal year ending June 30, 1903, cited above.

Sec. 3738.

Eight hours to be a day's work.

Eight hours constitute a day's work in the construction of irrigation works by contract under Act June 17, 1902, c. 1093, by a proviso annexed to section 4 of that act, ante, under Title XXXII, "The Public Lands," c. 11, subchapter "Irrigation."

ACT APRIL 28, 1904, c. 1759, § 1. [H. R. 13521.]

Material or supplies manufactured by convict labor not to be purchased by Post-Office Department.

* * That hereafter no contract shall be entered into by the Post-Office Department for purchase of material or supplies to be manufactured by convict labor.

Act April 28, 1904, c. 1759, § 1, 33 Stat. 435.

This is a proviso annexed to an appropriation for mail bags, etc., in the postal appropriation act for the fiscal year ending June 30, 1905, cited above.

Secs. 3739, 3740.

[Repealed. Act March 4, 1909, c. 321, § 341.]

These sections, set forth in Comp. St. 1901, p. 2508, are incorporated in the act to codify, etc., the penal laws, Act March 4, 1909, c. 321, in chapter 5, §§ 114, 116, thereof, and are expressly repealed by chapter 15, § 341, of said act, taking effect January 1, 1910. Said act is set forth post, under Title LXIX A, "The Criminal Code."

Sec. 3742.

[Repealed. Act March 4, 1909, c. 321, § 341.]

This section, set forth in Comp. St. 1901, p. 2509, is incorporated in the act to codify, etc., the penal laws, Act March 4, 1909, c. 321, in chapter 5, § 115, thereof, and is expressly repealed by chapter 15, § 341, of said act, taking effect January 1, 1910. Said act is set forth post, under Title LXIX A, "The Criminal Code."

Sec. 3744.

Contracts to be in writing.

The requirements of this section, set forth in Comp. St. 1901, p. 2510, are not to apply to leases, etc., for not exceeding three months, in connection with river and harbor improvements, by Act June 25, 1910, c. 382, § 5, set forth below.

ACT JUNE 25, 1910, c. 382, § 5. [H. R. 20686.]

Requirements as to contracts in writing, etc., not to apply to leases, hire of vessels, etc., for not exceeding three months, in connection with river and harbor improvements.

Sec. 5. That the requirements of section thirty-seven hundred and forty-four of the Revised Statutes shall not apply to the lease of lands, or easements therein, or of buildings, rooms, wharves, or rights of wharfage or dockage, or to the hire of vessels, boats, and other floating craft, for use in connection with river and harbor improvements, where the period of any such lease or hire is not to exceed three months.

Act June 25, 1910, c. 382, § 5, 36 Stat. 676.

This section is part of the river and harbor appropriation act of 1910, cited above.

Rev. St. § 3744, mentioned in this section, is set forth in Comp. St. 1901, p. 2510.

[TITLE XLIII A.]

[PUBLIC BUILDINGS AND WORKS.]

ACT MARCH 3, 1875, c. 130, § 1.

Restriction on contracts and expenditures for public buildings and sites therefor.

Where appropriations are made in part only for carrying into effect provisions for public buildings, contracts may be entered into within the full limit of cost fixed by Congress therefor, by Act May 30, 1908, c. 228, § 34, set forth below.

Appropriations for public buildings under control of the Treasury Department are to be available only for the purposes specifically enumerated, and separate estimates of appropriations for the administrative work of carrying into effect public building acts are required to be submitted annually, and appropriations for said administrative work, when made, are to be available immediately for such services and expenses, etc., as the Secretary of the Treasury may specially order or approve, by Act May 30, 1908, c. 288, § 6, set forth ante, under Title XLI, "Appropriations."

Restrictions on payments and contracts for payments for sites of public buildings in excess of specific appropriations therefor, and on expenditures for any public building until after sketch plans therefor have been made and approved, are contained in Rev. St. § 3734, as amended by Act June 25, 1910, c. 383, § 33, set forth ante, under Title XLIII, "Public Contracts."

ACT MARCH 3, 1883, c. 143.

Acquisition of building sites by purchase or condemnation.

The renting of buildings, not reserved by the vendors, on lands acquired for building sites, etc., is authorized by a provision of Act March 4, 1909, c. 299, § 1, set forth post, under Title XLIV, "The Public Property."

Provisions relating to the purchase of sites for buildings and additions to buildings authorized by the public buildings act of 1910, are contained in sections 38-40 thereof, Act June 25, 1910, 36 Stat. 701.

ACT AUG. 1, 1888, c. 728, § 2.

Condemnation of building sites; procedure.

The Secretary of the Interior is authorized to acquire by purchase or by condemnation rights or property necessary for the construction of irrigation works for the reclamation of arid lands, by Act June 17, 1902, c. 1093, § 7, ante, under Title XXXII, "The Public Lands," c. 11, subchapter "Irrigation."

ACT AUG. 18, 1890, c. 797, § 1.

Condemnation of sites, etc., for fortifications and coast defenses; purchases and donations; limitation of expenditure.

In acquiring sites for fortifications, sufficient land for necessary barracks and quarters for the artillery troops required in connection with each of such fortifications is to be purchased or otherwise procured at the same time, by a provision of Act April 28, 1904, c. 1762, § 1, set forth below.

ACT AUG. 1, 1892, c. 352.

Eight hours' labor in one day for laborers and mechanics on Government works.

Eight hours constitute a day's work in the construction of irrigation works by contract under Act June 17, 1902, c. 1093, by a proviso

annexed to section 4 of that act, ante, under Title XXXII, "The Public Lands," c. 11, subchapter "Irrigation."

ACT FEB. 20, 1893, c. 146.

Plans, drawings, etc., for public buildings may be obtained by competition; supervision of work.

Contracts for the full architectural services of the successful architect in any competition held under the provisions of Act Feb. 20, 1893, c. 146, set forth in Comp. St. 1901, p. 2032, are authorized by Act June 25, 1910, c. 383, § 34, set forth below.

The Secretary of the Treasury is further authorized, upon request of the head of any other Executive Department, etc., to cause plans, etc., for buildings for governmental purposes to be prepared in the office of the Supervising Architect, by Act June 25, 1910, c. 383, § 35, set forth below.

Provisions for the payment of the expense of preparing plans for public buildings are contained in Act June 28, 1902, c. 1301, § 1, set forth below.

ACT AUG. 13, 1894, c. 280.

[Amended. Act Feb. 24, 1905, c. 778.]

This act, set forth in Comp. St. 1901, p. 2523, is amended by Act Feb. 24, 1905, c. 778, to read as set forth below.

ACT JUNE 6, 1900, c. 785.

Use of furniture although not corresponding to regulation plan.

The provision of this act, set forth in Comp. St. 1901, p. 2525, is repeated in substantially the same language in the sundry civil appropriation acts for subsequent years. The provision for the fiscal year ending June 30, 1906, contained in Act March 3, 1905, c. 1483, § 1, has, instead of the words "in other buildings," or "in other public buildings," used in the previous acts, the words "in other public buildings and in buildings rented by the United States," as set forth below.

Appropriations for the appointment of a general inspector of supplies for public buildings are made by provisions of Act June 28, 1902, c. 1301, § 1, set forth below, and of Act May 27, 1908, c. 200, § 1, also set forth below.

Furniture for all new public buildings is to be in accordance with plans and specifications approved by the Supervising Architect of the Treasury, by a provision of Act May 27, 1908, c. 200, § 1, set forth below.

ACT JUNE 6, 1900, c. 791, § 1.

Barracks and quarters at seacoast defense posts; limitation on expenditure.

In acquiring sites for fortifications, land for barracks and quarters for the artillery troops required in connection with each fortification is to be procured at the same time, by a provision of Act April 28, 1904, c. 1762, § 1, set forth below.

ACT JUNE 28, 1902, c. 1301, § 1.

Plans, etc., for public buildings; expense of preparation, how paid.

* * Hereafter the purchase of specially prepared paper for the duplication of plans, and such other incidental expenses and supplies as the Secretary of the Treasury may deem necessary and specially order for the use of the office of the Supervising Architect, exclusively for the purpose of carrying into effect the various appropriations for public buildings, shall be paid for from and equitably charged against such appropriations, in accordance with existing practice.

Act June 28, 1902, c. 1301, § 1, 32 Stat. 423.

This is a provision of the sundry civil appropriation act for the fiscal year ending June 30, 1903, cited above. It is repeated in the similar

appropriation act for the fiscal year ending June 30, 1904, Act March 3, 1903, c. 1007, § 1, 32 Stat. 1091.

General inspector of supplies for public buildings.

General Inspector of Supplies for Public Buildings: For one general inspector, under the direction of the Secretary of the Treasury, to be appointed by the President, by and with the advice and consent of the Senate three thousand dollars. * *

Act June 28, 1902, c. 1301, § 1, 32 Stat. 448.

This is a further provision of the sundry civil appropriation act for the fiscal year ending June 30, 1903, cited above. It is repeated in the similar acts for subsequent fiscal years. The provision for the fiscal year ending June 30, 1909, prescribing the duties of such general inspector, contained in Act May 27, 1908, c. 200, § 1, is set forth below.

Contracts for improvements in Yellowstone Park.

Improvement of the Yellowstone National Park: For the improvement of the Yellowstone National Park, in accordance with the approved project, including the maintenance of existing improvements, to be expended by and under the direction of the Secretary of War, two hundred and fifty thousand dollars, to be immediately available: Provided, That the Secretary of War may enter into a contract or contracts for such labor and materials as may be necessary for the completion of the project, including annual maintenance and repairs, or the work may be done and the materials purchased otherwise than by contract, to be paid for as appropriations may from time to time be made by law, not to exceed in any one year two hundred and fifty thousand dollars, and not to exceed in the aggregate five hundred thousand dollars, exclusive of the amounts herein and heretofore appropriated: And provided further, That of the amounts so appropriated not to exceed fifty thousand dollars may, in the discretion of the Secretary of War, be expended in the Yellowstone forest reserve east of the park, and not to exceed twenty-five thousand dollars may be expended in the Yellowstone and Teton forest reserves south of the park.

Act June 28, 1902, c. 1301, § 1, 32 Stat. 466.

This is a further provision of the sundry civil appropriation act for the fiscal year ending June 30, 1903, cited above.

Leases of lands in Hawaii for military posts.

* * That the Secretary of War is authorized to acquire leases in such lands in Hawaii as have been set aside for purposes of a military post.

Act June 28, 1902, c. 1301, § 1, 32 Stat. 464.

This is a proviso annexed to an appropriation for military posts in the sundry civil appropriation act for the fiscal year ending June 30, 1903, cited above.

ACT APRIL 28, 1904, c. 1762, § 1. [H. R. 14416.]

Sites for fortifications to include land for barracks and quarters for artillery troops required in connection therewith.

* * That hereafter in acquiring sites for fortifications it shall be the duty of the Secretary of War, in every case of such acquirement, to purchase or otherwise procure at the same time, under this and future appropriations for this purpose, sufficient land for necessary barracks and quarters for the artillery troops required in connection with each of such fortifications; but no part of the money appropriated for military

posts shall be used for the purchase of any land except as herein specifically provided.

Act April 28, 1904, c. 1762, § 1, 33 Stat. 497.

This is a proviso annexed to an appropriation for buildings, etc., at military posts in the sundry civil appropriation act for the fiscal year ending June 30, 1905, cited above.

Provisions for the acquisition of sites for fortifications, by condemnation or otherwise, contained in Act Aug. 18, 1890, c. 797, § 1, are set forth in Comp. St. 1901, p. 2518.

ACT FEB. 24, 1905, c. 778. [H. R. 13626.]

An Act to Amend an Act Approved August Thirteenth, Eighteen hundred and ninety-four, Entitled "An Act for the Protection of Persons Furnishing Materials and Labor for the Construction of Public Works." (33 Stat. 811.)

Amendment of Act Aug. 13, 1894, c. 280.

Be it enacted, &c., That the Act entitled "An Act for the protection of persons furnishing materials and labor for the construction of public works," approved August thirteenth, eighteen hundred and ninety-four, is hereby amended so as to read as follows:

Bonds of contractors for public buildings or works; rights of persons furnishing labor and materials; remedies on bonds, and proceedings in actions thereon.

"That hereafter any person or persons entering into a formal contract with the United States for the construction of any public building, or the prosecution and completion of any public work, or for repairs upon any public building or public work, shall be required, before commencing such work, to execute the usual penal bond, with good and sufficient sureties, with the additional obligation that such contractor or contractors shall promptly make payments to all persons supplying him or them with labor and materials in the prosecution of the work provided for in such contract; and any person, company, or corporation who has furnished labor or materials used in the construction or repair of any public building or public work, and payment for which has not been made, shall have the right to intervene and be made a party to any action instituted by the United States on the bond of the contractor, and to have their rights and claims adjudicated in such action and judgment rendered thereon, subject, however, to the priority of the claim and judgment of the United States. If the full amount of the liability of the surety on said bond is insufficient to pay the full amount of said claims and demands, then, after paying the full amount due the United States, the remainder shall be distributed pro rata among said interveners. If no suit should be brought by the United States within six months from the completion and final settlement of said contract, then the person or persons supplying the contractor with labor and materials shall, upon application therefor, and furnishing affidavit to the Department under the direction of which said work has been prosecuted that labor or materials for the prosecution of such work has been supplied by him or them, and payment for which has not been made, be furnished with a certified copy of said contract and bond, upon which he or they shall have a right of action, and shall be, and are hereby, authorized to bring suit in the name of the United States in the circuit court of the United States in the district in which said contract was to be performed and executed, irrespective of the amount in con-

troversy in such suit, and not elsewhere, for his or their use and benefit, against said contractor and his sureties, and to prosecute the same to final judgment and execution: Provided, That where suit is instituted by any of such creditors on the bond of the contractor it shall not be commenced until after the complete performance of said contract and final settlement thereof, and shall be commenced within one year after the performance and final settlement of said contract, and not later: And provided further, That where suit is so instituted by a creditor or by creditors, only one action shall be brought, and any creditor may file his claim in such action and be made party thereto within one year from the completion of the work under said contract, and not later. If the recovery on the bond should be inadequate to pay the amounts found due to all of said creditors, judgment shall be given to each creditor pro rata of the amount of the recovery. The surety on said bond may pay into court, for distribution among said claimants and creditors, the full amount of the sureties' liability, to wit, the penalty named in the bond, less any amount which said surety may have had to pay to the United States by reason of the execution of said bond, and upon so doing the surety will be relieved from further liability: Provided further, That in all suits instituted under the provisions of this Act such personal notice of the pendency of such suits, informing them of their right to intervene as the court may order, shall be given to all known creditors, and in addition thereto notice of publication in some newspaper of general circulation, published in the State or town where the contract is being performed, for at least three successive weeks, the last publication to be at least three months before the time limited therefor."

Act Feb. 24, 1905, c. 778, 33 Stat. 811.

Act Aug. 13, 1894, c. 280, amended by this act, is set forth in Comp. St. 1901, p. 2523.

ACT MARCH 3, 1905, c. 1483, § 1. [H. R. 18969.]

Use of furniture although not corresponding to regulation plan.

Furniture and repairs of furniture: For furniture and repairs of same, carpets, and gas and electric-light fixtures for all public buildings, exclusive of marine hospitals, mints, branch mints, and assay offices, under the control of the Treasury Department, and for furniture, carpets, gas and electric-light fixtures for new buildings, exclusive of personal services, except for work done by contract. * * And all furniture now owned by the United States in other public buildings and in buildings rented by the United States shall be used, so far as practicable, whether it corresponds with the present regulation plan for furniture or not.

Act March 3, 1905, c. 1483, § 1, 33 Stat. 1168.

A similar provision contained in Act June 6, 1900, c. 785, and repeated in subsequent similar appropriation acts, is set forth in Comp. St. 1901, p. 2525. This provision is repeated in the similar appropriation acts subsequent thereto. The provision for the fiscal year ending June 30, 1912, is by Act March 4, 1911, c. 285, § 1, 36 Stat. 1391.

Expenditures, from the appropriation for this purpose, for expenses of persons detailed to assist the inspector and assistant inspector of furniture provided for by Act March 4, 1910, c. 209, § 1, 35 Stat. 967, are not to continue after the fiscal year ending June 30, 1910, by a provision of Act June 25, 1910, c. 384, set forth ante, under Title XLI. "Appropriations," under Rev. St. § 3678.

ACT MAY 27, 1908, c. 200, § 1. [H. R. 21260.]

General inspector of supplies for public buildings.

General inspector of supplies for public buildings: For one general inspector, under the direction of the Secretary of the Treasury, to be appointed by the President, by and with the advice and consent of the Senate, whose duty it shall be to inspect public buildings under the control of the Treasury Department, and report on the efficiency of the custodians' forces, and the use of fuel, lights, water, miscellaneous supplies, and so forth, three thousand dollars; and for actual necessary traveling expenses, not exceeding two thousand dollars; in all five thousand dollars.

Act May 27, 1908, c. 200, § 1, 35 Stat. 327.

This is a further provision of the sundry civil appropriation act for the fiscal year ending June 30, 1909, cited above. It is repeated in the similar act for the fiscal year ending June 30, 1912, Act March 4, 1911, c. 285, § 1, 36 Stat. 1391.

Previous provisions, similar to some extent, were contained in Act June 28, 1902, c. 1301, § 1, set forth above, and acts subsequent thereto.

Provisions of recent sundry civil appropriation acts authorize the Secretary of the Treasury, during the particular fiscal year, out of the appropriations "Fuel, lights, and water for public buildings," and "Pay of assistant custodians and janitors," to furnish steam for the operation of pneumatic tubes of the postal service, and to pay employees in the production of said steam, the proceeds derived from the sale of said steam to be credited to said appropriations in proportion to the amounts expended therefrom. The provision for the fiscal year 1912 is by Act March 4, 1911, c. 285, § 1, 36 Stat. 1392.

Furniture for new buildings in accordance with plans and specifications.

The furniture for all new public buildings shall hereafter be procured in accordance with plans and specifications approved by the Supervising Architect of the Treasury.

Act May 27, 1908, c. 200, § 1, 35 Stat. 327.

This is a further provision of the sundry civil appropriation act for the fiscal year ending June 30, 1909, cited above.

ACT MAY 30, 1908, c. 228, § 34. [H. R. 21897.]

Contracts for public buildings authorized within limit of cost fixed, although appropriations are in part only.

That hereafter in all cases where appropriations are made in part only for carrying into effect the provisions of legislation authorizing the acquisition of land for sites or for the enlargement of sites for public buildings, or for the erection or remodeling, extension, alteration, and repairs of public buildings, the Secretary of the Treasury, unless otherwise specifically directed, be, and he is hereby, authorized and empowered to enter into contracts within the full limit of cost fixed by Congress therefor.

Act May 30, 1908, c. 228, § 34, 35 Stat. 545.

ACT JUNE 25, 1910, c. 383, §§ 34, 35. [H. R. 26987.]

Contract for services of architect successful in competition for selection of plans, etc.; compensation.

Sec. 34. That hereafter the Secretary of the Treasury be, and he is hereby, authorized to enter into contracts for the full architectural services of the successful architect in any competition held under the provisions of the Act of February twentieth, eighteen hundred and ninety-three, and to compensate him for his services from the

appropriation for "general expenses of public buildings" available at the time payment for the particular services rendered is due.

Act June 25, 1910, c. 383, § 34, 36 Stat. 699.

This section and the section following are part of an act to increase the cost of public buildings, etc., cited above.

Act Feb. 20, 1893, c. 146, mentioned in this section, is set forth in Comp. St. 1901, p. 2522.

Plans, etc., for buildings for Executive Departments, etc.; preparation in office of Supervising Architect; reimbursement for cost of work.

Sec. 35. That hereafter the Secretary of the Treasury may, in his discretion, upon the request of the head of any other executive department, or establishment of the Government not under any executive department, cause the plans, drawings, designs, specifications, and estimates to be prepared in the office of the Supervising Architect, for any building or buildings for governmental purposes which the head of any other executive department or establishment not under an executive department may be authorized to have constructed: Provided, That the proper appropriations for the support and maintenance of the office of the Supervising Architect be reimbursed for the cost of such work.

Act June 25, 1910, c. 383, § 35, 36 Stat. 699.

See note under preceding section.

TITLE XLIV.

THE PUBLIC PROPERTY.

Sec. 3751.

ACT MARCH 3, 1879, c. 182, § 1.

Secretary of Treasury may lease unproductive public property.

The renting of buildings, not reserved by the vendors, on lands acquired for building sites, etc., is authorized by a provision of Act March 4, 1909, c. 299, § 1, set forth below.

ACT AUG. 7, 1882, c. 433, § 1.

[Superseded. Act March 3, 1903, c. 1007, § 1.]

The provision of this act set forth in Comp. St. 1901, p. 2529, is superseded by the more comprehensive and permanent provision contained in Act March 3, 1903, c. 1007, § 1, set forth below.

ACT MARCH 3, 1903, c. 1007, § 1.

Secretary of Treasury may sell lands acquired by United States by devise.

The Secretary of the Treasury is authorized to sell such lands as have been or may hereafter be acquired by the United States by devise, upon such terms and after such public notice by advertisement as he may deem best for the public interest.

Act March 3, 1903, c. 1007, § 1, 32 Stat. 1112.

This is a provision of the sundry civil appropriation act for the fiscal year ending June 30, 1904, cited above. It supersedes a provision of Act Aug. 7, 1882, c. 433, § 1, Comp. St. 1901, p. 2529, which authorized the Secretary of the Treasury to "sell such lands as have been acquired by devise," etc.

ACT JUNE 8, 1906, c. 3060. [S. 4698.]

An Act for the Preservation of American Antiquities. (34 Stat. 225.)

Appropriation, excavation, injury, or destruction of objects of antiquity on lands of United States without permission, punishable; penalty.

Be it enacted, &c., That any person who shall appropriate, excavate, injure, or destroy any historic or prehistoric ruin or monument, or any object of antiquity, situated on lands owned or controlled by the Government of the United States, without the permission of the Secretary of the Department of the Government having jurisdiction over the lands on which said antiquities are situated, shall, upon conviction, be fined in a sum of not more than five hundred dollars or be imprisoned for a period of not more than ninety days, or shall suffer both fine and imprisonment, in the discretion of the court.

Act June 8, 1906, c. 3060, § 1, 34 Stat. 225.

Historic landmarks, structures, etc., may be declared national monuments; reservation of parcels of land; relinquishment of private claims.

Sec. 2. That the President of the United States is hereby authorized, in his discretion, to declare by public proclamation historic landmarks, historic and prehistoric structures, and other objects of historic or

scientific interest that are situated upon the lands owned or controlled by the Government of the United States to be national monuments, and may reserve as a part thereof parcels of land, the limits of which in all cases shall be confined to the smallest area compatible with the proper care and management of the objects to be protected: Provided, That when such objects are situated upon a tract covered by a bona fide unperfected claim or held in private ownership, the tract, or so much thereof as may be necessary for the proper care and management of the object, may be relinquished to the Government, and the Secretary of the Interior is hereby authorized to accept the relinquishment of such tracts in behalf of the Government of the United States.

Act June 8, 1906, c. 3060, § 2, 34 Stat. 225.

Permits for examination of ruins, excavation of archæological sites, and gathering of objects of antiquity.

Sec. 3. That permits for the examination of ruins, the excavation of archæological sites, and the gathering of objects of antiquity upon the lands under their respective jurisdictions may be granted by the Secretaries of the Interior, Agriculture, and War to institutions which they may deem properly qualified to conduct such examination, excavation, or gathering, subject to such rules and regulations as they may prescribe: Provided, That the examinations, excavations, and gatherings are undertaken for the benefit of reputable museums, universities, colleges, or other recognized scientific or educational institutions, with a view to increasing the knowledge of such objects, and that the gatherings shall be made for permanent preservation in public museums.

Act June 8, 1906, c. 3060, § 3, 34 Stat. 225.

Regulations for carrying out provisions of act.

Sec. 4. That the Secretaries of the Departments aforesaid shall make and publish from time to time uniform rules and regulations for the purpose of carrying out the provisions of this Act.

Act June 8, 1906, c. 3060, § 4, 34 Stat. 225.

ACT MARCH 4, 1909, c. 299, § 1. [H. R. 28245.]

Secretary of Treasury may rent buildings on lands acquired for building sites.

The Secretary of the Treasury is authorized, until their removal becomes necessary, to rent any building or buildings not reserved by the vendors on lands heretofore or hereafter acquired for building sites or for the enlargement of building sites, the proceeds to be deposited in the Treasury, and a report thereof to be submitted to Congress at the beginning of each regular session thereof.

Act March 4, 1909, c. 299, § 1, 35 Stat. 959.

This is a provision of the sundry civil appropriation act for the fiscal year ending June 30, 1910, cited above.

A previous provision on the subject, applicable during the fiscal year 1909, was contained in the similar appropriation act for that year, Act May 27, 1908, c. 200, § 1, 35 Stat. 319.

A similar provision as to sites or additions to sites acquired under the provisions of the public buildings act of 1910 is contained in section 38 thereof, Act June 25, 1910, c. 383, § 36, 36 Stat. 701.

TITLE XLV.

PUBLIC PRINTING, ADVERTISEMENTS, AND PUBLIC DOCUMENTS.

Secs. 3756-3822.

ACT JAN. 12, 1895, c. 23, §§ 1, 2, 17, 20, 27, 37, 39, 54, 55, 59, 61, 68, 73, 81, 87, 94, 99.

Joint committee on printing.

A joint commission to examine the general subject of the public printing and binding of Congress and the executive departments, consisting of the committee on printing of the Senate and three members of the House of Representatives, was constituted by a provision of Act March 3, 1905, c. 1484, § 1, 33 Stat. 1249, and was continued during subsequent Congresses, and its powers and duties were prescribed by provisions of Act June 30, 1906, c. 3914, § 3, 34 Stat. 762, Act March 4, 1907, c. 2919, § 1, 34 Stat. 1394, and Act March 4, 1909, c. 298, § 1, 35 Stat. 937.

Remedy of neglect or delay in printing; ordering reprint of bills.

[Amended. Act March 1, 1907, c. 2284, § 1.]

Section 2 of Act Jan 12, 1895, c. 23, set forth in Comp. St. 1901, p. 2536, is amended by the addition of further provisions relating to orders for printing, etc., by Act March 1, 1907, c. 2284, § 1, set forth below.

Public Printer; appointment; qualifications; title; salary; bond.

The salary of the Public Printer, fixed at $4,500 per annum by section 17 of Act Jan. 12, 1895, c. 23, set forth in Comp. St. 1901, p. 2541, was increased to $5,500 by the appropriation therefor for the fiscal year ending June 30, 1908, in a provision of Act Feb. 26, 1907, c. 1635, § 1, set forth below, which is continued in the similar appropriation acts for subsequent years.

The appointment of a deputy public printer is authorized, and his qualifications and the duties of the office are prescribed, by further provisions of Act Feb. 26, 1907, c. 1635, § 1, also set forth below.

Examining boards.

An appropriation for the salary of the inspector of paper and material provided for in section 20 of Act Jan. 12, 1895, c. 23, set forth in Comp. St. 1901, p. 2542, as a member of the examining boards constituted thereby, is made by Act March 4, 1909, c. 299, § 1, 35 Stat. 1020.

Annual estimates of expenses.

Besides the estimates of the sums to be required for salaries, etc., and other expenses of the Government Printing Office, to be submitted under section 27 of Act Jan. 12, 1895, c. 23, set forth in Comp. St. 1901, p. 2544, the Public Printer was required to submit annually estimates for clerks and other employés in the executive or administrative offices of the Government Printing Office, by a provision accompanying the appropriations for the office in Act Feb. 26, 1907, c. 1635, § 1, set forth below, which was repeated in substance with the appropriations therefor in Act May 27, 1908, c. 200, § 1, 35 Stat. 382.

Congressional Record; extracts for Congressmen; mailing envelopes and franks.

[Amended. Act Jan. 30, 1904, c. 39.]

Section 37 of Act Jan. 12, 1895, c. 23, set forth in Comp. St. 1901, p. 2547, is amended by inserting, in the second paragraph of the section,

which provides for furnishing to Members of Congress blank franks for public documents, after the words "blank franks," the words, "printed on sheets and perforated, or singly, at the option of said Senators, Members, and Delegates," by Act Jan. 30, 1904, c. 39, set forth below.

The Public Printer is required to furnish the Department of Agriculture with franks for use by the Department for the distribution of seeds, by Res. May 19, 1902, No. 23, set forth below.

Provisions that in case of failure of any Senator, Representative, or Delegate to pay the cost of printing extracts from . . Congressional Record, etc., ordered by him under section 37 of Act Jan. 12, 1895, c. 23, set forth in Comp. St. 1901, p. 2547, the amount may be deducted from his salary and paid to the Public Printer, contained in Act March 4, 1911, c. 285, § 1, are set forth below.

Limit of wages to printers and bookbinders; extra pay for night work.

Besides the provisions as to rates of wages of section 39 of Act Jan. 12, 1895, c. 23, set forth in Comp. St. 1901, p. 2549, the pay of linotype operators, etc., is prescribed, and additional pay for work on Sunday, when required by exigencies, is authorized, by provisions of Act March 4, 1909, c. 299, § 1, set forth below.

"Usual number" of documents and reports; distribution of House and Senate documents and reports; style of binding.

[Amended. Act Jan. 20, 1905, c. 50, § 1.]

Section 54 of Act Jan. 12, 1895, c. 23, set forth in Comp. St. 1901, p. 2552, is amended by adding at the end thereof an additional paragraph, which provides that the "usual number" of reports on private bills shall not be printed, and prescribes the number to be printed and the distribution thereof, by Act Jan. 20, 1905, c. 50, § 1, set forth below.

That part of section 54 of Act Jan. 12, 1895, c. 23, as set forth in Comp. St. 1901, p. 2553, which provided for the reservation in unbound form of the public documents and reports, the distribution of which is unprovided for by the preceding paragraphs of the section, subject to be bound in the number provided by law, upon orders from the Vice-President, Senators, Representatives, Delegates, Secretary of the Senate, and Clerk of the House, and for the delivery of such documents, if not called for and delivered to the Vice-President, etc., within two years after printing, in unbound form to the superintendent of documents for distribution, as amended by Res. June 30, 1902, No. 36, 32 Stat. 746, is repealed, and the reserved documents and reports therein provided for are not to be printed, by Act June 25, 1910, c. 439, set forth below.

Bills and resolutions; number and distribution; "private bills" defined.

[Amended. Act Jan. 20, 1905, c. 50, § 2.]

Section 55 of Act Jan. 12, 1895, c. 23, set forth in Comp. St. 1901, p. 2554, is amended by changing the numbers of copies of bills and resolutions to be printed, and the distribution thereof, by Act Jan. 20, 1905, c. 50, § 2, set forth below.

Resolutions for printing extra copies.

[Repealed. Act March 1, 1907, c. 2284, § 6.]

Section 59 of Act Jan. 12, 1895, c. 23, set forth in Comp. St. 1901, p. 2556, is repealed by Act March 1, 1907, c. 2284, § 6, set forth below, other provisions relating to the subject of said section 59 having been added to section 2 of the same act by amendment by Act March 1, 1907, c. 2284, § 1, also set forth below.

Superintendent of Documents; sale of documents; disposition of proceeds.

The reprinting, from time to time, on the order of the Superintendent of Documents, of such public documents as may be required for sale, as provided for by section 61 of Act Jan. 12, 1895, c. 23, set forth in

Comp. St. 1901, p. 2557, is authorized by Res. March 28, 1904, No. 11, set forth below.

Provisions relating to appropriations for expenses of administration of the office of Superintendent of Documents, and the administration of the office under the direction of the Public Printer, are contained in Act March 1, 1907, c. 2284, § 3, and Act March 4, 1907, c. 2919, § 1, and in Act March 4, 1909, c. 299, § 1, set forth below.

Distribution of documents to members of Congress.

Section 68 of Act Jan. 12, 1895, c. 23, set forth in Comp. St. 1901, p. 2559, is amended, principally by including the Sergeant-at-Arms, as well as the Clerk and Doorkeeper, of the House of Representatives in the provisions for distribution of documents, by Act April 6, 1904, c. 862, set forth below.

Provisions for distribution of one copy of each document delivered for distribution to State and Territorial libraries, etc., are contained in Act Jan. 18, 1907, c. 153, set forth below.

Extra copies of documents and reports; style of binding; number and allotment.

[Amended. Act Jan. 30, 1903, c. 338. Act April 28, 1904, c. 1791.]

The provisions of section 73 of Act Jan. 12, 1895, c. 23, set forth in Comp. St. 1901, pp. 2561–2577, are amended and modified in numerous particulars as to the numbers and allotment of copies of documents, reports, etc., and other matters, by amendments and other provisions modifying those of section 73, which are set forth below, and are referred to here [illegible] under the headings of the particular paragraphs of the section as [illegible] or otherwise affected.

Ephemeris and Nautical Almanac; sale.

The printing of the "usual number" of the Ephemeris and Nautical Almanac, the printing and distribution of which were regulated by paragraph 5 of section 73 of Act Jan. 12, 1895, c. 23, set forth in Comp. St. 1901, p. 2562, is discontinued by Res. May 13, 1902, No. 20, set forth below, and in lieu thereof the printing of 1,100 copies is authorized.

Report of Bureau of Ethnology.

The bulletins issued by the Bureau of American Ethnology are to be in octavo size, instead of royal octavo, by Res. March 29, 1904, No. 14, set forth below.

Report of Geological Survey.

The report of the Director of the Geological Survey, the printing and distribution of which were regulated by paragraph 15 of section 73 of Act Jan. 12, 1895, c. 23, set forth in Comp. St. 1901, p. 2563, is limited to one volume of royal octavo size, by Res. May 16, 1902, No. 22, set forth below. Said resolution provides also for the printing of additional copies of any of the reports of the Survey when those already printed shall have become exhausted. It further provides that the Director of the Survey shall transmit to the Library of Congress two copies of every report of the Bureau, in addition to those already required to be so delivered.

Pamphlet copies of statutes.

Paragraph 20 of section 73 of Act Jan. 12, 1895, c. 23, set forth in Comp. St. 1901, p. 2566, which provides for the distribution of pamphlet copies of the statutes of each session of Congress, is amended by striking out the words "to the Department of Labor, five copies," and inserting after the words "to the Department of Agriculture, fifty copies," the words "to the Department of Commerce and Labor, three hundred copies," by a provision of Act April 28, 1904, c. 1791, set forth below.

The number of copies of the Session Laws to be printed for distribution by the Department of Justice is increased from 500, provided by this paragraph, to 850, by Res. March 4, 1907, No. 29, set forth below.

Statutes at Large.

Paragraph 24 of section 73 of Act Jan. 12, 1895, c. 23, set forth in Comp. St. 1901, p. 2567, which provides for the distribution of the

bound volumes of the Statutes at Large enacted by each Congress, is amended by striking out the words "to the Department of Labor, five copies," and inserting after the words "to the Department of Agriculture, fifty copies," the words "to the Department of Commerce and Labor, including those for the officers of the immigration service, three hundred copies," by a provision of Act April 28, 1904, c. 1791, set forth below.

The marginal references of the Statutes at Large for the Fifty-Eighth and subsequent Congresses are to include the number of the bill or resolution under which each act was approved and became a law, by Res. April 12. 1904, No. 20, set forth below.

The number of copies of the Statutes at Large to be printed for distribution by the Department of Justice is increased from 500, provided by this paragraph, to 850, by Res. March 4, 1907, No. 29, set forth below.

The index to the Statutes at Large is to be printed, bound, and distributed in the manner provided for the Statutes at Large, by a provision of Act March 4, 1907, c. 2919, § 1, set forth below.

Consular Reports.

Paragraph 34 of section 73 of Act Jan. 12, 1895, c. 23, set forth in Comp. St. 1901, p. 2570, which provides for the printing of the reports of consular officers, is repealed, in connection with a provision for printing daily consular reports, by Act June 25, 1910, c. 388, set forth below.

Congressional Record; subscriptions.

Two paragraphs of that part of section 73 of Act Jan. 12, 1895, c. 23, relating to the distribution of the Congressional Record, being paragraphs 46 and 55 of that section, set forth in Comp. St. 1901, p. 2572, are amended by making several changes in and additions to the numbers of copies of the Congressional Record to be furnished gratuitously, by Act Jan. 30, 1903, c. 338, set forth below.

Other special provisions for distribution of copies of the Congressional Record are set forth below.

Official Records of the Rebellion.

Besides the provisions for the distribution of copies of the Official Records of the Rebellion, contained in paragraph 61 of section 73 of Act Jan. 12, 1895, c. 23, Comp. St. 1901, p. 2573, and in Act June 6, 1900, c. 791, § 1, Comp. St. 1901, p. 2599, the Secretary of War is authorized to furnish two sets of the Official Records of the Rebellion to each member of the Fifty-Seventh Congress, and two sets to such permanent libraries and educational institutions as may be designated by such members, and for the purpose of furnishing such copies the Secretary is authorized to call upon the Public Printer to print and bind such additional volumes as may be necessary, and the plates are then to be destroyed, by a provision of Act March 3, 1903, c. 1007, § 1, set forth below.

Official Register; preparation; contents.

Paragraph 68 of section 73 of Act Jan. 12, 1895, c. 23, set forth in Comp. St. 1901, p. 2575, which provides for the printing and distribution of the Official Register, is amended by striking out the words "to the Department of Labor, four copies," and the words "to the Commissioner of Fish and Fisheries, two copies," and inserting after the words "to the Department of Agriculture, fifteen copies," the words "to the Department of Commerce and Labor, one hundred and fifty copies," by a provision of Act April 28, 1904, c. 1791, set forth below.

The Comptroller of the Currency is required annually to transmit to the Secretary of the Interior a full and complete list of the officers, agents, clerks, and other employés in his office for publication in the Official Register, by a provision of Act April 28, 1902, c. 594, § 1, set forth below.

The Director of the Census is to edit, index, and publish the Official Register, and the provisions imposing that duty upon the Department of the Interior are repealed, and the data to be included therein are to be transmitted to the Director of the Census instead of to the Secretary of

the Interior, by a provision of Act March 6, 1902, c. 139, § 7, as amended by Act June 7, 1906, c. 3048, set forth ante, under Title XXXI, "The Census."

Patent-Office printing; Lithographing, etc.

The legislative, executive, and judicial appropriation acts for recent fiscal years, and various deficiency appropriation acts, after making appropriations for producing the Official Gazette, copies of drawings of the weekly issue of patents, copies of designs, trade-marks, and pending applications, and for the reproduction of exhausted copies of drawings and specifications, provide that such work shall be done as provided by the provisions of this act (Comp. St. 1901, pp. 2575–2577), and contain a further proviso to the effect that such work may be done at the Government Printing Office, if, in the judgment of the Joint Committee on Printing, or, where there shall be no Joint Committee, of the Committee of either house, it shall be deemed to be for the best interests of the Government. The provision for the fiscal year ending June 30, 1906, is by Act Feb. 3, 1905, c. 297, § 1, 23 Stat. 673. It is not repeated in the subsequent similar appropriation acts.

The diplomatic and consular appropriation acts for recent fiscal years contain a proviso by which the Public Printer is authorized to print an edition of the Monthly Bulletin of the Bureau of American Republics, of not to exceed 5,000 copies, for distribution every month during the fiscal year. The provision for the fiscal year ending June 30, 1912, is by Act March 3, 1911, c. 208, 36 Stat. 1032.

Of the annual and special reports of the Librarian of Congress, 5,000 copies are to be printed and bound in cloth for the use of the Library of Congress, by Res. Feb. 24, 1904, No. 8, set forth below.

The printing of 500 copies, in addition to the usual number, of the annual reports of the Board of Managers of the National Home for Disabled Volunteer Soldiers, is provided for by Res. March 31, 1904, No. 15, set forth below.

The printing and distribution of 8,000 copies of the Report of the Director of the Office of Experiment Stations are provided for by Res. April 27, 1904, No. 29, set forth below.

The printing of certain bulletins of the Public Health and Marine-Hospital Service, and the printing and distribution of the annual report of the Surgeon-General of the Public Health and Marine-Hospital Service, are provided for by Res. Feb. 24, 1905, No. 21, set forth below.

The printing of copies, not to exceed 5,000 in any one fiscal year, of the annual report of the Bureau of Immigration, is provided for by Res. March 3, 1905, No. 33, set forth below.

Provisions for printing blanks, schedules, etc., and other miscellaneous printing necessary to carry out the act to provide for the Thirteenth and subsequent decennial censuses, and for printing and publishing, etc., census bulletins and reports, are contained in section 28 of said act, Act July 2, 1909, c. 2, § 28, set forth ante, under Title XXXI, "The Census."

Binding and classification of documents.

[Amended. Act March 1, 1907, c. 2284, §§ 2, 6. Res. Jan. 15, 1908, No. 3.]

Section 81 of Act Jan. 12, 1895, c. 23, set forth in Comp. St. 1901, p. 2580, was amended by the substitution of more specific provisions relating to the subject of said section, by Act March 1, 1907, c. 2284, § 2, 34 Stat. 1013, and was repealed by section 6 of said act, 34 Stat. 1015. But said section 2 of Act March 1, 1907, c. 2284, was itself repealed, and other provisions relating to the same subject were enacted, by Res. Jan. 15, 1908, No. 3, set forth below.

Printing, binding, and blank books for Congress and Departments.

The provisions of Rev. St. § 3786, which are identical with those of section 87 of Act Jan. 12, 1895, c. 23, set forth in Comp. St. 1901, p. 2582, are not to apply to such work of the Indian Department as can be executed at the several Indian schools, by a provision of Act March 1, 1907, c. 2285, set forth below.

Restrictions on printing.

Besides the restrictions on printing contained in Act Jan. 12, 1895, c. 23, § 94, Comp. St. 1901, p. 2585, further restrictions upon printing and binding for Congress as well as for the Executive Departments, etc., contained in Acts March 3, 1905, c. 1483, § 1, and c. 1484, § 1, are set forth below.

Future printing and binding; stationery and blank-books for Congress; extra binding for Congressmen; preliminary reports and papers for Committees; delivery of publications to officers and employés of Congress.

[Repealed. Act March 1, 1907, c. 2284, § 6.]

Section 99 of Act Jan. 12, 1895, c. 23, set forth in Comp. St. 1901, p. 2586, and the amendment thereto by the provision of Act March 2, 1895, c. 189, § 1, set forth in Comp. St. 1901, p. 2592, are repealed by Act March 1, 1907, c. 2284, § 6, set forth below, other provisions relating to the subject of said section 99 having been added to section 2 of the same act by amendment by Act March 1, 1907, c. 2284, § 1, also set forth below.

ACT MARCH 2, 1895, c. 189, § 1.

Geological Survey; report on mineral resources; pamphlets; monographs and bulletins.

Besides the provisions of Act March 2, 1895, c. 189, § 1, set forth in Comp. St. 1901, p. 2591, relating to the publication and distribution of the reports, etc., of the Geological Survey, further provisions on the subject are contained in Res. May 16, 1902, No. 22, set forth below.

Subsequent provisions relating to the publication and distribution of the report on mineral resources, as a distinct publication, are contained in Act May 27, 1908, c. 200, § 1, set forth below.

Provisions for the distribution to public libraries of the publications of the Geological Survey are contained in Act March 3, 1903, c. 1007, § 1, set forth below.

Preliminary reports and papers for Committees; number and distribution.

[Repealed. Act March 1, 1907, c. 2284, § 6.]

The amendment by the provision of Act March 2, 1895, c. 189, § 1, set forth in Comp. St. 1901, p. 2592, of Act Jan. 12, 1895, c. 23, § 99, Comp. St. 1901, p. 2586, is repealed, with said section so amended, by Act March 1, 1907, c. 2284, § 6, set forth below.

ACT JUNE 11, 1896, c. 420, § 1.

Geological Survey; reports on gauging of streams and utilization of water resources.

So much of this section, set forth in Comp. St. 1901, p. 2595, as restricts the reports of the Geological Survey in relation to the gauging of streams and to the method of utilizing the water resources to volumes in octavo form of not more than 100 pages in length and to editions of 5,000 copies, is rescinded by Res. May 16, 1902, No. 22, set forth below.

Leaves of absence.

Employés receiving annual salaries are to be allowed leave of absence, provided for by Act June 11, 1896, c. 420, § 1, set forth in Comp. St. 1901, p. 2595, at the rate of pay received at the time, payable from the specific appropriation for their salaries, by a provision of Act June 25, 1910, c. 384, § 1, set forth below.

RES. FEB. 23, 1901, No. 8.

[Amended. Res. March 14, 1904, No. 9.]

This resolution, set forth in Comp. St. 1901, p. 2600, providing for the printing and distribution of the Report on Field Operations, Division of Soils, Department of Agriculture, is amended by Res. March 14, 1904, No. 9, to read as set forth below.

RES. MARCH 2, 1901, No. 16, § 1.

Distribution of documents to Library of Congress.

Two additional copies of every report of the Geological Survey are required to be deposited in the Library of Congress, by Res. May 16, 1902, No. 22, set forth below.

RES. MARCH 2, 1901, No. 17.

Report of Geological Survey; additional copies of certain parts.

Provisions for the publication of additional copies of any of the reports of the Geological Survey whenever they become exhausted are contained in Res. May 16, 1902, No. 22, set forth below.

ACT APRIL 28, 1902, c. 594, § 1.

Official Register; report of Comptroller of the Currency.

* * That for the fiscal year of nineteen hundred and two and thereafter, a full and complete list of all officers, agents, clerks, and other employees of the office of the Comptroller of the Currency, including bank examiners, receivers and attorneys for receivers, and clerks employed by such examiners and receivers, or any other person connected with the work of said office in Washington or elsewhere, whose salary or compensation is paid from the Treasury of the United States or assessed against or collected from existing or failed banks under their supervision or control, shall be transmitted to the Secretary of the Interior in accordance with the provisions of an Act of Congress approved January twelfth, eighteen hundred and eighty-five, relating to the Official Register. * *

Act April 28, 1902, c. 594, § 1, 32 Stat. 138.

This is a provision of the legislative, executive, and judicial appropriation act for the fiscal year ending June 30, 1903, cited above.

The reference in this provision to Act Jan. 12, 1885, is evidently intended for Act Jan. 12, 1895, c. 23, § 73, the provision of which, relating to the publication of the Official Register, is set forth in Comp. St. 1901, p. 2574.

The data to be included in the Official Register are to be transmitted to the Director of the Census instead of to the Secretary of the Interior, and the Director of the Census is to edit, index, and publish the Official Register, and the provisions imposing that duty upon the Department of the Interior are repealed, by a provision of Act March 6, 1902, c. 139, § 7, as amended by Act June 7, 1906, c. 3048, set forth ante, under Title XXXI, "The Census."

RES. MAY 13, 1902, No. 20.

Joint Resolution Providing for the Printing of the American Ephemeris and Nautical Almanac. (32 Stat. 740.)

Ephemeris and Nautical Almanac; number of copies printed.

Resolved, &c., That hereafter the "usual number" of copies of the American Ephemeris and Nautical Almanac shall not be printed. In lieu thereof there shall be printed and bound one thousand one hundred copies of the same, uniform with the editions printed for the Navy Department, as provided in section seventy-three, paragraph five, of an Act approved January twelfth, eighteen hundred and ninety-five, providing for the public printing, binding, and distribution of public documents; one hundred copies for the Senate, four hundred for the House, and six hundred for the Superintendent of Documents for distribution to State and Territorial libraries and designated depositories.

Res. May 13, 1902, No. 20, 32 Stat. 740.

This resolution suspends the printing of the "usual number" of the Ephemeris and Nautical Almanac, as provided for by Act Jan. 12, 1895, c. 23, § 73, set forth in Comp. St. 1901, p. 2562.

RES. MAY 16, 1902, No. 22.

Joint Resolution Relating to Publications of the Geological Survey. (32 Stat. 741.)

Publications of Geological Survey; size of volumes; editions; additional copies; free distribution of bulletins, etc.; reports on gauging of streams and utilization of water resources; additional copies of reports for Library of Congress.

Resolved, &c., That hereafter the publications of the Geological Survey shall consist of the annual report of the Director, which shall be confined to one volume of royal octavo size; monographs, of quarto size; professional papers, of quarto size; bulletins, of ordinary octavo size; mineral resources, of ordinary octavo size; water-supply and irrigation papers, of ordinary octavo size; and such maps, folios, and atlases as may be required by existing law.

That hereafter the reports of the Geological Survey, except the annual report of the Director, shall be published in editions as recommended in each case by the Director and approved by the Secretary of the Interior, but not to exceed ten thousand copies.

That whenever the edition of any of the reports of the Survey shall have become exhausted, and the demand for it continues, there shall be published, on the requisition of the Secretary of the Interior, as many additional copies of the report as the Director of the Survey shall state will, in his judgment, be necessary to meet the demand.

That the bulletins and professional papers shall be distributed gratuitously, and not sold; and that of the number published one thousand copies shall be delivered to the Senate and two thousand copies shall be delivered to the House of Representatives for distribution.

That the provision of law approved June eleventh, eighteen hundred and ninety-six, restricting the water-supply papers to one hundred pages and to editions of five thousand copies shall be, and hereby is, rescinded.

That the Director of the Survey shall transmit to the Library of Congress two copies of every report of the Bureau as soon as the first delivery to the Survey is made, such copies to be additional to those received by the Library of Congress under existing law.

Res. May 16, 1902, No. 22, 32 Stat. 741.

Previous provisions of law relating to the reports of the Geological Survey are contained in Act Jan. 12, 1895, c. 23, § 73, Comp. St. 1901, p. 2563; Act March 2, 1895, c. 189, § 1, Comp. St. 1901, p. 2591; Res. Feb. 26, 1896, No. 19, Comp. St. 1901, p. 2594; Act June 11, 1896, c. 420, § 1, Comp. St. 1901, p. 2595; Res. Feb. 18, 1897, No. 13, Comp. St. 1901, p. 2596; and Res. March 2, 1901, No. 17, Comp. St. 1901, p. 2602. See, also, Act March 3, 1903, c. 1007, § 1, set forth below.

Act June 11, 1896, c. 420, § 1, mentioned in this resolution, is set forth in Comp. St. 1901, p. 2595.

Subsequent provisions relating to the publication, printing, and distribution of the report of mineral resources, contained in Act May 27, 1908, c. 200, § 1, are set forth below.

RES. MAY 19, 1902, No. 23.

Joint Resolution Providing for the Printing Annually of Franks Required for Sending out Seed. (32 Stat. 741.)

Franks for Department of Agriculture for mailing seeds.

Resolved, &c., That the Public Printer shall furnish to the Department of Agriculture such franks as the Secretary of Agriculture may require for sending out seeds on Congressional orders, the franks to

have printed thereon the facsimile signatures of Senators, Representatives, and Delegates, also the names of their respective States or Territories, and the words "United States Department of Agriculture, Congressional Seed Distribution", or such other printed matter as the Secretary of Agriculture may direct; the franks to be of such size and style as may be prescribed by the Secretary of Agriculture; the expense of printing the said franks to be charged to the allotment for printing and binding for the two Houses of Congress.

Res. May 19, 1902, No. 23, 32 Stat. 741.

ACT JUNE 28, 1902, c. 1301, § 1.

Supplies for Executive Departments to be furnished by Public Printer.

The Public Printer is authorized hereafter to procure and supply, on the requisition of the head of any Executive Department or other Government establishment, complete manifold blanks, books, and forms, required in duplicating processes; also complete patented devices with which to file money-order statements, or other uniform official papers, and to charge such supplies to the allotment for printing and binding of the Department or Government establishment requiring the same.

Act June 28, 1902, c. 1301, § 1, 32 Stat. 481.

This is a provision of the sundry civil appropriation act for the fiscal year ending June 30, 1903, cited above.

ACT JAN. 30, 1903, c. 338.

An Act to Amend an Act Approved March Second, Eighteen Hundred and Ninety-Five, Relating to Public Printing. (32 Stat. 786.)

Congressional Record; subscriptions.

Be it enacted, &c., That the first and tenth paragraphs of the printing Act of January twelfth, eighteen hundred and ninety-five, following the paragraph which reads "The Public Printer shall furnish the Congressional Record as follows and shall furnish gratuitously no others in addition thereto" be amended by striking out of said first paragraph the words "forty-four" between the word "Senator" and "copies" in the first line and insert in lieu thereof the words "eighty-eight"; and by striking out the word "thirty" between the words "Delegate" and "copies" in the fourth line of said first paragraph and insert in lieu thereof the word "sixty"; and by inserting in the ninth line of said first paragraph after the word "copies" and before the word "to" the following: "and to the Clerk for the use of members of the House of Representatives fifty copies, and to the Sergeant-at-Arms of the Senate, for the use of the Senate, twenty copies." And amend said tenth paragraph by inserting in the third line thereof between the words "Museum" and "one" the words, "the Department of Labor and Civil Service Commission" and further amend said tenth paragraph by striking out in the second line the word "and" between the words "Institution" and "the."

Act Jan. 30, 1903, c. 338, 32 Stat. 786.

Act Jan. 12, 1895, c. 23, § 73, the first and tenth clauses of one paragraph of which are amended by this act, is set forth, as previously amended by Res. March 19, 1896, No. 31, in Comp. St. 1901, p. 2572.

Act March 2, 1895, c. 189, which is, apparently, the act mentioned in the title of this act as amended, contains, in section 1 thereof, provisions relating to public printing, etc., which are set forth in Comp. St. 1901, pp. 2590-2593.

ACT MARCH 3, 1903, c. 1007, § 1.

Official Records of the Rebellion; distribution; additional numbers to be printed and bound to complete sets; plates to be destroyed.

The Secretary of War is authorized and directed to furnish to each Senator, Representative, and Delegate to the Fifty-seventh Congress one set of the Official Records of the Rebellion, and to furnish two sets of said Records to such permanent libraries and educational institutions as may be designated by each of the said Senators, Representatives, and Delegates, and for this purpose there shall be used any volumes or parts of volumes remaining unsold or unclaimed by beneficiaries heretofore designated to receive them: Provided, That the Secretary of War may call upon the Public Printer to print and bind such additional numbers of the several volumes and maps as may be necessary to complete the sets herein provided for, and that when such additional volumes shall have been printed the plates used in printing the sets now and heretofore authorized shall be destroyed.

Act March 3, 1903, c. 1007, § 1, 32 Stat. 1145.

This is a provision of the sundry civil appropriation act for the fiscal year ending June 30, 1904, cited above.

Previous provisions relating to the printing and distribution of the Official Records of the Rebellion are contained in Act Jan. 12, 1895, c. 23, § 73, and Act June 6, 1900, c. 791, § 1, set forth in Comp. St. 1901, pp. 2573, 2599.

Distribution of publications of Geological Survey to public libraries.

For the United States Geological Survey. * * For printing and binding the Annual Report of the Director, the monographs, professional papers, bulletins, water-supply papers, and the report on mineral resources * * and the Director of the Geological Survey shall hereafter distribute to public libraries that have not already received them such copies of sale publications as may remain on hand at the expiration of five years after date of delivery to the Survey document room, excepting a reserve number not to exceed two hundred copies. * *

Act March 3, 1903, c. 1007, § 1, 32 Stat. 1146.

This is a further provision of the sundry civil appropriation act for the fiscal year ending June 30, 1904, cited above.

The word "sale," preceding the word "publications," in this provision, is intended, apparently, for "said."

Subsequent provisions relating to the publication, printing, and distribution of the report of mineral resources, contained in Act May 27, 1908, c. 200, are set forth below.

ACT JAN. 30, 1904, c. 39. [S. 2121.]

An Act to Amend an Act Entitled "An Act Providing for Public Printing and Binding and the Distribution of Public Documents." (33 Stat. 9.)

Amendment of Act Jan. 12, 1895, c. 23, § 37; blank franks for members of Congress.

Be it enacted, &c., That chapter twenty-three of the Statutes of the United States entitled "An Act providing for public printing and binding and the distribution of public documents," approved January twelfth, eighteen hundred and ninety-five (Statutes at Large, twenty-eight, page six hundred and six), be, and is hereby, amended by inserting after the words "blank franks," where they occur in the second paragraph of section thirty-seven of said chapter, the following words,

"printed on sheets and perforated, or singly, at the option of said Senators, Members, and Delegates."

Act Jan. 30, 1904, c. 39, 33 Stat. 9.

Act Jan. 12, 1895, c. 23, § 37, amended by this act, is set forth in Comp. St. 1901, p. 2547.

RES. FEB. 24, 1904, No. 8. [S. J. R. 37.]

Joint Resolution Providing for the Editions to be Printed of the Annual and Special Reports of the Librarian of Congress. (33 Stat. 583.)

Reports of Librarian of Congress.

Resolved, &c., That of the annual and special reports of the Librarian of Congress hereafter submitted to Congress, but including the report for nineteen hundred and three, there be printed and bound in cloth five thousand copies for the use of the Library of Congress.

Res. Feb. 24, 1904, No. 8, 33 Stat. 583.

RES. MARCH 14, 1904, No. 9. [H. J. R. 106.]

Joint Resolution Amending Public Resolution Numbered Eight, Fifty-sixth Congress, Second Session, Approved February Twenty-third, Nineteen hundred and one, "Providing for the Printing Annually of the Report on Field Operations of the Division of Soils, Department of Agriculture." (33 Stat. 583.)

Amendment of Res. Feb. 23, 1901, No. 8.

Resolved, &c., That public resolution numbered eight, Fifty-sixth Congress, second session, approved February twenty-third, nineteen hundred and one, be amended by striking out all after the resolving clause and inserting in lieu thereof the following:

Report on Field Operations, Division of Soils, Department of Agriculture; advance sheets.

That there shall be printed ten thousand five hundred copies of the report on field operations of the Division of Soils, Department of Agriculture, of which one thousand five hundred copies shall be for the use of the Senate, three thousand copies for the use of the House of Representatives, and six thousand copies for the use of the Department of Agriculture: Provided, That in addition to the number of copies above provided for there shall be printed, as soon as the manuscript can be prepared, with the necessary maps and illustrations to accompany it, a report on each area surveyed, in the form of advance sheets, bound in paper covers, of which five hundred copies shall be for the use of each Senator from the State, two thousand copies for the use of each Representative for the Congressional district or districts in which the survey is made, and one thousand copies for the use of the Department of Agriculture.

Res. March 14, 1904, No. 9, 33 Stat. 583.

Res. Feb. 23, 1901, No. 8, amended by this resolution, is set forth in Comp. St. 1901, p. 2600. The amendment changes the number of copies of the report to be printed and the allotment of them for distribution, and adds the proviso for the preparation, printing, and distribution of advance sheets.

RES. MARCH 28, 1904, No. 11. [S. J. R. 53.]

Joint Resolution Authorizing the Reprinting of Certain Documents to be Sold by the Superintendent of Documents. (33 Stat. 584.)

Reprinting documents required for sale.

Resolved, &c., That there shall be printed three thousand copies of the Special Report on Diseases of the Horse and fifteen hundred copies of the Special Report on the Diseases of Cattle, for sale by the superintendent of documents under the provisions of section sixty-one of an Act providing for the public printing, binding, and the distribution of documents, approved January twelfth, eighteen hundred and ninety-five; and the superintendent of documents is hereby authorized to order reprinted, from time to time, such public documents as may be required for sale, such order for reprinting to be subject to the approval of the Secretary or head of the Department in which such public document shall have originated: Provided, That the appropriation for printing and binding shall be reimbursed for the cost of such reprints from the moneys received by the superintendent of documents from the sale of public documents.

Res. March 28, 1904, No. 11, 33 Stat. 584.

Act June 12, 1895, c. 23, § 61, mentioned in this resolution, which provides for the appointment of the Superintendent of Documents, and the sale of public documents by him, is set forth in Comp. St. 1901, p. 2557.

The provisions of this resolution are not contravened by anything in paragraph 4 of section 2 of Act Jan. 12, 1895, c. 23, as amended by Act March 1, 1907, c. 2284, § 1, set forth below, by a proviso annexed to that paragraph.

RES. MARCH 29, 1904, No. 14. [H. J. R. 133.]

Joint Resolution Providing that the Bulletins of the Bureau of American Ethnology be Printed in Octavo. (33 Stat. 585.)

Bulletins of Bureau of American Ethnology.

Resolved, &c., That hereafter the bulletins issued by the Bureau of American Ethnology shall be in octavo size instead of royal octavo.

Res. March 29, 1904, No. 14, 33 Stat. 585.

The printing and distribution of the reports of the Bureau of Ethnology are provided for by a paragraph of Act Jan. 12, 1895, c. 23, § 73, set forth in Comp. St. 1901, p. 2563.

RES. MARCH 31, 1904, No. 15. [H. J. R. 55.]

Joint Resolution Providing for the Publication of the Reports of the Board of Managers and Inspectors of the National Home for Disabled Volunteer Soldiers for the Fiscal Year Ending June Thirtieth, Nineteen hundred and three. (33 Stat. 585.)

Report of managers and inspectors of National Home for Disabled Volunteer Soldiers.

Resolved, &c., That there shall be printed of the report of the Board of Managers of the National Home for Disabled Volunteer Soldiers for the fiscal year ending June thirtieth, nineteen hundred and three, in addition to the usual number, for the use of the National Homes for Disabled Volunteer Soldiers, five hundred copies of the report proper, bound in cloth; two hundred copies of the report of the inspection of the State Homes, bound in paper, and two hundred copies of the record of members, bound in cloth; and that hereafter the additional number of copies herein named of future annual reports of the Board of Managers of the National Home for Disabled Volunteer Soldiers, bound in

the same manner as above described, shall be printed for the use of the National Homes.

Res. March 31, 1904, No. 15, 33 Stat. 585.

An annual report to Congress by the Board of Managers of the Home is required by Rev. St. § 4834, Comp. St. 1901, p. 3347, and a report to Congress of the inspection each year of the Home by an officer of the Inspector-General's Department is required by a provision of Act Aug. 18, 1894, c. 301, § 1, set forth in Comp. St. 1901, p. 3550.

ACT APRIL 6, 1904, c. 862. [H. R. 10866.]

An Act to Amend Section Sixty-eight, Chapter Twenty-three, of Volume Twenty-eight of the United States Statutes at Large. (33 Stat. 159.)

Amendment of Act Jan. 12, 1895, c. 23, § 68.

Be it enacted, &c., That section sixty-eight, chapter twenty-three, of volume twenty-eight of the United States Statutes at Large be, and the same is hereby, amended so that it shall read as follows:

Distribution of documents to members of Congress.

"Whenever in the division among Senators, Representatives, and Delegates of documents printed for the use of Congress there shall be an apportionment to each or either House in round numbers, the Public Printer shall not deliver the full number so accredited at the respective folding rooms, but only the largest multiple of the number constituting the full membership of each or either House, including the Secretary and Sergeant-at-Arms of the Senate and Clerk, Sergeant-at-Arms, and Doorkeeper of the House, which shall be contained in the round numbers thus accredited to each or either House, so that the number delivered shall divide evenly and without remainder among the members of the House to which they are delivered; and the remainder of the documents thus resulting shall be turned over to the superintendent of documents, to be distributed by him, first, to public and school libraries for the purpose of completing broken sets; second, to public and school libraries that have not been supplied with any portions of such sets, and, lastly, by sale to other persons; said libraries to be named to him by Senators, Representatives, and Delegates in Congress; and in this distribution the superintendent of documents shall see that as far as practicable an equal allowance is made to each Senator, Representative, and Delegate."

Act April 6, 1904, c. 862, 33 Stat. 159.

Act Jan. 12, 1895, c. 23, § 68, amended by this act, is set forth in Comp. St. 1901, p. 2559. The amendment consists in the insertion, after the words "and Clerk," of the words, "Sergeant-at-Arms," with some verbal changes.

RES. APRIL 12, 1904, No. 20. [H. J. R. 143.]

Joint Resolution Amending the Law Relating to the Printing of the Statutes. (33 Stat. 587.)

Statutes at Large; marginal references to include number designating bill or resolution.

Resolved, &c., That the Secretary of State be, and he is hereby, directed to include in the marginal references of the United States Statutes at Large for the Fifty-eighth and subsequent Congresses, the Number of the Senate Bill, House Bill, Senate Joint Resolution, or House Joint Resolution (designating same as S. for Senate Bill, H. R. for

House Bill, S. J. Res. for Senate Joint Resolution and H. J. Res. for House Joint Resolution, as the case may be) under which each Act was approved and became a law, said marginal reference to be placed within brackets immediately under the marginal date of the approval of each Act at the beginning of each chapter as the same is now printed.

Res. April 12, 1904, No. 20, 33 Stat. 587.

Provisions for the editing, printing, etc., and distribution of the pamphlet copies of the statutes of each session, and of the volumes of the Statutes at Large, are contained in Act Jan. 12, 1895, c. 23, § 73, Comp. St. 1901, pp. 2566, 2567.

RES. APRIL 27, 1904, No. 29. [H. J. R. 103.]

Joint Resolution Providing for Printing Annually the Report of the Director of the Office of Experiment Stations, Department of Agriculture. (33 Stat. 590.)

Report of Director of Office of Experiment Stations.

Resolved, &c., That there be printed eight thousand copies of the Report of the Director of the Office of Experiment Stations, prepared under the supervision of the Secretary of Agriculture, on the work and expenditures of that office and of the agricultural experiment stations established in the several States and Territories under the Act of Congress of March second, eighteen hundred and eighty-seven, for nineteen hundred and three, of which one thousand copies shall be for the use of the Senate, two thousand copies for the use of the House of Representatives, and five thousand copies for the use of the Department of Agriculture; and that annually hereafter a similar report shall be prepared and printed, the edition to be the same as for the report herein provided.

Res. April 27, 1904, No. 29, 33 Stat. 590.

Act March 2, 1887, c. 314, mentioned in this resolution, is set forth in Comp. St. 1901, p. 3218.

ACT APRIL 28, 1904, c. 1791. [S. 5597.]

An Act to Amend an Act Entitled "An Act Providing for Public Printing and Binding and the Distribution of Public Documents." (33 Stat. 542.)

Amendment of Act Jan. 12, 1895, c. 23, § 73.

Be it enacted, &c., That chapter twenty-three of the Statutes of the United States entitled "An Act providing for public printing and binding and the distribution of public documents," approved January twelfth, eighteen hundred and ninety-five (Statutes at Large, twenty-eight, page six hundred and six), be, and is hereby, amended as follows:

Extra copies of documents and reports; number and allotment; pamphlet copies of statutes; Statutes at Large; Official Register.

In paragraph twenty of section seventy-three, strike out the words "to the Department of Labor, five copies;" and insert after the words "to the Department of Agriculture, fifty copies," the words "to the Department of Commerce and Labor, three hundred copies."

In paragraph twenty-four of section seventy-three, strike out the words "to the Department of Labor, five copies;" and insert after the words "to the Department of Agriculture, fifty copies," the words "to the Department of Commerce and Labor, including those for the officers of the immigration service, three hundred copies."

In paragraph sixty-eight of section seventy-three, strike out the words "to the Department of Labor, four copies;" and also the words "to the Commissioner of Fish and Fisheries, two copies;" and insert after the words "to the Department of Agriculture, fifteen copies," the words "to the Department of Commerce and Labor, one hundred and fifty copies."

Act April 28, 1904, c. 1791, 33 Stat. 542.

Act Jan. 12, 1895, § 73, amended by this act, is set forth in Comp. St. 1901, pp. 2561–2577; paragraph 20, relating to the distribution of pamphlet copies of the statutes of each Congress, on page 2566; paragraph 24, relating to the distribution of the volumes of the Statutes at Large, on page 2567; and paragraph 68, relating to the printing and distribution of the Official Register, on page 2575.

ACT JAN. 20, 1905, c. 50. [H. R. 15225.]

An Act to Amend the Act Relating to the Printing and Distribution of Public Documents, and for Other Purposes. (33 Stat. 610.)

Amendment of Act Jan. 12, 1895, c. 23, § 54.

Be it enacted, &c., That the Act entitled "An Act providing for the public printing and binding and distribution of public documents," approved January twelfth, eighteen hundred and ninety-five, be amended as follows:

That section fifty-four of said Act is hereby amended by adding at the end thereof as follows:

Reports on private bills; number of copies to be printed; distribution.

That hereafter the usual number of reports on private bills, concurrent or simple resolutions, shall not be printed. In lieu thereof there shall be printed of each Senate report on a private bill, simple or concurrent resolution, three hundred and forty-five copies, which shall be distributed as follows: To the Senate document room, two hundred and twenty copies; to the Secretary of the Senate, fifteen copies; to the House document room, one hundred copies; to the superintendent of documents, ten copies; and of each House report on a private bill, simple or concurrent resolution, two hundred and sixty copies, which shall be distributed as follows: To the Senate document room, one hundred and thirty-five copies; to the Secretary of the Senate, fifteen copies; to the House document room, one hundred copies; to the superintendent of documents, ten copies: Provided, That nothing contained in this Act shall be construed to prevent the binding of all Senate and House reports in the reserve volumes bound for and delivered to the Senate and House libraries: Provided, That not less than twelve copies of each report on bills for the payment or adjudication of claims against the Government shall be kept on file in the Senate document room.

Act Jan. 20, 1905, c. 50, § 1, 33 Stat. 610.

Act Jan. 12, 1895, c. 23, § 54, amended by this section, is set forth in Comp. St. 1901, p. 2552.

Amendment of Act Jan. 12, 1895, c. 23, § 55.

Sec. 2. That section fifty-five of said Act is hereby amended to read as follows:

Bills and resolutions; number and distribution; "private bills" defined.

"Sec. 55. There shall be printed of each Senate and House public bill and joint resolution six hundred and twenty-five copies, which shall be distributed as follows: To the Senate document room, two hun-

dred and twenty-five copies; office of Secretary of Senate, fifteen copies; House document room, three hundred and eighty-five copies. There shall be printed of each Senate private bill, when introduced, when reported, and when passed, three hundred copies, which shall be distributed as follows: To the Senate document room, one hundred and seventy copies; to the Secretary of the Senate, fifteen copies; to the House document room, one hundred copies; to the superintendent of documents, ten copies. There shall be printed of each House private bill, when introduced, when reported, and when passed, two hundred and sixty copies, which shall be distributed as follows: To the Senate document room, one hundred and thirty-five copies; to the Secretary of the Senate, fifteen copies; to the House document room, one hundred copies; to the superintendent of documents, ten copies. The term 'private bill' shall be construed to mean all bills for the relief of private parties, bills granting pensions, bills removing political disabilities, and bills for the survey of rivers and harbors. All bills and resolutions shall be printed in bill form, and, unless specially ordered by either House, shall only be printed when referred to a committee, when favorably reported back, and after their passage by either House. Of concurrent and simple resolutions, when reported, and after their passage by either House, only two hundred and sixty copies shall be printed, except by special order, and the same shall be distributed as follows: To the Senate document room, one hundred and thirty-five copies; to the Secretary of the Senate, fifteen copies; to the House document room, one hundred copies; to the superintendent of documents, ten copies."

Act Jan. 20, 1905, c. 50, § 2, 33 Stat. 611.

Act Jan. 12, 1895, c. 23, § 55, amended by this section, is set forth in Comp. St. 1901, p. 2554. The amendment makes changes in the numbers of copies to be printed and the distribution of bills and resolutions.

RES. FEB. 24, 1905, No. 21. [H. J. R. 216.]

Joint Resolution Providing for the Publication of the Annual Reports and Bulletins of the Hygienic Laboratory and of the Yellow Fever Institute of the Public Health and Marine-Hospital Service. (33 Stat. 1283.)

Bulletins of Public Health and Marine-Hospital Service.

Resolved, &c., That there shall be printed each year the bulletins of the hygienic laboratory, not exceeding ten in number in any one year, and of the yellow fever institute of the Public Health and Marine-Hospital Service of the United States, not exceeding five in number in any one year, in such editions, not exceeding five thousand copies in any one year, as the interests of the Government and the public may require, subject to the discretion of the Secretary of the Treasury.

Res. Feb. 24, 1905, No. 21, § 1, 33 Stat. 1283.

Report of Surgeon-General of Public Health and Marine-Hospital Service.

Sec. 2. That there shall be printed each year four thousand copies of the annual report of the Surgeon-General of the Public Health and Marine-Hospital Service, bound in cloth, to be distributed by the Surgeon-General.

Res. Feb. 26, 1905, No. 21, § 2, 33 Stat. 1284.

An annual report by the Surgeon-General of the service is required by Act July 1, 1902, c. 1370, § 9, set forth post, under Title LVIII, "The Public Health."

ACT MARCH 3, 1905, c. 1483, § 1. [H. R. 18969.]

Requirements of reports recommending printing and binding for Congress.

For printing and binding for Congress, including the proceedings and debates, * * And printing and binding for Congress chargeable to this appropriation, when recommended to be done by the Committee on Printing of either House, shall be so recommended in a report containing an approximate estimate of the cost thereof, together with a statement from the Public Printer of estimated approximate cost of work previously ordered by Congress, within the fiscal year for which this appropriation is made.

Act March 3, 1905, c. 1483, § 1, 33 Stat. 1212.

This is a provision of the sundry civil appropriation act for the fiscal year ending June 30, 1906, cited above. The requirements as to reports recommending printing and binding chargeable to the appropriation are repeated in the same language in the similar acts from year to year in connection with the appropriations for the same objects, although the use in each act, of the words "this appropriation," appears to limit the application of the provision to the appropriation for the particular year. The provision for the fiscal year ending June 30, 1912, is by Act March 4, 1911, c. 384, § 1, 36 Stat. 1446.

Restrictions on use of appropriations made for printing and binding, for illustrations, etc.

* * That hereafter no part of the appropriations made for printing and binding shall be used for any illustration, engraving, or photograph in any document or report ordered printed by Congress unless the order to print expressly authorizes the same, nor in any document or report of any executive department or other Government establishment until the head of the executive department or Government establishment shall certify in a letter transmitting such report that the illustration is necessary and relates entirely to the transaction of public business.

Act March 3, 1905, c. 1483, § 1, 33 Stat. 1213.

This is a proviso annexed to the appropriations for public printing and binding in the sundry civil appropriation act for the fiscal year ending June 30, 1906, cited above.

Previous similar provisions, but without the word "hereafter," and applicable only to the appropriations therein made, were contained in the sundry civil appropriation act for the fiscal year ending June 30, 1904, Act March 3, 1903, c. 1007, § 3, 32 Stat. 1147.

Previous restrictions on printing engravings, etc., and illustrations, are contained in Act Jan. 12, 1895, c. 23, § 94, set forth in Comp. St. 1901, p. 2585.

ACT MARCH 3, 1905, c. 1484, § 1. [H. R. 19150.]

Restrictions on printing for Executive Departments.

Hereafter no book or document not having to do with the ordinary business transactions of the Executive Departments shall be printed on the requisition of any Executive Department or unless the same shall have been expressly authorized by Congress.

Act March 3, 1905, c. 1484, § 1, 33 Stat. 1249.

This is a provision of the deficiency appropriation act for the fiscal year ending June 30, 1905, cited above.

RES. MARCH 3, 1905, No. 33. [H. J. R. 225.]

Joint Resolution Providing for the Printing Annually of the Reports of the Bureau of Immigration. (33 Stat. 1287.)

Report of Bureau of Immigration.

Resolved, &c., That there shall be printed for the use of the Bureau of Immigration two thousand five hundred copies of the Annual Re-

port of the said Bureau for nineteen hundred and four, and that hereafter the number to be printed of the Annual Reports of the aforesaid Bureau shall be subject to the discretion of the Secretary of the Department of Commerce and Labor, the number of copies not to exceed five thousand in any one fiscal year.

Res. March 3, 1905, No. 33, 33 Stat. 1287.

RES. MARCH 30, 1906, No. 13. [H. J. R. 127.]

Joint Resolution to Correct Abuses in the Public Printing and to Provide for the Allotment of Cost of Certain Documents and Reports. (34 Stat. 825.)

Appropriations to which cost of printing and binding, etc., for Executive Departments, bureaus, etc., to be charged; estimates of cost of publications required by law, and application of appropriations thereto.

Resolved, &c., That hereafter, in the printing and binding of documents or reports emanating from the Executive Departments, bureaus, and independent offices of the Government, the cost of which is now charged to the allotment for printing and binding for Congress, or to appropriations or allotments of appropriations other than those made to the Executive Departments, bureaus, or independent offices of the Government, the cost of illustrations, composition, stereotyping, and other work involved in the actual preparation for printing, apart from the creation of manuscript, shall be charged to the appropriation or allotment of appropriation for the printing and binding of the Department, bureau, or independent office of the Government in which such documents or reports originate; the balance of cost shall be charged to the allotment for printing and binding for Congress, and to the appropriation or allotment of appropriation of the Executive Department, bureau, or independent office of the Government, in proportion to the number delivered to each; the cost of any copies of such documents or reports distributed otherwise than through Congress, or the Executive Departments, bureaus, and independent offices of the Government, if such there be, shall be charged as heretofore: Provided, That on or before the first day of December in each fiscal year each Executive Department, bureau, or independent office of the Government to which an appropriation or allotment of appropriation for printing and binding is made, shall obtain from the Public Printer an estimate of the probable cost of all publications of such Department, bureau, or independent office now required by law to be printed, and so much thereof as would, under the terms of this resolution, be charged to the appropriation or allotment of appropriation of the Department, bureau, or independent office of the Government in which such publications originate, shall thereupon be set aside to be applied only to the printing and binding of such documents and reports, and shall not be available for any other purpose until all of such allotment of cost on account of such documents and reports shall have been fully paid.

Res. March 30, 1906, No. 13, § 1, 34 Stat. 825.

The cost of the printing of any document or report printed by order of Congress, which cannot under this resolution be charged to any other appropriation or allotment of appropriation already made, is to be charged to the allotment of appropriation for printing and binding for Congress, by paragraph 7 of section 2 of Act Jan. 12, 1895, c. 23, as said section is amended by Act March 1, 1907, c. 2284, § 1, set forth below.

Time of taking effect of resolution.

This resolution shall be effective on and after July first, nineteen hundred and six.

Res. March 30, 1906, No. 13, § 2, 34 Stat. 826.

RES. MARCH 30, 1906, No. 14. [H. J. R. 128.]

Joint Resolution to Prevent Unnecessary Printing and Binding and to Correct Evils in the Present Method of Distribution of Public Documents. (34 Stat. 826.)

Regulations for printing public documents, etc., for Congress in two or more editions; requisitions on Public Printer therefor; printing of full number and allotment of full quota not to be obstructed.

Resolved, &c., That the Joint Committee on Printing is hereby authorized and directed to establish rules and regulations, from time to time, which shall be observed by the Public Printer, whereby public documents and reports printed for Congress, or either House thereof, may be printed in two or more editions, instead of one, to meet the public requirements: Provided, That in no case shall the aggregate of said editions exceed the number of copies now authorized or which may hereafter be authorized: And provided further, That the number of copies of any public document or report now authorized to be printed or which may hereafter be authorized to be printed for any of the Executive Departments, or bureaus or branches thereof, or independent offices of the Government may be supplied in two or more editions, instead of one, upon a requisition on the Public Printer by the official head of such Department or independent office, but in no case shall the aggregate of said editions exceed the number of copies now authorized, or which may hereafter be authorized: Provided further, That nothing herein shall operate to obstruct the printing of the full number of any document or report, or the allotment of the full quota to Senators and Representatives, as now authorized, or which may hereafter be authorized, when a legitimate demand for the full complement is known to exist.

Res. March 30, 1906, No. 14, 34 Stat. 826.

ACT JAN. 18, 1907, c. 153. [H. R. 19754.]

An Act to Provide for the Distribution of Public Documents to the Library of the Philippine Government at Manila, Philippine Islands. (34 Stat. 850.)

Distribution of public documents to library of Philippine government.

Be it enacted, &c., That the superintendent of documents is hereby authorized and directed to supply one copy of each document delivered to him for distribution to State and Territorial libraries and designated depositories to the library of the Philippine government, in the city of Manila, Philippine Islands; and the Public Printer is hereby directed to print, bind, and deliver to the superintendent of documents the extra number of documents required to comply with this Act.

Act Jan. 18, 1907, c. 153, 34 Stat. 850.

Provisions for distribution of public documents to libraries are contained in Act Jan. 12, 1895, c. 23, § 62, Comp. St. 1901, p. 2558.

Provisions for distribution to the Governor-General of the Philippine Islands of copies of the Congressional Record and of all bills, resolutions, documents, and reports, as printed, are contained in Act March 4, 1909, c. 317, set forth below.

ACT FEB. 26, 1907, c. 1635, § 1. [H. R. 21574.]

Public Printer; deputy public printer; other officers, clerks, etc., in Government Printing Office, and estimates and appropriations therefor.

Office of the Public Printer: Public Printer, five thousand five hundred dollars; deputy public printer, three thousand six hundred dollars; private secretary, two thousand two hundred and fifty dollars; stenographer, one thousand dollars; cashier and paymaster, two thousand five hundred dollars; paying teller, two thousand dollars; one messenger; one telephone switch-board operator; two assistant telephone switch-board operators; chief inspector and purchasing agent, three thousand six hundred dollars; and one clerk of class one; in all, twenty-four thousand four hundred and ten dollars.

The office of deputy public printer shall be filled by the selection and appointment by the Public Printer of a person skilled as a practical printer and versed in the art of bookbinding, and who shall perform the duties heretofore required of the chief clerk, have supervision of the buildings occupied by the Government Printing Office and perform such other duties as may be required of him by the Public Printer.

Office of superintendent of documents: Superintendent of documents, three thousand dollars; principal clerk, one thousand eight hundred dollars; clerk in charge of the Congressional Record at the Capitol, two thousand five hundred dollars; in all, seven thousand three hundred dollars.

Office of foreman of printing: Foreman of printing, two thousand five hundred dollars.

Office of foreman of presswork: Foreman of presswork, two thousand five hundred dollars.

Office of foreman of binding: Foreman of binding, two thousand five hundred dollars.

Office of the superintendent of supplies: Superintendent of supplies, two thousand five hundred dollars.

Watch force: Captain of the watch, one thousand two hundred dollars; two lieutenants of the watch, at nine hundred dollars each, and sixty-four day and night watchmen, at seven hundred and twenty dollars each; in all, forty-nine thousand and eighty dollars.

The Public Printer shall submit for the fiscal year nineteen hundred and nine, and annually thereafter, estimates for all clerks and other employees additional to the foregoing who may be required in the executive or administrative offices of the Government Printing Office; and no funds other than those appropriated in the legislative, executive, and judicial appropriation Act for the fiscal year nineteen hundred and nine shall be used during said fiscal year for services in the Government Printing Office of the character specified in said estimates and appropriated for in said appropriation Act.

Act Feb. 26, 1907, c. 1635, § 1, 34 Stat. 943.

These are provisions, under the heading "Government Printing Office," in the legislative, executive, and judicial appropriation act for the fiscal year ending June 30, 1908, cited above. The appropriations for the several officers, clerks, and employés named are for the fiscal year only, but reference to them is necessary to the application of the requirement in the last paragraph of estimates for subsequent years "for all clerks and employees additional to the foregoing who may be required in the executive or administrative offices" of that Office.

A previous provision requiring the Public Printer to submit "for the

fiscal year nineteen hundred and seven, and annually thereafter," estimates similar to those required by this act, was contained in the similar appropriation act for the preceding year, Act June 22, 1906, c. 3514, § 1, 34 Stat. 397. For the fiscal year ending June 30, 1909, appropriations for the same officers, etc., and of the same amounts, were contained in the sundry civil appropriation act for that year, Act May 27, 1908, c. 200, § 1, 35 Stat. 381, under the head "Government Printing Office," with the same requirement of estimates to be submitted for the fiscal year 1910, and annually thereafter, and a similar restriction that "no funds other than those specifically appropriated under said estimates shall be used during said fiscal year for services in the Government Printing Office of the character specified in said estimates and appropriated for thereunder." But in the sundry civil appropriation acts for the fiscal year 1910 and subsequent years, under the head "Government Printing Office," the appropriations are in a different arrangement, and provide for officers, clerks, and employés and rates of compensation in various offices other than those included in the previous acts, and are followed by other provisions as to the use of the funds appropriated by each such act.

Before this act, the salary of the Public Printer was $4,500 per annum, by provisions of Act Jan. 12, 1895, c. 23, § 17, Comp. St. 1901, p. 2541, and subsequent appropriations therefor. The appropriation of $5,500 is continued in the appropriations subsequent to this act.

The provision of this act as to the qualifications and duties of the deputy public printer are repeated in Act May 27, 1908, c. 200, § 1, 35 Stat. 382. The appropriation for his salary is increased to $4,500, for the fiscal year 1910 and subsequent years, by the appropriations for each year. The provision for the fiscal year ending June 30, 1912, is by Act March 4, 1911, c. 285, § 1, 36 Stat. 1445.

The office of the Superintendent of Documents is to be under the control of the Public Printer, and the disbursements on account of the office are to be made by the Public Printer, by a provision of Act March 4, 1909, c. 299, § 1, set forth below.

The appropriations in this act and in Act May 27, 1908, c. 200, § 1, 35 Stat. 1020, for the offices of foreman of printing, foreman of presswork, foreman of binding, and superintendent of supplies, are not repeated in the appropriations for the fiscal year ending June 30, 1910, Act March 4, 1909, c. 299, § 1, 35 Stat. 1020, under the head "Government Printing Office," but under "Public Printing and Binding," appropriations are made for salaries, etc., of all necessary employés additional to the sums specifically appropriated, including the compensation of the foreman of binding; and the similar appropriations for the subsequent years include the compensation of the foreman of binding and the foreman of printing. The provision for the fiscal year ending June 30, 1912, is by Act March 4, 1911, c. 285, § 1, 36 Stat. 1445.

ACT MARCH 1, 1907, c. 2284. [S. 8510.]

An Act to Amend an Act Providing for the Public Printing and Binding and the Distribution of Public Documents. (34 Stat. 1012.)

Amendment of Act Jan. 12, 1895, c. 23, § 2.

Be it enacted, &c., That section two of the Act approved January twelfth, eighteen hundred and ninety-five, providing for the public printing and binding and the distribution of public documents, be amended to read as follows:

Joint Committee on Printing to remedy neglect or delay in public printing.

"Sec. 2. Paragraph 1. That the Joint Committee on Printing shall have power to adopt such measures as may be deemed necessary to

remedy any neglect or delay in the execution of the public printing and binding.

A provision in the same language as that of this paragraph was contained in Act Jan. 12, 1895, c. 23, § 2, Comp. St. 1901, p. 2536, as originally enacted.

Reprinting bills, etc., reports from committees, etc., not exceeding 50 pages; requisition for reprinting to cite authority.

"Par. 2. The Secretary of the Senate and the Clerk of the House of Representatives may order the reprinting in a number not exceeding one thousand copies of any pending bill or resolution, or any public law not exceeding fifty pages, or any report from any committee or Congressional commission on pending legislation not accompanied by testimony or exhibits or other appendices and not exceeding fifty pages, when the supply shall have been exhausted. The Public Printer shall require each requisition for reprinting to cite the specific authority of law for its execution.

Reports or documents not exceeding 50 pages are not affected by paragraph 6 of this section, as amended by this act, by a provision thereof, as set forth below.

Printing for committees of Congress; resolutions required for more than 1,000 copies.

"Par. 3. No committee of Congress shall be empowered to procure the printing of more than one thousand copies of any hearing or other document, which shall be germane thereto, for its use except by simple, concurrent, or joint resolution, as hereinafter provided.

Printing extra copies; resolutions; orders within $200.

"Par. 4. Orders for printing extra copies, otherwise than herein provided for, shall be by simple, concurrent, or joint resolution. Either House may print extra copies to the amount of five hundred dollars by simple resolution; if the cost exceeds that sum, the printing shall be ordered by concurrent resolution, except when the resolution is self-appropriating, when it shall be by joint resolution. Such resolutions, when presented to either House, shall be referred immediately to the Committee on Printing, who, in making their report, shall give the probable cost of the proposed printing upon the estimate of the Public Printer; and no extra copies shall be printed before such committee has reported: Provided, That the printing of additional copies may be performed upon orders of the Joint Committee on Printing within a limit of two hundred dollars in cost in any one instance: And provided further, That nothing in this paragraph shall be held to contravene the provisions of Public Resolution Numbered Eleven, approved March twenty-eighth, nineteen hundred and four.

Previous provisions similar to some extent to those of this paragraph were contained in Act Jan. 12, 1895, c. 23, § 59, Comp. St. 1901, p. 2556, which section is repealed by section 6 of this act set forth below.

Res. March 28, 1904, No. 11, mentioned in the last proviso of this paragraph, authorizing reprinting of certain documents for sale, is set forth above.

"Extra copies" defined.

"Par. 5. The term 'extra copies' as used herein shall be construed to mean copies in addition to the usual number as defined in the Act

providing for the public printing and binding and the distribution of public documents, approved January twelfth, eighteen hundred and ninety-five, and amendments thereto.

Act Jan. 12, 1895, c. 23, § 54, mentioned in this paragraph, defining the "usual number" of documents, etc., ordered to be printed, is set forth in Comp. St. 1901, p. 2552.

Printing of documents not provided for by existing law; estimates therefor; estimates to be submitted with reports, etc., in response to inquiries from Congress.

"Par. 6. Either House may order the printing of a document not already provided for by existing law, but only when the same shall be accompanied by an estimate from the Public Printer as to the probable cost thereof. Any Executive Department, bureau, board, or independent office of the Government submitting reports or documents in response to inquiries from Congress shall submit therewith an estimate of the probable cost of printing to the usual number. Nothing in this paragraph relating to estimates shall apply to reports or documents not exceeding fifty pages.

Cost of printing documents, etc., by order of Congress, not chargeable to other appropriation, to be charged to appropriation for printing and binding for Congress.

"Par. 7. The cost of the printing of any document or report hereafter printed by order of Congress which can not under the provisions of Public Resolution Numbered Thirteen, Fifty-ninth Congress, first session, approved March thirtieth, nineteen hundred and six, be properly charged to any other appropriation or allotment of appropriation already made, it shall, upon order of the Joint Committee on Printing, be charged to the allotment of appropriation for printing and binding for Congress.

Res. March 30, 1906, No. 13, mentioned in this section, prescribing the appropriations to which the cost of printing and binding for the Executive Departments, etc., shall be charged, is set forth above.

Stationery, blank books, etc., for Congress.

"Par. 8. Stationery, blank books, tables, forms, and other necessary papers preparatory to Congressional legislation, required for the official use of the Senate and the House of Representatives, or the committees and officers thereof, shall be furnished by the Public Printer upon requisition of the Secretary of the Senate and the Clerk of the House of Representatives, respectively. This shall not operate to prevent the purchase by the officers of the Senate and House of Representatives of such stationery and blank books as may be necessary for sale to Senators and Members in the stationery rooms of the two Houses as now provided by law.

Previous provisions similar to some extent to those of this paragraph were contained in Act Jan. 12, 1895, c. 23, § 99, Comp. St. 1901, p. 2586, which section is repealed by section 6 of this act, set forth below.

Binding for Senators and Representatives.

"Par. 9. Each Senator and Representative shall be entitled to the binding in half morocco, or material not more expensive, of but one copy of each public document to which he may be entitled, an account

of which, with each Senator and Representative, shall be kept by the Secretary of the Senate and Clerk of the House, respectively."

Act March 1, 1907, c. 2284, § 1, 34 Stat. 1012.

Act Jan. 12, 1895, c. 23, § 2, amended by this section, is set forth in Comp. St. 1901, p. 2536.

A previous provision substantially identical with this paragraph was contained in Act Jan. 12, 1895, c. 23, § 99, Comp. St. 1901, p. 2586, which section is repealed by section 6 of this act, set forth below.

Sec. 2. [Repealed. Res. Jan. 15, 1908, No. 2.]

This section, which amended Act Jan. 12, 1895, c. 23, § 81, set forth in Comp. St. 1901, p. 2581, is expressly repealed by Res. Jan. 15, 1908, No. 3, § 3, set forth below; other provisions relating to the subject being enacted by sections 1 and 2 of said resolution, also set forth below.

Sec. 3. [Repealed. Act May 27, 1908, c. 200, § 1.]

This section, which provided that the expense of the administration of the Office of Superintendent of Documents should not be charged to any appropriation for public printing and binding, but should be otherwise specifically appropriated for, the administration of the office to be under the direction of the Public Printer as theretofore, was not to become operative until July 1, 1908, by a provision of Act March 4, 1907, c. 2919, § 1, 34 Stat. 1399. And before that date this section was expressly repealed by a provision of Act May 27, 1908, c. 200, § 1, set forth below.

A subsequent provision that the office of Superintendent of Documents shall be under the control of the Public Printer as heretofore, and that the disbursements thereof shall be made by the Public Printer, contained in Act March 4, 1909, c. 299, § 1, is set forth below.

Distribution of copies of publications to designated depositories and libraries; increase or diminution of allotment; land-grant colleges constituted as depositories.

Sec. 4. That upon request of the superintendent of documents the Public Printer is hereby authorized and directed to either increase or diminish the number of copies of publications furnished for distribution, to designated depositories or State and Territorial libraries, so that the number of copies delivered shall be equal to the number of libraries on the list: Provided, That the number thus delivered shall at no time exceed the number authorized under existing statute: And provided further, That the allotment of five hundred and one copies furnished for distribution to libraries be increased or reduced, from time to time, as the redistricting of States or the rearrangement of depository lists under provisions of law shall demand, to such numbers as may be necessary to comply with the law: And provided further, That all land-grant colleges shall be constituted as depositories for public documents, subject to the provisions and limitations of the depository laws.

Act March 1, 1907, c. 2284, § 4, 34 Stat. 1014.

Lapse of authority to print if whole number of copies is not ordered within two years.

Sec. 5. That in the printing of any document or report, or any publication authorized by law to be printed, or hereafter authorized to be printed, for distribution by Congress, the whole number of copies of which shall not have been ordered within two years from the date of the original order, the authority to print shall lapse, except as orders for subsequent editions may be approved by the Joint Committee on

Printing, and then in no instance shall the whole number exceed the number originally authorized by law.

Act March 1, 1907, c. 2284, § 5, 34 Stat. 1014.

Repeal.

Sec. 6. That section fifty-nine of the Act approved January twelfth, eighteen hundred and ninety-five, providing for the public printing and binding and the distribution of public documents, and sections eighty-one and ninety-nine of said Act, and the amendment thereto in the Act approved March second, eighteen hundred and ninety-five, Statutes at Large, volume twenty-eight, page nine hundred and sixty-one, chapter one hundred and eighty-nine, and all other laws or parts of laws in conflict with the provisions of this Act, are hereby repealed.

Act March 1, 1907, c. 2284, § 6, 34 Stat. 1015.

Section 59 of Act Jan. 12, 1895, c. 23, repealed by this section, is set forth in Comp. St. 1901, p. 2556. More comprehensive provisions of a similar nature are contained in paragraph 4 of section 2 of said act, as amended by section 1 of this act, set forth above.

Section 81 of said Act Jan. 12, 1895, c. 23, also repealed by this section, is set forth in Comp. St. 1901, p. 2581. That section was amended by section 2 of this act; but section 2 is repealed and other provisions relating to the subject are enacted by Res. Jan. 15, 1908, No. 3, set forth below.

Section 99 of said Act Jan. 12, 1895, c. 23, and the provision amendatory thereof of Act March 2, 1895, c. 189, § 1, also repealed by this section, are set forth in Comp. St. 1901, pp. 2586, 2592. Provisions of a similar nature are contained in paragraphs 8 and 9 of section 2 of said act, as amended by section 1 of this act, set forth above.

ACT MARCH 1, 1907, c. 2285. [H. R. 22580.]

Work of Indian Department at Indian schools.

That the provisions of section thirty-seven hundred and eighty-six of the Revised Statutes of the United States shall not hereafter apply to such work of the Indian Department as can be executed at the several Indian schools.

Act March 1, 1907, c. 2285, 34 Stat. 1018.

This is a provision of the Indian appropriation act for the fiscal year ending June 30, 1908, cited above.

The provisions of Rev. St. § 3786, mentioned in this paragraph, are re-enacted in language substantially identical in Act Jan. 12, 1895, c. 23, Comp. St. 1901, p. 2582. This paragraph may therefore be regarded as applicable to the provisions of that section.

A provision similar to this paragraph, without the word "hereafter," was contained in the Indian appropriation act for the preceding fiscal year, Act June 21, 1906, c. 3504, 34 Stat. 330.

ACT MARCH 4, 1907, c. 2919, § 1. [H. R. 25851.]

Index to Statutes at Large; printing, binding, and distribution.

The Public Printer shall cause the new index to the Statutes at Large, now being prepared in accordance with the plan approved by the Judiciary Committees of both Houses of Congress, to be printed, bound and distributed in the manner now provided by law for the printing, binding and distribution of the United States Statutes at Large.

Act March 4, 1907, c. 2919, § 1, 34 Stat. 1398.

This is a provision of the deficiency appropriation act for the fiscal year ending June 30, 1907, cited above.

Provisions relating to the printing, binding, and distribution of the Statutes at Large are contained in Act Jan. 12, 1895, c. 23, § 73, Comp. St. 1901, p. 2567.

RES. MARCH 4, 1907, No. 24. [H. J. R. 257.]

Joint Resolution Authorizing the Secretary of the Treasury to Print One thousand Additional Copies of the Annual Report of the Director of the Mint. (34 Stat. 1424.)

Reports of Director of Mint; increase in number of copies.

Resolved, &c., That the Secretary of the Treasury be, and he is hereby, authorized to have printed one thousand additional copies of the Annual Report of the Director of the Mint on the operations of the mint and assay offices for the fiscal year ended June thirtieth, nineteen hundred and six, with appendices, and one thousand additional copies of the Annual Report of the Director of the Mint on the production of precious metals for the calendar year nineteen hundred and five, with appendices, and that hereafter there may be printed, in the discretion of the Secretary of the Treasury, for distribution by the Treasury Department, two thousand copies of said reports, instead of one thousand copies as heretofore.

Res. March 4, 1907, No. 24, 34 Stat. 1424.

RES. MARCH 4, 1907, No. 25. [H. J. R. 219.]

Joint Resolution Providing for an Increase in the Number of Copies to be Printed of the Annual Report of the Comptroller of the Currency. (34 Stat. 1425.)

Report of Comptroller of the Currency; increase in number of copies.

Resolved, &c., That section seventy-three of an Act "Providing for the public printing and binding, and the distribution of public documents," approved January twelfth, eighteen hundred and ninety-five, be, and the same is hereby, so amended as to authorize the printing annually hereafter of ten thousand copies of the Annual Report of the Comptroller of the Currency, for distribution by the Comptroller of the Currency, instead of seven thousand copies as heretofore.

Res. March 4, 1907, No. 25, 34 Stat. 1425.

RES. MARCH 4, 1907, No. 29. [H. J. R. 256.]

Joint Resolution Authorizing the Attorney-General to Print Eight hundred and fifty Copies of the Session Laws. (34 Stat. 1426.)

Session Laws and Statutes at Large for distribution by Department of Justice; increase in number of copies.

Resolved, &c., That the Attorney-General be, and he is hereby, authorized to have printed, for distribution by the Department of Justice, eight hundred and fifty copies of the Session Laws, and of the Statutes at Large, in lieu of five hundred copies of each as now provided by law.

Res. March 4, 1907, No. 29, 34 Stat. 1426.

The printing for the Department of Justice of 500 copies of the pamphlet copies of the statutes of each session and of the volumes of the Statutes at Large, mentioned in this resolution, was authorized by provisions of Act Jan. 12, 1895, c. 23, § 73, set forth in Comp. St. 1901, pp. 2566, 2567.

RES. JAN. 15, 1908, No. 3. [S. J. R. 1.]

Joint Resolution Amending an Act Relative to the Public Printing and Binding, Approved March First, Nineteen Hundred and Seven. (35 Stat. 565.)

Classification of publications ordered printed by Congress, and numbering thereof; designation of publications of Departments, etc.; printing of committee hearings.

Resolved, &c., That publications ordered printed by Congress, or either House thereof, shall be in four series, namely: One series of reports made by the committees of the Senate, to be known as Senate reports; one series of reports made by the committees of the House of Representatives, to be known as House reports; one series of documents other than reports of committees, the orders for printing which originate in the Senate, to be known as Senate documents, and one series of documents other than committee reports, the orders for printing which originate in the House of Representatives, to be known as House documents. The publications in each series shall be consecutively numbered, the numbers in each series continuing in unbroken sequence throughout the entire term of a Congress, but the foregoing provisions shall not apply to the documents printed for the use of the Senate in executive session: Provided, That of the "usual number," the copies which are intended for distribution to State and Territorial libraries and other designated depositories of all annual or serial publications originating in or prepared by an Executive Department, bureau, office, commission, or board shall not be numbered in the document or report series of either House of Congress, but shall be designated by title and bound as hereinafter provided, and the departmental edition, if any, shall be printed concurrently with the "usual number:" And provided further, That hearings of committees may be printed as Congressional documents only when specifically ordered by Congress or either House thereof.

Res. Jan. 15, 1908, No. 3, § 1, 35 Stat. 565.

Previous provisions on the same subject as those of this section and the section next following were contained in Act March 1, 1907, c. 2284, §§ 2, 3, which are repealed by section 3 of this resolution, set forth below.

Binding of publications for distribution to libraries.

Sec. 2. That in the binding of Congressional documents and reports for distribution by the superintendent of documents to State and Territorial libraries and other designated depositories, every publication of sufficient size on any one subject shall hereafter be bound separately and receive the title suggested by the subject of the volume, and the others shall be distributed in unbound form as soon as printed. The Public Printer shall supply the superintendent of documents sufficient copies of those publications distributed in unbound form, to be bound and distributed to the State and Territorial libraries and other designated depositories for their permanent files. The library edition, as well as all other bound sets of Congressional numbered documents and reports, shall be arranged in volumes and bound in the manner directed by the Joint Committee on Printing.

Res. Jan. 15, 1908, No. 3, § 2, 35 Stat. 566.

Repeal of Act March 1, 1907, c. 2284, § 2.

Sec. 3. That section two of an Act to amend an Act providing for the public printing and binding, and so forth, approved March first, nineteen hundred and seven, is hereby repealed.

Res. Jan. 15, 1908, No. 3, § 3, 35 Stat. 566.

Section 2 of Act March 1, 1907, c. 2284, repealed by this section,

amended Act Jan. 12, 1895, c. 23, § 81, set forth in Comp. St. 1901, p. 2381, which was repealed by section 6 of said Act March 1, 1907, c. 2284, set forth above.

ACT MAY 27, 1908, c. 200, § 1. [H. R. 21260.]

Publications of Geological Survey; report of mineral resources.

For the preparation of the report of the mineral resources of the United States, which report shall hereafter be published in two octavo volumes and as a distinct publication, the number of copies, printing of separate chapters, and mode of distribution of which shall be the same as of the annual report, seventy-five thousand dollars.

Act May 27, 1908, c. 200, § 1, 35 Stat. 349.

This is a provision of the sundry civil appropriation act for the fiscal year ending June 30, 1909, cited above. It is repeated in the similar appropriation act for the fiscal year ending June 30, 1910, Act March 4, 1909, c. 299, § 1, 35 Stat. 968.

Previous provisions relating to the form, printing, and distribution of the publications of the Geological Survey, including the report of mineral resources, contained in Res. May 16, 1902, No. 22, and Act March 3, 1903, c. 1007, § 1, are set forth above.

A previous provision similar to that of this act, except in providing for publication of the report in one octavo volume, was contained in Act March 4, 1907, c. 2918, § 1, 34 Stat. 1336.

Repeal of Act March 1, 1907, c. 2284, § 3.

Section three, of the Act providing for the public printing and binding and the distribution of public documents approved March first, nineteen hundred seven, is hereby repealed.

Act May 27, 1908, c. 200, § 1, 35 Stat. 384.

This is a further provision of the sundry civil appropriation act for the fiscal year ending June 30, 1910, cited above.

Act March 1, 1907, c. 2284, § 3, 34 Stat. 1014, repealed by this provision, provided that the expense of the administration of the office of Superintendent of Documents should not be charged to any appropriation for public printing and binding, but should be otherwise specifically appropriated for, and that the administration of said office should be under the direction of the Public Printer as theretofore. Said section, by a provision of Act March 4, 1907, c. 2919, § 1, 34 Stat. 1399, was not to become operative until July 1, 1908, before which date it was repealed by this provision. Appropriations for the office, including salaries, expenses, etc., for the fiscal year ending June 30, 1910, are made by Act March 4, 1909, c. 299, § 1, 35 Stat. 1020, with provisions as to control of the office and the making of disbursements on account of salaries or other expenses thereof by the Public Printer, which are set forth below.

ACT MARCH 4, 1909, c. 299, § 1. [H. R. 28245.]

Superintendent of Documents; control of office and making of disbursements therefor by Public Printer.

* * That the office of the superintendent of documents shall be under the control of the Public Printer as heretofore; the disbursements on account of salaries or other expenses of the office of the superintendent of documents shall be made by the Public Printer, and a statement thereof shall be included in his annual report for each fiscal year.

Act March 4, 1909, c. 299, § 1, 35 Stat. 1021.

This is a proviso annexed to the appropriations for the office of Superintendent of Documents in the sundry civil appropriation act for the fiscal year ending June 30, 1910, cited above. It is repeated in the similar act for the following fiscal year, Act June 25, 1910, c. 384, § 1, 36 Stat. 770.

Previous provisions relating to appropriations for the expenses of ad-

ministration of the office, and for its administration under direction of the Public Printer, were contained in Act March 1, 1907, c. 2284, § 3, which was repealed, before becoming operative, by Act May 27, 1908, c. 200, § 1. See notes under said acts, set forth above.

Appropriations for Government Printing Office; allotments; restriction on use of funds; report with annual estimates.

Except the appropriations for salaries in the office of the superintendent of documents, and for stores and general expense for the office of the superintendent of documents, all appropriations made herein under "Government Printing Office" shall be considered in apportioning the allotments for printing and binding to the Congress and the several executive departments, bureaus, and independent offices of the Government: Provided, That no other fund appropriated by this Act, or any other Act, shall be used for services or other purposes in the Government Printing Office, or in the office of the superintendent of documents, of the character specified in the foregoing paragraphs, except in cases of emergency arising after the passage of this Act, and then only on the written order of the Public Printer; and the aggregate of all salaries or other expenses thus paid, in addition to those specifically appropriated for above, shall be reported to Congress each year in connection with the annual estimates.

Act March 4, 1909, c. 299, § 1, 35 Stat. 1021.

This is a further provision of the sundry civil appropriation act for the fiscal year ending June 30, 1910, cited above.

The appropriations made in this act under "Government Printing Office," mentioned in this provision, other than the appropriations for the office of Superintendent of Documents, which are expressly excepted, are under the headings "Office of the Public Printer," "Office of the Deputy Public Printer," "Watch Force," "Doorkeepers," "Telephone Operators," and "Holidays" and "Leaves of Absence." They are made for the fiscal year 1910, and, of the above provisions relating to them, only the requirement of a report to Congress "each year" of payments additional to the specific appropriations can be regarded as permanent. The appropriations for the subsequent fiscal years are in similar form. The provision for the fiscal year ending June 30, 1912, is by Act March 4, 1911, c. 285, § 1, 36 Stat. 1444.

Appropriations for public printing and binding; salaries, etc.; compensation of foreman of binding.

For the public printing, for the public binding, and for paper for the public printing, including the cost of printing the debates and proceedings of Congress in the Congressional Record, and for lithographing, mapping, and engraving for both Houses of Congress, the Supreme Court of the United States, the Supreme Court of the District of Columbia, the Court of Claims, the Library of Congress, the Executive Office, and the departments; for salaries, compensation, or wages of all necessary employees additional to the foregoing specific sums, including the compensation of the foreman of binding, which shall hereafter be at the rate of two thousand five hundred dollars per annum; * *

Act March 4, 1909, c. 299, § 1, 35 Stat. 1021.

This is a further provision, under "Public Printing and Binding," in the sundry civil appropriation act for the fiscal year ending June 30, 1910, cited above.

The specific sums appropriated, mentioned in this provision, are those under "Government Printing Office," described in the note under the preceding paragraph of this act.

Previous appropriations for the foreman of binding were at the same

rate of $2,500 per annum, by Act Feb. 26, 1907, c. 1635, § 1, set forth above, and Act May 27, 1908, c. 200, § 1, 35 Stat. 382.

Government Printing Office Library; disposal of books.

That the serviceable books now contained in the Government Printing Office library, except those which in the judgment of the Public Printer should be retained for reference, shall be turned over to the Public Library of the District of Columbia, and that all unserviceable books be condemned and sold as waste paper.

Act March 4, 1909, c. 299, § 1, 35 Stat. 1024.

This is a further provision of the sundry civil appropriation act for the fiscal year ending June 30, 1910, cited above.

Pay of employés; work on Sunday.

The Public Printer may hereafter, in his discretion, pay printer linotype operators and printer monotype keyboard operators at a rate not exceeding sixty cents per hour: Provided, That when the exigencies of the service require that work be performed on Sunday the Public Printer may, in his discretion, pay to employees, not receiving annual salaries, not exceeding fifty per centum in addition to the regular rate paid for such work.

Act March 4, 1909, c. 299, § 1, 35 Stat. 1024.

This is a further provision of the sundry civil appropriation act for the fiscal year ending June 30, 1910, cited above.

ACT MARCH 4, 1909, c. 317. [H. R. 24864.]

An Act to Provide for the Distribution of the Congressional Record and Public Bills, Documents, and so forth, to the Governor-General of the Philippine Islands at Manila, Philippine Islands. (35 Stat. 1067.)

Distribution of copies of Congressional Record, and of bills, documents, etc., to governor-general of Philippine Islands.

Be it enacted, &c., That the Public Printer is hereby authorized to furnish gratuitously to the governor-general of the Philippine Islands at Manila ten copies of the daily Congressional Record and three copies of all bills, resolutions, documents, and reports, as printed, and he is hereby directed to print, if necessary, the extra number required to comply with this Act.

Act March 4, 1909, c. 317, 35 Stat. 1067.

RES. MARCH 4, 1909, No. 25. [S. J. Res. 105.]

Joint Resolution for the Purpose of More Fully Carrying into Effect the Convention Concluded at Brussels on March Fifteenth, Eighteen Hundred and Eighty-Six, in Reference to the Exchange of Official Journals, and so forth. (35 Stat. 1169.)

Distribution of copies of Congressional Record in exchange for foreign parliamentary records.

Resolved, &c., That for the purpose of more fully carrying into effect the provisions of the convention concluded at Brussels on March fifteenth, eighteen hundred and eighty-six, and proclaimed by the President on January fifteenth, eighteen hundred and eighty-nine, the Public Printer is hereby authorized and directed to supply to the Library of Congress such number as may be required, not exceeding one hundred copies, of the daily issue of the Congressional Record for distribution, through the Smithsonian Institution, to the legislative

chambers of such foreign governments as may agree to send to the United States current copies of their parliamentary record or like publication, such documents, when received, to be deposited in the Library of Congress.

Res. March 4, 1909, No. 25, 35 Stat. 1169.

ACT FEB. 25, 1910, c. 62. [H. R. 18282.]

Reprinting public documents of National Monetary Commission.

* * And the Superintendent of Documents is hereby authorized to order reprinted, from time to time, such public documents of the National Monetary Commission as may be required for sale.

Act Feb. 25, 1910, c. 62, 36 Stat. 217.

This is a provision of the urgent deficiency appropriation act for the fiscal year 1910, cited above.

ACT JUNE 25, 1910, c. 384, § 1. [H. R. 25552.]

Leaves of absence; payment of employés receiving annual salaries.

* * That hereafter employees in the Government Printing Office receiving annual salaries fixed by law shall be allowed leave at the rate of pay received by them at the time such leave is granted, the same to be payable from the specific appropriation for their salaries;

Act June 25, 1910, c. 384, § 1, 36 Stat. 767.

This is a proviso, annexed to the usual annual appropriation to enable the Public Printer to comply with the provisions of law granting thirty days' annual leave, in the sundry civil appropriation act for the fiscal year ending June 30, 1911, cited above.

Provisions for such annual leaves of absence to employés contained in Act June 11, 1896, c. 420, § 1, are set forth in Comp. St. 1901, p. 2595.

Reprinting public documents of the Immigration Commission.

* * And the superintendent of documents is hereby authorized to order reprinted from time to time such public documents of the Immigration Commission as may be required for sale.

Act June 25, 1910, c. 384, § 1, 36 Stat. 768.

This is a further provision of the sundry civil appropriation act for the fiscal year ending June 30, 1911, cited above.

Details of employés to Executive Departments, etc., restricted to work of public printing and binding.

Hereafter no employee of the Government Printing Office shall be detailed to duties not pertaining to the work of public printing and binding in any executive department or other government establishment unless expressly authorized by law.

Act June 25, 1910, c. 384, § 1, 36 Stat. 770.

This is a further provision of the sundry civil appropriation act for the fiscal year ending June 30, 1911, cited above.

ACT JUNE 25, 1910, c. 388. [S. 8516.]

An Act Providing for the Printing of Daily Consular Reports. (36 Stat. 821.)

Daily Consular Reports; number.

Be it enacted, &c., That the Secretary of Commerce and Labor be, and he is hereby, authorized to have printed, for distribution by the Department of Commerce and Labor, an edition of Daily Consular Reports not to exceed twenty thousand copies in any one issue: Provided, That the usual number shall not be printed.

Act June 25, 1910, c. 388, § 1, 36 Stat. 821.

Repeal of part of Act Jan. 12, 1895, c. 23, § 73, and part of Act Feb. 9, 1899, c. 128.

Sec. 2. That that part of section seventy-three of an Act approved January twelfth, eighteen hundred and ninety-five, providing for the public printing and binding and the distribution of public documents, which reads "Of the reports of consular officers, one thousand five hundred copies; five hundred for the Senate, one thousand for the House," and that part of an Act approved February ninth, eighteen hundred and ninety-nine, making appropriations for the diplomatic and consular service for the fiscal year ending June thirtieth, nineteen hundred, which reads "Each issue of diplomatic, consular, and other commercial reports shall not exceed ten thousand copies," are hereby repealed.

Act June 25, 1910, c. 388, § 2, 36 Stat. 821.

The provision of Act Jan. 12, 1895, c. 23, § 73, repealed by this section is set forth in Comp. St. 1901, p. 2570.

ACT JUNE 25, 1910, c. 439. [S. 7661.]

An Act to Amend Section Fifty-Four of an Act Approved January Twelfth, Eighteen hundred and ninety-five, Providing for the Public Printing and Binding and the Distribution of Public Documents, as Amended by Public Resolution Numbered Thirty-six, Approved June Thirtieth, Nineteen hundred and two. (36 Stat. 868.)

Repeal of part of Act Jan. 12, 1895, c. 23, § 54; printing of documents and reports to be reserved, discontinued; special binding of one copy not affected.

Be it enacted, &c., That that part of section fifty-four of an Act approved January twelfth, eighteen hundred and ninety-five, providing for the public printing and binding and the distribution of public documents which reads as follows: "The remainder of said documents and reports shall be reserved by the Public Printer in unstitched form, and shall be held subject to be bound in the number provided by law, upon orders from the Vice-President, Senators, Representatives, Delegates, Secretary of the Senate, and Clerk of the House, in such binding as they shall select, except full morocco or calf; and when not called for and delivered within two years after printing shall be delivered in unbound form to the Superintendent of Documents for distribution," as amended by Public Resolution Numbered Thirty-six, approved June thirtieth, nineteen hundred and two, is hereby repealed, to take effect at the close of the second session of the Sixty-first Congress, and the reserved documents and reports therein provided shall thereafter not be printed: Provided, That nothing herein shall operate to abridge in any way the right of the Vice-President, Senators, Representatives, Delegates, Resident Commissioners, Secretary of the Senate, and Clerk of the House to have bound in half morocco, or material not more expensive, one copy of every public document to which he may be entitled.

Act June 25, 1910, c. 439, 36 Stat. 868.

Act Jan. 12, 1895, c. 23, § 54, part of which is repealed by this act, is set forth in Comp. St. 1901, p. 2552. The amendment thereof, also mentioned in this act, is by Res. June 30, 1902, No. 36, 32 Stat. 746.

RES. JUNE 25, 1910, No. 36. [S. J. R. 107.]

Joint Resolution Limiting the Editions of the Publications of the Bureau of Mines. (36 Stat. 883.)

Publications of Bureau of Mines; limitations of editions.

Resolved, &c., That the publications of the Bureau of Mines shall be published in such editions as recommended by the Secretary of the Interior, but not to exceed ten thousand copies for the first edition.

Res. June 25, 1910, No. 36, § 1, 36 Stat. 883.

Publications of Bureau of Mines; additional copies.

Sec. 2. That whenever the edition of any of the publications of the Bureau of Mines shall have become exhausted and the demand for it continues, there shall be published, on the requisition of the Secretary of the Interior, as many additional copies as the Secretary of the Interior may deem necessary to meet the demand.

Res. June 25, 1910, No. 36, § 2, 36 Stat. 883.

ACT MARCH 4, 1911, c. 285, § 1. [H. R. 32909.]

Payment of cost of printing extracts from Congressional Record, etc., ordered by Senators, Representatives, etc.; deduction from salary due delinquent.

In case any Senator, Representative, or Delegate shall fail to pay the cost of printing extracts from the Congressional Record or other documents ordered by him to be printed in accordance with section thirty-seven of the Act approved January twelfth, eighteen hundred and ninety-five (Twenty-eighth Statutes at Large, page six hundred and six), the Public Printer shall certify the amount due to the Sergeant at Arms of the House or the financial clerk of the Senate, as the case may be, and the Sergeant at Arms or financial clerk shall deduct from any salary due the said delinquent the said amount, or as much thereof as the salary due may cover, and pay the amount so obtained to the Public Printer, to be applied by him to the satisfaction of the indebtedness.

Act March 4, 1911, c. 285, § 1, 36 Stat. 1446.

This is a provision of the sundry civil appropriation act for the fiscal year ending June 30, 1912, cited above.

Act Jan. 12, 1895, c. 23, § 37, mentioned in this provision, is set forth in Comp. St. 1901, p. 2547.

TITLE XLVI.

THE POSTAL SERVICE.

CHAPTER ONE.

Post-Offices and Postmasters.

Sec. 3829.

[Repealed in part. Act March 4, 1909, c. 321, § 341.]

The last sentence of this section, set forth in Comp. St. 1901, p. 2608, which makes it punishable to set up or profess to keep any office, etc., bearing the sign, name, or title of post-office, is incorporated in the act to codify, etc., the penal laws, Act March 4, 1909, c. 321, in chapter 8, § 179, thereof, and is expressly repealed by chapter 15, § 341, of said act, taking effect January 1, 1910. Said act is set forth post, under Title LXIX A, "The Criminal Code."

Sec. 3831.

[Repealed. Act April 28, 1904, c. 1759, § 8.]

This section is expressly repealed by Act April 28, 1904, c. 1759, § 8, set forth below, which makes different provisions on the same subject.

ACT APRIL 28, 1904, c. 1759, § 8. [H. R. 13521.]

Residence of postmaster.

That every postmaster shall reside within the delivery of the office to which he is appointed or within the town or city where the same is situated, and section thirty-eight hundred and thirty-one of the Revised Statutes of the United States is hereby repealed.

Act April 28, 1904, c. 1759, § 8, 33 Stat. 441.

This section is part of the postal appropriation act for the fiscal year ending June 30, 1905, cited above.

Rev. St. § 3831, repealed by this section, is set forth in Comp. St. 1901, p. 2609. It required every postmaster to reside within the delivery of the office to which he is appointed.

Sec. 3832.

[Repealed. Act March 4, 1909, c. 321, § 341.]

This section, set forth in Comp. St. 1901, p. 2610, is incorporated in the act to codify, etc., the penal laws, Act March 4, 1909, c. 321, in chapter 8, § 230, thereof, and is expressly repealed by chapter 15, § 341, of said act, taking effect January 1, 1910. Said act is set forth post, under Title LXIX A, "The Criminal Code."

Sec. 3834.

Bond of postmaster.

This section, set forth in Comp. St. 1901, p. 2610, is amended by striking therefrom part of it, by a provision of Act March 1, 1909, c. 232, set forth below.

Provisions relating to renewal of bonds of postmasters and others in the postal service, superseding those of Rev. St. § 3837, Comp. St.

1901, p. 2612, are contained in Act March 3, 1905, c. 1488, set forth post, under Rev. St. § 3837.

ACT MARCH 1, 1909, c. 232. [H. R. 26305.]

Amendment of Rev. St. § 3834; condition in postmaster's bond as to money-order business.

That section thirty-eight hundred and thirty-four of the Revised Statutes be amended by striking therefrom the following words: "and where an office is designated as a money-order office, the bond of the postmaster shall contain an additional condition for the faithful performance of all duties and obligations in connection with the money-order business."

Act March 1, 1909, c. 232, 35 Stat. 670.

This is a provision of the postal service appropriation act for the fiscal year ending June 30, 1910, cited above.

Rev. St. § 3834, amended by this provision, is set forth in Comp. St. 1901, p. 2610.

Sec. 3837.

[Superseded. Act March 3, 1905, c. 1488.]

This section is superseded by the more comprehensive provisions relating to the same subject contained in Act March 3, 1905, c. 1488, set forth below, the title of which purports to amend Act June 8, 1872, c. 335, § 66, which section was incorporated in the Revised Statutes into this section.

ACT MARCH 3, 1905, c. 1488. [S. 3379.]

An Act to Amend Section Sixty-six of the Act of June Eighth, Eighteen Hundred and Seventy-Two, Entitled "An Act to Revise, Consolidate, and Amend the Statutes Relating to the Post-Office Department." (33 Stat. 1259.)

Renewing bond of postmaster, clerk, carrier, or other person in postal service.

Be it enacted, &c., That whenever any postmaster, clerk, carrier, or other person in the postal service, employed in the Post-Office Department or elsewhere, notifies the Postmaster-General of his desire to execute a new bond, or whenever any of the sureties of such postmaster, clerk, carrier, or other person, notifies the Postmaster-General of his desire to be released from such suretyship, or whenever the Postmaster-General deems a new bond necessary or expedient, the execution of the new bond may be directed by the Postmaster-General. When accepted by the Postmaster-General the sureties of postmasters in the prior bond shall be released from responsibility for all acts or defaults of the postmaster which may be done or committed subsequent to the last day of the quarter in which such new bond shall be executed and accepted, and the sureties of other persons in the prior bond shall be released from responsibility for all acts or defaults of such persons which may be done or committed subsequent to the day such new bond becomes operative.

Act March 3, 1905, c. 1488, 33 Stat. 1259.

Act June 8, 1872, c. 335, § 66, 17 Stat. 293, mentioned in the title of this act as amended by this act, was incorporated in Rev. St. § 3837, set forth in Comp. St. 1901, p. 2612, which may be regarded as amended and superseded by the more comprehensive provisions of this act.

Sec. 3842.

Records at post-offices.

Provisions for disposing of files of useless papers accumulated in post-offices are contained in Act May 11, 1906, c. 2448, set forth below.

ACT MAY 11, 1906, c. 2448. [S. 2140.]

An Act to Authorize the Postmaster-General to Dispose of Useless Papers in Post-Offices. (34 Stat. 186.)

Disposal of useless papers accumulated in post-offices.

Be it enacted, &c., That the Postmaster-General is hereby authorized to sell as waste paper or otherwise dispose of the files of papers which have accumulated or may hereafter accumulate in post-offices, that are not needed in the transaction of current business and have no permanent value or historical interest, and pay the proceeds of said sales into the Treasury as postal revenues.

Act May 11, 1906, c. 2448, 34 Stat. 186.

A similar provision for disposing of useless papers accumulated in the Post-Office Department is contained in Act March 3, 1881, c. 130, § 1, Comp. St. 1901, p. 225.

Sec. 3845.

ACT JUNE 17, 1878, c. 259, § 1.

[Repealed in part. Act March 4, 1909, c. 321, § 341.]

The latter part of the provision of Act June 17, 1878, c. 259, § 1, set forth in Comp. St. 1901, p. 2614, which makes punishable any postmaster who makes a false return for the purpose of fraudulently increasing his compensation, is incorporated in the act to codify, etc., the penal laws, Act March 4, 1909, c. 321, in chapter 8, § 206, thereof, and is expressly repealed by chapter 15, § 341, of said act, taking effect January 1, 1910. Said act is set forth post, under Title LXIX A, "The Criminal Code."

Sec. 3847.

[Amended. Act May 27, 1908, c. 206.]

This section, set forth in Comp. St. 1901, p. 2615, is amended by a provision of Act May 27, 1908, c. 206, set forth below.

ACT MAY 27, 1908, c. 206. [H. R. 18347.]

Amendment of Rev. St. § 3847.

Amend section thirty-eight hundred and forty-seven of the Revised Statutes of the United States to read as follows:

Custody of government money in hands of postmasters.

"Any postmaster, having public money belonging to the Government, at an office within a city or town where there is no Treasurer or Assistant Treasurer of the United States, or designated depositary, may deposit the same temporarily, at his own risk and in his official capacity, in any national or State bank in the State in which the said postmaster resides, or in which his office is located, or within a reasonable radius of his post-office in an adjacent State, but no authority or permission is or shall be given for the payment to or receipt by a postmaster or any other person, of interest, directly or indirectly, on any deposit made as herein described."

Act May 27, 1908, c. 206, 35 Stat. 415.

This is a provision of the postal service appropriation act for the fiscal year ending June 30, 1909, cited above.

Rev. St. § 3847, amended by this provision, is set forth in Comp. St. 1901, p. 2615.

Sec. 3851.

[Repealed. Act March 4, 1909, c. 321, § 341.]

This section, set forth in Comp. St. 1901, p. 2618, is incorporated in the act to codify, etc., the penal laws, Act March 4, 1909, c. 321, in chapter 8, § 214, thereof, and is expressly repealed by chapter 15, § 341, of said act, taking effect January 1, 1910. Said act is set forth post, under Title LXIX A, "The Criminal Code."

Secs. 3852–3856.

ACT MARCH 3, 1883, c. 142.

Adjustment of salaries of postmasters.

The salaries of the postmasters at Boston and Philadelphia are fixed by a provision of Act May 27, 1908, c. 206; and the salary of the postmaster at Saint Louis, Mo., by a provision of Act March 4, 1911, c. 241, set forth below.

ACT MAY 27, 1908, c. 206. [H. R. 18347.]

Salaries of postmasters at Boston, Mass., and Philadelphia, Pa.

That hereafter the compensation paid to postmasters at Boston, Massachusetts, and Philadelphia, Pennsylvania, shall be eight thousand dollars per annum.

Act May 27, 1908, c. 206, 35 Stat. 407.

This is a provision of the postal service appropriation act for the fiscal year ending June 30, 1909, cited above.

ACT MARCH 4, 1911, c. 241, § 1. [H. R. 31539.]

Salary of postmaster at St. Louis, Mo.

* * That hereafter the compensation paid to postmaster at Saint Louis, Missouri, shall be eight thousand dollars per annum.

Act March 4, 1911, c. 241, § 1, 36 Stat. 1329.

This is a provision of the postal service appropriation act for the fiscal year ending June 30, 1912, cited above.

Sec. 3858.

ACT MARCH 3, 1879, c. 180, § 31.

Compensation of acting postmasters.

The salary of the assistant postmaster at Chicago is fixed by a provision of Act March 3, 1903, c. 1009, § 1, set forth below.

The compensation to assistant postmasters at Boston and Philadelphia is fixed by a provision of Act May 27, 1908, c. 206, set forth below.

ACT MARCH 3, 1903, c. 1009, § 1.

Salary of assistant postmaster at Chicago.

* * That the salary of the assistant postmaster at Chicago shall be fixed at three thousand five hundred dollars per annum; * *

Act March 3, 1903, c. 1009, § 1, 32 Stat. 1166.

This is a proviso annexed to an appropriation "For compensation to assistant postmasters at first and second class post-offices: Two at three thousand five hundred dollars," in the postal service appropriation act for the fiscal year ending June 30, 1904, cited above.

ACT MAY 27, 1908, c. 206. [H. R. 18347.]

Compensation to assistant postmasters at Boston, Mass., and Philadelphia, Pa.

That hereafter the compensation paid to assistant postmasters at Boston, Massachusetts, and Philadelphia, Pennsylvania, shall be four thousand dollars per annum.

Act May 27, 1908, c. 206, 35 Stat. 408.

This is a proviso annexed to the appropriation for compensation to

assistant postmasters at first and second class post-offices, in the postal service appropriation act for the fiscal year ending June 30, 1910, cited above.

Sec. 3860.

Expenses at post offices.

Besides the provisions relating to expenses at post offices for various purposes contained in Rev. St. § 3860, and other statutes which are set forth or referred to under that section in Comp. St. 1901, pp. 2624–2632, numerous subsequent provisions relating to such expenses are set forth or referred to below.

ACT MARCH 2, 1889, c. 374, § 1.

Officers, clerks, and employés in post-offices; classification; compensation; promotion; roster.

Clerks in offices of the first and second class and carriers in the city delivery service are divided into six grades, and promotions and transfers are regulated, and the employment of auxiliary employés and substitutes for absent clerks and carriers is authorized, by provisions of Act March 2, 1907, c. 2513, set forth below.

The postal service appropriation acts for recent fiscal years contain appropriations for separating mails at third and fourth class post offices, for unusual conditions at post offices, and for allowance to third class post offices to cover the cost of clerical services, with various provisos annexed, differing somewhat from year to year, as to the use of the money appropriated or the amounts to be allotted to certain purposes or certain classes of post-offices. These provisions for the fiscal year ending June 30, 1912, are contained in Act March 4, 1911, c. 241, § 1, 36 Stat. 1332.

The allowance to fourth class postmasters of additional compensation for separating services and for unusual conditions during a portion of the year, in lieu of the allowance for clerical services previously authorized therefor, is authorized by a provision of Act May 12, 1910, c. 230, set forth below.

Limitations on the use of the appropriation for unusual conditions at post offices for the fiscal year 1912, referring to "the sum annually appropriated," contained in Act March 4, 1911, c. 241, § 1, are set forth below.

Provisions for the classification and compensation of employés in the rural free delivery service are contained in Act April 21, 1902, c. 563, § 1, set forth under chapter 2 of this title.

ACT OCT. 1, 1890, c. 1260.

Leaves of absence to employés in first and second class post-offices and in mail bag repair shops.

Leave of absence is exclusive of Sundays and holidays, by provisions of Act March 2, 1907, c. 2513, and Act May 27, 1908, c. 206, set forth below.

The employment of substitutes for clerks in first or second class post-offices, absent from duty for any cause other than the fifteen days annual leave, which is allowed by the provision of Act Oct. 1, 1890, c. 1260, set forth in Comp. St. 1901, p. 2630, and payment therefor from the lapsed salary of such absent clerk, are authorized by a provision of Act March 3, 1905, c. 1480, § 1, set forth below.

A provision of Act March 4, 1901, c. 241, § 1, 36 Stat. 1336, authorizing the allowance, to certain railway postal clerks and to employés of the mail-lock and mail-bag repair shops, of an annual vacation of thirty days with pay, was repealed by Res. Aug. 14, 1911, No. 5, 37 Stat. 38.

ACT JULY 16, 1894, c. 137, § 1.

Incidental expenditures at first and second class post-offices.

The provision of this act set forth in Comp. St. 1901, p. 2630, is repeated in substantially the same language in the postal service appropriation acts for several years; but in the recent acts the proviso relating to expenditure of the fund without the written consent of the Post-

master-General is omitted. The provision for the fiscal year ending June 30, 1912, is by Act March 4, 1911, c. 241, § 1, 36 Stat. 1332.

The rental or purchase of canceling machines is authorized by further provisions of Act March 3, 1903, c. 1009, § 1, post, under chapter 5 of this Title.

ACT JUNE 13, 1898, c. 446, § 3.

Bonds of assistant postmasters and cashiers at first, second, and third class post-offices.

Provisions relating to renewal of bonds of persons in the postal service are contained in Act March 3, 1905, c. 1488, set forth above, under Rev. St. § 3837, which is superseded thereby.

ACT MARCH 1, 1899, c. 327, § 2.

Appropriations not available for incapacitated employés; civil pension roll, etc., prohibited.

The provisions of this section, set forth in Comp. St. 1901, p. 2631, are repeated in the same language in the postal service appropriation acts for subsequent fiscal years, down to 1910. The provision for that fiscal year was by Act March 1, 1909, c. 232, 35 Stat. 670.

ACT MARCH 3, 1901, c. 851, § 1.

Limitation of rent, etc., for third class post-offices; leasing premises for first, second, and third class post-offices.

The provisions of this act set forth in Comp. St. 1901, p. 2631, are repeated in similar language in the postal service appropriation acts for subsequent fiscal years, except that the limitation of the allowance for any third class post-office in the recent acts, is increased, for rent, to $500, and for fuel and light to $100, in any one year. The provisions for the fiscal year ending June 30, 1912, contained in Act March 4, 1911, c. 241, § 1, are set forth below.

The provisions of Rev. St. § 3477, Comp. St. 1901, p. 2320, restricting assignments of claims against the United States, are not to apply to payments for rent of post-office quarters made by postmasters to agents of the lessors, by a provision of Act May 27, 1908, c. 206, set forth below.

ACT MARCH 3, 1905, c. 1480, § 1. [H. R. 17865.]

Substitutes for clerks in first or second class post-offices or in Railway Mail Service, or for carriers in city free delivery service, during absence other than annual leave.

That hereafter when any clerk in post-offices of the first or second class, or in the Railway Mail Service; or any letter carrier in the city free-delivery service; is absent from duty from any cause, other than the fifteen days' annual leave with pay allowed by law, the Postmaster-General, under such regulations as he may prescribe, may authorize the employment of a substitute for such work, and payment therefor from the lapsed salary of such absent clerk, or letter carrier, at a rate not to exceed the pay of the grade of work performed by such substitute.

Act March 3, 1905, c. 1480, § 1, 33 Stat. 1085.

This is a provision of the postal service appropriation act for the fiscal year ending June 30, 1906, cited above.

A subsequent provision for the employment of substitutes for absent clerks and carriers, contained in Act March 2, 1907, c. 2513, is set forth below.

ACT MARCH 2, 1907, c. 2513. [H. R. 25483.]

Clerks in first and second class post-offices and carriers in city delivery service; grades; promotions; transfers; auxiliary employés; substitutes.

That after June thirtieth, nineteen hundred and seven, clerks in offices of the first and second class and carriers in the city delivery service

shall be divided into six grades, as follows: First grade, salary six hundred dollars; second grade, salary eight hundred dollars; third grade, salary nine hundred dollars; fourth grade, salary one thousand dollars; fifth grade, salary one thousand one hundred dollars; sixth grade, salary one thousand two hundred dollars. Clerks and carriers at first-class offices shall be promoted successively to the fifth grade, and clerks and carriers at second-class offices shall be promoted successively to the fourth grade.

That after June thirtieth, nineteen hundred and seven, all promotions of both clerks and carriers shall be made at the beginning of the quarter following the expiration of a year's service in the next lower grade. No promotion shall be made except upon evidence satisfactory to the Post-Office Department of the efficiency and faithfulness of the employee during the preceding year. The Post-Office Department may reduce a clerk or carrier from a higher to a lower grade whenever his efficiency falls below a fair standard or whenever necessary for purposes of discipline. When a clerk or carrier has been reduced in salary he may be restored to his former grade or advanced to an intermediate grade at the beginning of any quarter following the reduction, on evidence that his record has been satisfactory during the intervening period. When a clerk or carrier fails of promotion because of unsatisfactory service he may be promoted at the beginning of the second quarter thereafter, or of any subsequent quarter, on evidence that his record has been satisfactory during the intervening period. Clerks and carriers of the highest grade in their respective offices shall be eligible for promotion to the higher positions in said post-offices.

That after June thirtieth, nineteen hundred and seven, any clerk shall be eligible for transfer to the service of a carrier, and any carrier shall be eligible for transfer to the service of a clerk, such transfer to be made to any grade not higher than the corresponding grade of salary, and the time which such clerk or carrier shall have served in the grade from which such transfer was made shall be counted in connection with the service to which such transfer may be made in computing the time of service necessary to entitle such employees to promotion: Provided, That no clerk or carrier shall be promoted more than one grade within any one year's period of service: Provided, however, That the carriers who on June thirtieth, nineteen hundred and seven, are regularly employed at a salary of eight hundred dollars per annum, shall be promoted to the fourth grade upon evidence satisfactory to the Post-Office Department of the efficiency and faithfulness of the employee during at least one year's service.

That after June thirtieth, nineteen hundred and seven, auxiliary employees may be employed to be paid for actual service at the rate of thirty cents an hour: Provided, That such employees shall be required to work not less than two hours daily, and may serve as substitutes: And provided further, That such employees shall be eligible for appointment as clerks and carriers of the first grade.

That after June thirtieth, nineteen hundred and seven, substitutes may be employed to be paid at the rate of thirty cents an hour when serving for absent clerks and carriers: Provided, That such substitutes

shall be eligible for appointment as auxiliary employees and as clerks and carriers of the first grade.

Act March 2, 1907, c. 2513, 34 Stat. 1206.

These are provisions of the postal service appropriation act for the fiscal year ending June 30, 1908, cited above.

Provisions of this act relating to the rate of compensation of acting or substitute carriers and clerks and other temporary employés are set forth below.

Leaves of absence to clerks in post-offices.

That the leave of absence authorized by law to clerks in post-offices shall be construed exclusive of Sundays and holidays.

Act March 2, 1907, c. 2513, 34 Stat. 1213.

This is a further provision of the postal service appropriation act for the fiscal year ending June 30, 1908, cited above.

Provisions authorizing leaves of absence to clerks and employés in first and second class post-offices are contained in Act Oct. 1, 1890, c. 1260, set forth in Comp. St. 1901, p. 2630.

A subsequent similar provision relating to postal employés, contained in Act May 27, 1908, c. 206, is set forth below.

Rate of compensation of acting or substitute carriers and clerks, and other temporary employés.

Acting or substitute city letter carriers, rural letter carriers, post-office clerks, railway mail clerks, and other employees connected with the postal service who are temporary employees shall be paid at the usual rate for each day's service during the fiscal year ending June thirtieth, nineteen hundred and seven, and thereafter.

Act March 2, 1907, c. 2513, 34 Stat. 1213.

This is a further provision of the postal service appropriation act for the fiscal year ending June 30, 1908, cited above.

Provisions for employment of auxiliary employés and substitutes for absent clerks and carriers, contained in the same act, are set forth above.

ACT MAY 27, 1908, c. 206. [H. R. 18347.]

Payment of rents of post-offices to agents of lessors.

Hereafter the provisions of section thirty-four hundred and seventy-seven of the Revised Statutes shall not apply to payments for rent of post-office quarters made by postmasters to duly authorized agents of the lessors.

Act May 27, 1908, c. 206, 35 Stat. 411.

This is a provision of the postal service appropriations act for the fiscal year ending June 30, 1909, cited above.

Rev. St. § 3477, mentioned in this provision, is set forth in Comp. St. 1901, p. 2320.

Leaves of absence to postal employés exclusive of Sundays and holidays.

That hereafter the leave of absence authorized by law to postal employees shall be construed exclusive of Sundays and holidays.

Act May 27, 1908, c. 206, 35 Stat. 413.

This is a further provision of the postal service appropriation act for the fiscal year ending June 30, 1909, cited above, accompanying appropriations for and provisions relating to the railway mail service, but applying in terms to all "postal employees."

A previous similar provision, without the word "hereafter," and applying to clerks in post-offices only, contained in Act March 2, 1907, c. 2513, is set forth above.

Navy mail clerks and assistant navy mail clerks; selection from enlisted men of Navy; authority and duties; oath and bond; compensation.

That enlisted men of the United States Navy may, upon selection by the Secretary of the Navy, be designated by the Post-Office Department as "navy mail clerks" and "assistant navy mail clerks," who shall be authorized to receive and open all pouches and sacks of mail addressed to naval vessels, to make proper delivery of such mail, to receive matter for transmission in the mails, to receipt for registered matter (keeping an accurate record thereof), to keep and have for sale an adequate supply of postage stamps, to make up and dispatch mails, and other postal duties as may be authorized by the Postmaster-General, all in accordance with such rules and regulations as may be prescribed by the commanding officer of the vessel or of the squadron to which the vessel is attached. Each mail clerk and assistant mail clerk shall take the oath of office prescribed for employees of the postal service and shall give bond to the United States in the sum of one thousand dollars for the faithful performance of his duties as such clerk, and shall be amenable in all respects to naval discipline, except that, as to their duties as such clerks, the commanding officers of the vessels upon which they are stationed shall require them to be governed by the postal laws and regulations of the United States. Whenever necessity arises therefor any assistant mail clerk may be required by the commanding officer of the vessel upon which he is stationed or of the squadron to which said vessel is attached to perform the duties of mail clerk. They shall receive as compensation for such services from the Navy Department, in addition to that paid them of the grade to which they are assigned, such sum in the case of mail clerks not to exceed five hundred dollars per annum, and in that of assistant mail clerks not to exceed three hundred dollars per annum, as may be determined and allowed by the Navy Department.

Act May 27, 1908, c. 206, 35 Stat. 417.

These are further provisions of the postal service appropriation act for the fiscal year ending June 30, 1909, cited above.

ACT MAY 12, 1910, c. 230. [H. R. 21419.]

Additional compensation to fourth class postmasters for separating services and for unusual conditions during portion of year.

* * That hereafter the Postmaster-General may allow to fourth-class postmasters additional compensation for separating services and for unusual conditions during a portion of the year, in lieu of the allowance for clerical services for this purpose now authorized by law.

Act May 12, 1910, c. 230, 36 Stat. 359.

This is a proviso annexed to an appropriation for separating mails at third and fourth class post offices in the postal service appropriation act for the fiscal year ending June 30, 1911, cited above.

Canceling machines; rental and purchase, etc.

For rental and purchase of canceling machines, including cost of power in rented buildings, motors, repairs to motors, and miscellaneous expenses of installation and operation, three hundred and ten thousand dollars, thirty-five thousand dollars of which sum may be expended in the purchase of such machines, and the Postmaster-General is hereby authorized to enter into contracts for the rental of canceling machines to cover a period not exceeding three years: Pro-

vided, That the rental paid for any canceling machine shall not exceed three hundred dollars per annum including repairs on said machines, and that all contracts entered into shall be let after having advertised for bids and shall be awarded on the basis of cheapness and efficiency.

Act May 12, 1910, c. 230, 36 Stat. 360.

These are further provisions of the postal service appropriation act for the fiscal year ending June 30, 1911, cited above. They are repeated, except the clause authorizing contracts for rental to cover a period not exceeding three years, in the similar act for the following year, Act March 4, 1911, c. 241, § 1, 36 Stat. 1332. In that act contracts for rental of canceling machines are included with other contracts authorized to be entered into for a period of not exceeding four years, by a provision thereof, set forth below.

ACT MARCH 4, 1911, c. 241, §§ 1, 3, 4. [H. R. 31539.]

Appropriations for unusual conditions at post-offices; expenditures; limitations; annual report.

For unusual conditions at post offices, one hundred and forty thousand dollars: Provided, That the expenditure of so much thereof as may be found necessary to carry out the provisions hereinafter set forth, but not in the aggregate to exceed fifty-five thousand dollars, of which amount fifteen thousand dollars is made immediately available, is limited as follows:

Whenever a postmaster in any locality with a population of not more than twenty thousand inhabitants certifies to the department that, owing to unusual conditions in his community, he is unable to secure the services of efficient employees otherwise, the Postmaster General having ascertained the truth of the certification may authorize, in his discretion, the appointment of clerks and letter carriers for that office at such higher rates of compensation, within the present recognized grades, and in the District of Alaska, at higher salaries than one thousand two hundred dollars, as may be necessary in order to insure a proper conduct of the postal business, but not to exceed in the aggregate the sum annually appropriated for said purposes, and in all such cases their salaries shall be paid from the appropriation for unusual conditions, and the Postmaster General shall make report to Congress annually of the places where and the amounts so expended.

Act March 4, 1911, c. 241, § 1, 36 Stat. 1332.

This is a provision of the postal service appropriation act for the fiscal year ending June 30, 1912, cited above. The appropriation made is for the particular year only, but the limitations prescribed appear to be applicable also to subsequent annual appropriations.

Limitations similar to some extent were imposed on the similar appropriation for the preceding year, by Act May 12, 1910, c. 230, 36 Stat. 360.

Contracts for not exceeding four years for rental of canceling machines, hire of equipages for city delivery service, collection service, etc.

That hereafter the Postmaster General may, in his discretion, enter into contracts for a period of not exceeding four years for the rental of canceling machines, for the hire of the equipages for the City Delivery Service, for the collection service by means of boxes attached

to street cars, and for the steamboat and other equipment necessary for the Detroit River postal service.

Act March 4, 1911, c. 241, § 1, 36 Stat. 1333.

This is a further provision of the postal service appropriation act for the fiscal year ending June 30, 1912, cited above.

Provisions in previous similar appropriation acts relating to the terms of contracts for particular purposes included in this paragraph, are superseded by this provision.

Limitation of rent, etc., for third class post-offices; leasing premises for first, second, and third class post-offices.

For rent, light, and fuel for first, second, and third class post offices, four million four hundred thousand dollars, of which not exceeding fifty thousand dollars shall be immediately available: Provided, That the Postmaster General may, in the disbursement of the appropriation for such purposes, apply a part thereof to the purpose of leasing premises for the use of post offices of the first, second, and third classes at a reasonable annual rental, to be paid quarterly, for a term not exceeding ten years; and that there shall not be allowed for the use of any third-class post office for rent a sum in excess of five hundred dollars, nor more than one hundred dollars for fuel and light in any one year.

Act March 4, 1911, c. 241, § 1, 36 Stat. 1332.

This is a further provision of the postal service appropriation act for the fiscal year ending June 30, 1912, cited above. The proviso repeats in somewhat different form provisions of Act March 3, 1901, c. 851, § 1, set forth in Comp. St. 1901, p. 2631, and of the subsequent annual appropriation acts, with an increase of the amounts allowed in such previous provisions for rent and for fuel and light for third class post offices.

Compensatory time allowed for services required on Sundays of supervisory officers, clerks in first and second class offices, and city letter carriers.

Sec. 3. That hereafter for services required on Sundays of supervisory officers, clerks in first and second class post offices, and city letter carriers, compensatory time off during working days in amount equal to that of the Sunday employment may be allowed, under such regulations as the Postmaster General may prescribe; but this provision shall not apply to auxiliary or substitute employees.

Act March 4, 1911, c. 241, § 3, 36 Stat. 1339.

This section is part of the postal service appropriation act for the fiscal year ending June 30, 1912, cited above.

Salaries, etc., of employees at annual or monthly rate; rules for division of time and computation of pay.

Sec. 4. That after June thirtieth, nineteen hundred and eleven, where the salary or compensation of any employee in the postal service is at an annual or monthly rate, the following rules shall be followed in computing the amount due: An annual salary or compensation shall be divided into twelve equal installments, one of which shall be the pay for each calendar month; and in making payment for a fractional part of any calendar month there shall be paid such proportion of one of such installments, or of the amount of the monthly salary or compensation, as the number of days in the fractional part of that month bears to the actual number of days in that month.

Act March 4, 1911, c. 241, § 4, 36 Stat. 1339.

This section is part of the postal service appropriation act for the fiscal year ending June 30, 1912, cited above.

Similar rules for computation of the compensation of any person in

the service of the United States are contained in Act June 30, 1906, c. 3914, § 6, set forth ante, under Title XIX, "Provisions Applicable to Several Classes of Officers."

Sec. 3863.

Extra labor at offices.

Provisions for procuring services of efficient employés where unusual conditions exist, contained in Act March 4, 1911, c. 241, § 1, are set forth ante, under Rev. St. § 3860.

CHAPTER TWO.

Carriers, Branch Offices, and Receiving-Boxes; [Special Delivery; Rural Free Delivery.]

Secs. 3865, 3866.

ACT JAN. 3, 1887, c. 14, § 1.

Letter-carrier delivery.

Provisions relating to officers of the free-delivery service in the Post-Office Department are set forth or referred to ante, under Title IX, "The Post Office Department."

Provisions relating to the employment of letter carriers where post offices are consolidated are contained in Act Feb. 16, 1911, c. 87, set forth below.

Provisions relating to rural free-delivery service, authorizing the classification and compensation of employés in such service, are contained in Act April 21, 1902, c. 563, § 1, amended by Act March 3, 1903, c. 1009, § 3, Act June 26, 1906, c. 3546, and Act March 2, 1907, c. 2513, set forth post, at the end of this chapter.

ACT JUNE 27, 1884, c. 126.

Leaves of absence to carriers; substitute carriers.

The employment of substitutes for letter carriers in the city free-delivery service, absent from duty for any cause other than the fifteen days' annual leave, which is allowed by the provision of Act June 27, 1884, c. 126, set forth in Comp. St. 1901, p. 2636, and payment therefor from the lapsed salary of such absent carrier, are authorized by a provision of Act March 3, 1905, c. 1480, § 1, set forth ante, under chapter 1 of this Title. Further provisions relating to the employment and compensation of substitutes for absent carriers and clerks, contained in Act March 2, 1907, c. 2513, are also set forth under said chapter 1 of this Title.

Leave of absence to letter carriers of the rural delivery service is authorized by a provision of said Act March 2, 1907, c. 2513, set forth at the end of this chapter.

Leave of absence to postal employés is exclusive of Sundays and holidays, by a provision of Act May 27, 1908, c. 206, set forth ante, under chapter 1 of this Title.

ACT FEB. 16, 1911, c. 87. [H. R. 23314.]

An Act to Authorize the Employment of Letter Carriers at Certain Post-Offices. (36 Stat. 911.)

Letter carriers on consolidation of post offices.

Be it enacted, &c., That hereafter when two or more post-offices situated within the corporate limits of any city, village, or borough

are consolidated by authority of the Postmaster-General, and the said offices together produced a gross revenue for the preceding fiscal year of not less than ten thousand dollars, letter carriers may be employed for the free delivery of mail matter in like manner as if any one of such post-offices had produced such revenue in said fiscal year.

Act Feb. 16, 1911, c. 87, 36 Stat. 911.

Sec. 3867.

[Repealed in part. Act March 4, 1909, c. 321, § 341.]

The provision of this section, set forth in Comp. St. 1901, p. 2637, making it punishable for any person not connected with the letter-carrier branch of the postal service to wear the uniform prescribed for carriers, is incorporated in the act to codify, etc., the penal laws, Act March 4, 1909, c. 321, in chapter 8, § 187, thereof, and is expressly repealed by chapter 15, § 341, of said act, taking effect January 1, 1910. Said act is set forth post, under Title LXIX A, "The Criminal Code."

Sec. 3869.

[Repealed. Act March 4, 1909, c. 321, § 341.]

This section, set forth in Comp. St. 1901, p. 2638, is incorporated in the act to codify, etc., the penal laws, Act March 4, 1909, c. 321, in chapter 8, § 198, thereof, and is expressly repealed by chapter 15, § 341, of said act, taking effect January 1, 1910. Said act is set forth post, under Title LXIX A, "The Criminal Code."

The amendment by Act March 3, 1903, c. 1069, § 3, 32 Stat. 1175, of Act April 21, 1902, c. 563, § 1, 32 Stat. 113, which contained provisions, similar to those of Rev. St. § 3869, in regard to letter boxes on rural free delivery routes or other mail routes and mail matter deposited in such boxes, is also incorporated in said Act March 4, 1909, c. 321, § 198, and is likewise expressly repealed by chapter 15, § 341, of said act.

Section 4 of said Act March 3, 1903, c. 1009, relating to special delivery messengers as carriers, etc., within Rev. St. § 3869, and other sections, not being expressly repealed by Act March 4, 1909, c. 321, § 341, is set forth below.

ACT MARCH 3, 1903, c. 1009, § 4.

Special delivery messengers deemed carriers.

That every special-delivery messenger, when actually engaged in carrying or delivering letters or other mail matter under contract, directly or indirectly, with the Post-Office Department, or employed by the Post-Office Department, shall be deemed a carrier or person intrusted with the mail and having custody thereof within the meaning of sections thirty-eight hundred and sixty-nine, thirty-nine hundred and ninety-five, fifty-four hundred and seventy-two, and fifty-four hundred and seventy-three of the Revised Statutes of the United States.

Act March 3, 1903, c. 1009, § 4, 32 Stat. 1176.

This section is part of the postal service appropriation act for the fiscal year ending June 30, 1904, cited above.

The sections mentioned in this section are set forth respectively in Comp. St. 1901, pp. 2638, 2710, and 3694, and relate to postal crimes. They are incorporated in the act to codify, etc., the penal laws, Act March 4, 1909, c. 321, in different sections of chapter 8 thereof, and are expressly repealed by chapter 15, § 341, of said act, taking effect January 1, 1910. Said act is set forth post, under Title LXIX A, "The Criminal Code."

Sec. 3870.

Bonds of carriers.

Provisions relating to renewal of bonds of carriers and others in the postal service are contained in Act March 3, 1905, c. 1488, set forth ante, under chapter 1 of this Title.

Sec. 3874.

ACT MARCH 3, 1885, c. 342, §§ 3-6.

Special delivery of letters; special stamps.

Provisions for the manufacture of special delivery stamps are contained in Act April 21, 1902, c. 563, § 1, set forth under chapter 5 of this Title.

Provisions for the use of ordinary stamps for the special delivery of mail matter are contained in Act March 2, 1907, c. 2561, set forth below.

Sec. 6. [Amended. Act March 3, 1903, c. 1009, § 2.]

This section is amended by Act March 3, 1903, c. 1009, § 2, to read as set forth below.

ACT APRIL 21, 1902, c. 563, § 1.

Rural free-delivery service; special agents; route inspectors; clerks; carriers; substitute carriers; classification; compensation.

* * That on and after July first, nineteen hundred and two, the Postmaster-General be, and is hereby, authorized to classify the rural free-delivery service and fix the compensation to employees in such service as follows:

Special agents in charge of divisions at not exceeding two thousand four hundred dollars per annum.

Special agents, four classes, graded in even hundreds of dollars, at one thousand three hundred, one thousand four hundred, one thousand five hundred, and not exceeding one thousand six hundred dollars per annum.

Route inspectors, four classes, graded in even hundreds of dollars, at nine hundred, one thousand, one thousand one hundred, and not exceeding one thousand two hundred dollars per annum.

Clerks, four classes, graded in even hundreds of dollars, at nine hundred, one thousand, one thousand one hundred, and not exceeding one thousand two hundred dollars per annum.

Carriers at salary not exceeding six hundred dollars per annum and no other or further allowance or salary shall be made to said carriers. But the carriers shall not be prohibited from doing an express-package business provided it does not interfere with the discharge of their official duties.

Under such regulations as the Postmaster-General may prescribe, a substitute carrier may be employed, at the expense of the regular carrier, to temporarily perform the service on any rural free-delivery mail route.

The Postmaster-General may allow such per diem and other incidental expenses in connection with the rural free-delivery service as Congress may from time to time provide.

Act April 21, 1902, c. 563, § 1, 32 Stat. 112.

These are provisions following an appropriation for the employés in the rural free-delivery service in the postal service appropriation act for the fiscal year ending June 30, 1903, cited above.

Special agents in charge of divisions of the rural free-delivery serv-

ice, mentioned in this act, are designated division superintendents of rural free-delivery service, and special agents and route inspectors of such service are designated rural agents, by provisions of Act April 28, 1904, c. 1750, § 1, set forth below. And on July 1, 1906, the superintendents of division and the rural agents were appointed as post-office inspectors, by provisions of Act June 26, 1906, c. 3546, also set forth below.

The limitation of the rate of salary of carriers under this act is increased, and restrictions on their soliciting business or receiving orders, or carrying merchandise for hire, are imposed by other provisions of Act April 28, 1904, c. 1759, § 1, set forth below. And the limitation on the rate of salary is further increased by a provision of Act March 2, 1907, c. 2513, also set forth below.

A superintendent, Division of Rural Mails, and assistant superintendent, Division of Rural Mails, in the Post Office Department, are provided for in the appropriations in the legislative, executive, and judicial appropriation act for the fiscal year ending June 30, 1912, Act March 4, 1911, c. 237, § 1, 36 Stat. 1223. And carriers and clerks in charge of substations are provided for by the postal service appropriation act for the same year, Act March 4, 1911, c. 241, § 1, 36 Stat. 1339.

Investigation of and report on uniform metal lock box for patrons.

The Postmaster-General is hereby directed to investigate and report to Congress as soon as possible, the advisability and practicability of purchasing and adopting a uniform metal lock box at a price not to exceed fifty cents, for the purpose of selling the same to patrons on rural free-delivery routes at cost.

Act April 21, 1902, c. 563, § 1, 32 Stat. 113.

This is a further provision of the postal service appropriation act for the fiscal year ending June 30, 1903, cited above.

A further provision of this section, immediately following this provision, which made punishable willfully injuring, etc., letter boxes, etc., on rural free delivery routes, or mail matter deposited therein, was amended by Act March 3, 1903, c. 1009, § 3, 32 Stat. 1175, to read as therein set forth. Said amendatory section is incorporated in the act to codify, etc., the penal laws, Act March 4, 1909, c. 321, in chapter 8, § 198, thereof, and is expressly repealed by chapter 15, § 341, of said act, taking effect January 1, 1910. Said act is set forth post, under Title LXIX A, "The Criminal Code."

Rural free delivery special agents, route inspectors, etc.; authority to administer oaths.

That hereafter special agents, route inspectors, and examining inspectors in the rural free-delivery service shall be authorized and empowered to administer oaths to carriers and other persons employed in said service or in connection with any business relating to the same.

Act April 21, 1902, c. 563, § 1, 32 Stat. 113.

This is a further provision of the postal service appropriation act for the fiscal year ending June 30, 1903, cited above.

Special agents and route inspectors of the rural free-delivery service are designated rural agents by a provision of Act April 28, 1904, c. 1759, § 1, set forth below. And on July 1, 1906, the rural agents were appointed as post-office inspectors, by a provision of Act June 26, 1906, c. 3546, also set forth below.

ACT MARCH 3, 1903, c. 1009, §§ 2, 3.

Amendment of Act March 3, 1885, c. 342, § 6.

That section six of the Act entitled "An Act making appropriations for the service of the Post-Office Department for the fiscal year ending June thirtieth, eighteen hundred and eighty-six, and for other

purposes," approved March third, eighteen hundred and eighty-five, be, and the same is hereby, amended to read as follows:

Compensation of persons employed to make special deliveries.

"Sec. 6. That to provide for the payment of such persons as may be employed for this service, the postmaster at any office designated by section three of this Act shall keep a record of the number of letters received at such office bearing such special stamp, which number shall correspond with the number entered in the receipt books heretofore specified, and at the end of each month he may pay to such person or persons employed a sum not exceeding eighty per centum of the face value of all such stamps received and recorded during that month: Provided, That nothing in this Act shall interfere with the prompt delivery of letters as now provided by law or regulations of the Post-Office Department."

Act March 3, 1903, c. 1009, § 2, 32 Stat. 1175.

This section is part of the postal service appropriation act for the fiscal year ending June 30, 1904. It amends Act March 3, 1885, c. 342, § 6, set forth in Comp. St. 1901, p. 2641, to read as set forth here.

Sec. 3. [Repealed. Act March 4, 1909, c. 321, § 341.]

This section amended a provision of Act April 21, 1902, c. 563, § 1, 32 Stat. 113, making it punishable to willfully injure, etc., letter boxes, etc., on rural free delivery routes, or mail matter deposited therein. It is incorporated in the act to codify, etc., the penal laws, Act March 4, 1909, c. 321, in chapter 8, § 198, thereof, and is expressly repealed by chapter 15, § 341, of said act, taking effect January 1, 1910. Said act is set forth post, under Title LXIX A, "The Criminal Code."

ACT APRIL 28, 1904, c. 1759, § 1. [H. R. 13521.]

Special agents in charge of divisions of rural free-delivery service designated division superintendents; special agents and route inspectors designated rural agents.

On and after July first, nineteen hundred and four, special agents in charge of divisions of the rural free-delivery service shall be known and designated as division superintendents of rural free-delivery service; and special agents and route inspectors of such service shall be known and designated as rural agents.

Act April 28, 1904, c. 1759, § 1, 33 Stat. 439.

This is a provision of the postal service appropriation act for the fiscal year ending June 30, 1905, cited above.

Previous provisions as to the classification of the rural free-delivery service are contained in Act April 21, 1902, c. 563, § 1, set forth above.

Subsequent provisions for the appointment, on July 1, 1906, of superintendents of division and rural agents as post-office inspectors, contained in Act June 26, 1906, c. 3546, are set forth below.

Carriers of rural free-delivery service; salaries; restrictions; carrying merchandise.

* * On and after July first, nineteen hundred and four, letter carriers of the rural free-delivery service shall receive a salary not exceeding seven hundred and twenty dollars per annum, and no other or further allowance or salary shall be made to said carriers; and on and after said date said carriers shall not solicit business or receive orders of any kind for any person, firm, or corporation, and shall not, during their hours of employment, carry any merchandise for hire: Provided, That said carriers may carry merchandise for hire for and

upon the request of patrons residing upon their respective routes, whenever the same shall not interfere with the proper discharge of their official duties, and under such regulations as the Postmaster-General may prescribe.

Act April 28, 1904, c. 1759, § 1, 33 Stat. 439.

These are further provisions, accompanying appropriations for pay of letter carriers, etc., in the postal service appropriation act for the fiscal year ending June 30, 1906, cited above.

Previous provisions relating to such carriers were contained in Act April 21, 1902, c. 563, § 1, set forth above.

Subsequent provisions relating to salaries, etc., of letter carriers of the rural delivery service, contained in Act March 2, 1907, c. 2513, and in Act March 4, 1911, c. 241, § 1, are set forth below.

ACT JUNE 26, 1906, c. 3546. [H. R. 16953.]

Superintendents of division, rural delivery, and rural agents, to be appointed post-office inspectors.

* * That all persons employed on the thirtieth day of June, nineteen hundred and six, as superintendents of division, rural delivery, shall, on July first, nineteen hundred and six, be appointed as post-office inspectors of the grade of one thousand eight hundred dollars per year: And provided further, That all persons employed on June thirtieth, nineteen hundred and six, as rural agents shall, on July first, nineteen hundred and six, be appointed as post-office inspectors, except not to exceed one hundred and forty-seven of such agents shall be so appointed as post-office inspectors.

Act June 26, 1906, c. 3546, 34 Stat. 467.

These are provisos annexed to an appropriation for salaries of post-office inspectors in the postal service appropriation act for the fiscal year ending June 30, 1907, cited above.

Previous provisions relating to the appointment and designation of the superintendents of division and rural agents who are appointed as post-office inspectors by this act are contained in Act April 21, 1902, c. 563, § 1, and Act April 28, 1904, c. 1759, § 1, set forth above.

ACT MARCH 2, 1907, c. 2513. [H. R. 25483.]

Carriers of rural delivery service; salaries; leave of absence; substitutes; clerks in charge of substations; carriers on water routes furnishing power boats.

That on and after July first, nineteen hundred and seven, letter carriers of the rural-delivery service shall receive a salary not exceeding nine hundred dollars per annum: Provided, That rural letter carriers after twelve months' service shall be allowed annual leave with pay not to exceed fifteen days; the substitutes for carriers on vacation to be paid during said service at the rate paid the carrier: Provided further, That not to exceed twelve thousand dollars of the amount hereby appropriated may be used for compensation of clerks in charge of substations: And provided further, That in the discretion of the Postmaster-General the pay of any rural carrier on a water route who furnishes his own power boat, and is employed during the summer months, may be fixed at an amount not exceeding nine hundred dollars in any one calendar year.

Act March 2, 1907, c. 2513, 34 Stat. 1215.

These are provisions of the postal service appropriation act for the fiscal year ending June 30, 1908, cited above. Provisions similar to some extent, contained in the similar act for the preceding fiscal year, Act June 26, 1906, c. 3546, 34 Stat. 477, even if intended to be ap-

plicable after that fiscal year, are superseded by the provisions of this act.

Previous provisions fixing the salaries of carriers of the rural delivery service, contained in Act April 21, 1904, c. 563, § 1, and Act April 28, 1904, c. 1759, § 1, set forth above, are also superseded by those of this act.

A subsequent provision that letter carriers of the rural delivery service shall receive a salary not exceeding $1,000 per annum, contained in Act March 4, 1911, c. 241, § 1, is set forth below.

The last proviso of this paragraph, relating to the pay of a rural carrier on a water route who furnishes his own power boat, is repeated in the similar appropriation acts for subsequent years, but the provision for the fiscal year 1912 relates only to the carrier on the water route on Lake Winnepesaukee. Act March 4, 1911, c. 241, § 1, set forth below.

ACT MARCH 2, 1907, c. 2561. [H. R. 10095.]

An Act Making Certain Changes in the Postal Laws. (34 Stat. 1244.)

Special delivery of letters; use of ordinary stamps instead of special delivery stamp.

Be it enacted, &c., That from and after July first, nineteen hundred and seven, when in addition to the stamps required to transmit any letter or package of mail matter through the mails there shall be attached to the envelope or covering ten cents' worth of ordinary stamps of any denomination, with the words "special delivery" or their equivalent written or printed on the envelope or covering, under such regulations as the Postmaster-General may prescribe, the said package shall be handled, transmitted, and delivered in all respects as though it bore a regulation "special delivery" stamp.

Act March 2, 1907, c. 2561, 34 Stat. 1244.

ACT MARCH 4, 1911, c. 241, § 1. [H. R. 31539.]

Carriers, clerks, etc., of rural delivery service; salaries; carrier on water route furnishing motor boat.

For pay of letter carriers, substitutes for carriers on annual leave, clerks in charge of substations, and tolls and ferriage, Rural Delivery Service, forty-two million seven hundred and ninety thousand dollars: Provided, That not to exceed twenty thousand dollars of the amount hereby appropriated may be used for compensation of clerks in charge of substations: Provided further, That on and after July first, nineteen hundred and eleven, letter carriers of the Rural Delivery Service shall receive a salary not exceeding one thousand dollars per annum: Provided further, That in the discretion of the Postmaster General the pay of the carrier on the water route on Lake Winnepesaukee who furnishes his own power boat for mail service during the summer months may be fixed at an amount not exceeding nine hundred dollars in any one calendar year.

Act March 4, 1911, c. 241, § 1, 36 Stat. 1339.

These are provisions of the postal service appropriation act for the fiscal year ending June 30, 1912, cited above.

Previous provisions limiting the amount of salary of carriers of the rural delivery service, contained in Act April 21, 1904, c. 563, § 1, Act April 28, 1904, c. 1759, § 1, and Act March 2, 1907, c. 2513, set forth above, are superseded by the proviso relating thereto of this act.

CHAPTER THREE.

Mail-Matter.

Secs. 3875-3879.

ACT MARCH 3, 1879, c. 180, §§ 17, 21.

Third-class matter; rate of postage; foreign publications.

Quantities of not less than 2,000 identical pieces of third-class matter may be accepted for transmission in the mails, without postage stamps affixed as was required by Act March 3, 1879, c. 180, § 17, Comp. St. 1901, p. 2648, by Act April 28, 1904, c. 1759, § 2, set forth post, under chapter 4 of this Title.

Postage on fourth-class matter.

Quantities of not less than 2,000 identical pieces of fourth-class matter may be accepted for transmission in the mails, without postage stamps affixed as was required by Act March 3, 1879, c. 180, § 21, Comp. St. 1901, p. 2649, by Act April 28, 1904, c. 1759, § 2, set forth post, under chapter 4 of this Title.

ACT MARCH 3, 1879, c. 180, §§ 22, 23.

Permissible marks on second, third, and fourth class matter.

Provisions additional to those of section 22 of Act March 3, 1879, c. 180, set forth in Comp. St. 1901, p. 2649, and of Act Jan. 20, 1888, c. 2, amending sections 22 and 23 of said act, set forth in Comp. St. 1901, p. 2651, relating to permissible marks on third and fourth class matter, are contained in Act March 4, 1911, c. 241, § 6, set forth below.

[Sec. 23. Repealed. Act March 4, 1909, c. 321, § 341.]

Section 23 of Act March 3, 1879, c. 180, set forth in Comp. St. 1901, p. 2650, relating to second, third and fourth class matter containing writings, etc., not permitted by law, is incorporated in the act to codify, etc., the penal laws, Act March 4, 1909, c. 321, in chapter 8, § 221, thereof, and is expressly repealed by chapter 15, § 341, of said act, taking effect January 1, 1910. Said act is set forth post, under Title LXIX A, "The Criminal Code."

ACT JAN. 20, 1888, c. 2.

Permissible marks on and inclosures in second, third, and fourth class matter.

Provisions additional to those of section 1 of Act Jan. 20, 1888, c. 2, set forth in Comp. St. 1901, p. 2652, relating to permissible marks on third and fourth class matter, are contained in Act March 4, 1911, c. 241, § 6, set forth below.

[Sec. 2. Repealed. Act March 4, 1909, c. 321, § 341.]

Section 2 of Act Jan. 20, 1888, c. 2, set forth in Comp. St. 1901, p. 2653, relating to unlawful marks on or inclosures in second, third, or fourth class mail matter, and making it punishable to inclose higher class in lower class matter, is incorporated in the act to codify, etc., the penal laws, Act March 4, 1909, c. 321, in chapter 8, § 221, thereof, and is expressly repealed by chapter 15, § 341, of said act, taking effect January 1, 1910. Said act is set forth post, under Title LXIX A, "The Criminal Code."

ACT JUNE 8, 1896, c. 370.

Fourth-class matter; limit of weight; nonmailable matter.

The matter to be admitted to the mails under a penalty privilege is restricted to matter entitled to admission under laws requiring prepayment of postage, by a provision of Act June 26, 1906, c. 3546, set forth post, under chapter 4 of this Title.

ACT MARCH 3, 1901, c. 851, § 1.

Second-class privileges annulled only after hearing.

Provisions for the employment of special counsel in second class mail privilege suits at an expense not exceeding the temporary appropriation therefor, are contained in the recent postal service appropriation acts. The provision for the fiscal year ending June 30, 1912, is by Act March 4, 1911, c. 241, § 1, 36 Stat. 1338.

ACT MARCH 4, 1911, c. 241, § 6. [H. R. 31539.]

Permissible marks on third and fourth class matter.

Sec. 6. That in addition to the permissible marks, writing, and printing on mail matter of the third and fourth classes, respectively, or on the envelopes or packages containing them, as authorized by the Act of Congress approved January twentieth, eighteen hundred and eighty-eight, entitled "An Act relating to permissible marks, printing, or writing, upon second, third, and fourth class matter, and to amend the twenty-second and twenty-third sections of an Act entitled 'An Act making appropriations for the service of the Post Office Department for the fiscal year ending June thirtieth, eighteen hundred and eighty, and for other purposes,'" there may be placed on such mail matter, or on the package, wrapper, or envelope inclosing the same, or on a tag or label attached thereto, either in writing or otherwise, the words "Please do not open until Christmas," or words to that effect.

Act March 4, 1911, c. 241, § 6, 36 Stat. 1344.

This section is part of the postal service appropriation act for the fiscal year ending June 30, 1912, cited above.

Act Jan. 20, 1888, c. 2, amending Act March 3, 1879, c. 180, §§ 22, 23, mentioned in this section, is set forth in Comp. St. 1901, p. 2651.

Sec. 3887.

[Repealed. Act March 4, 1909, c. 321, § 341.]

This section, which made it punishable to inclose any letter, etc., in or make any writing, etc., on mail matter not charged with letter postage, as well as Act March 3, 1879, c. 180, § 23, and Act Jan. 20, 1888, c. 2, § 2, relating to the same subject, is incorporated in the act to codify, etc., the penal laws, Act March 4, 1909, c. 321, in chapter 8, § 221, thereof, and is expressly repealed by chapter 15, § 341, of said act, taking effect January 1, 1910. Said act is set forth post, under Title LXIX A, "The Criminal Code."

Secs. 3890–3894.

[Repealed. Act March 4, 1909, c. 321, § 341.]

These sections, set forth in Comp. St. 1901, pp. 2657–2659, are incorporated in the act to codify, etc., the penal laws, Act March 4, 1909, c. 321, in chapter 8, §§ 194, 195, 211, 213, thereof, and are expressly repealed by chapter 15, § 341, of said act taking effect January 1, 1910. Said act is set forth post, under Title LXIX A, "The Criminal Code."

Previous to the repeal of said sections, Rev. St. § 3893, set forth, as previously amended, in Comp. St. 1901, p. 2658, which declared not mailable, and made punishable the mailing of, obscene books, etc., and articles for indecent or immoral use, was again amended by a provision of Act May 27, 1908, c. 206, 35 Stat. 416, as follows:

"That section thirty-eight hundred and ninety-three of the Revised Statutes of the United States be, and the same is hereby, amended by adding thereto the following: 'And the term "indecent" within the in-

tendment of this section shall include matter of a character tending to incite arson, murder, or assassination.'"

The provision added by this amendment is not included in section 211 of Act March 4, 1909, c. 321, in which Rev. St. § 3893, is incorporated.

Previous to the repeal of said sections, Rev. St. § 3894, was amended by Act July 12, 1876, c. 186, § 2, 19 Stat. 90, and Act Sept. 19, 1890, c. 908, § 1, 26 Stat. 465, and is set forth, as so amended, in Comp. St. 1901, p. 2659. Said last amendatory act is also repealed by Act March 4, 1909, c. 321, § 341.

ACT JUNE 18, 1888, c. 394, § 2. [*As amended* 1888.]

[Repealed. Act March 4, 1909, c. 321, § 341.]

Section 2 of Act June 18, 1888, c. 394, set forth, as amended by Act Sept. 26, 1888, c. 1639, in Comp. St. 1901, p. 2661, relating to indecent, libelous, etc., matter on envelopes, wrappers, etc., and postal cards, is incorporated in the act to codify, etc., the penal laws, Act March 4, 1909, c. 321, in chapter 8, § 212, thereof, and is expressly repealed, with the amendatory act, by chapter 15, § 341, of said act, taking effect January 1, 1910. Said act is set forth post, under Title LXIX A, "The Criminal Code."

Letters, parcels, etc., containing certain insect pests, etc., whether sealed as first-class matter or not, are declared nonmailable matter, except when mailed for scientific purposes under regulations provided for, and depositing, etc., such matter for mailing, etc., is made punishable, by Act March 2, 1905, c. 1501, §§ 2, 3, set forth post, under Title LVI A, "Regulation of Interstate and Foreign Commerce," c. 2.

CHAPTER FOUR.

Postage.

Sec. 3896.

Prepayment of postage.

The acceptance for transmission in the mails of quantities of identical pieces of third or fourth class matter without postage stamps affixed is authorized by Act April 28, 1904, c. 1759, § 2, set forth below.

ACT APRIL 28, 1904, c. 1759, § 2. [H. R. 13521.]

Quantities of identical pieces of third or fourth class matter to be accepted for transmission without stamps affixed, if prepaid.

That hereafter, under such regulations as the Postmaster-General may establish for the collection of the lawful revenue and for facilitating the handling of such matter in the mails, it shall be lawful to accept for transmission in the mails quantities of not less than two thousand identical pieces of third or fourth class matter without postage stamps affixed: Provided, That postage shall be fully prepaid thereon, at the rate required by law for a single piece of such matter.

Act April 28, 1904, c. 1759, § 2, 33 Stat. 440.

This section is part of the postal service appropriation act for the fiscal year ending June 30, 1906, cited above.

Sec. 3898.

ACT MARCH 3, 1879, c. 180, § 27.

[Repealed. Act March 4, 1909, c. 321, § 341.]

Section 27 of Act March 3, 1879, c. 180, set forth in Comp. St. 1901, p. 2664, making punishable any postmaster, etc., who collects and fails to account for postage due, etc., is incorporated in the act to codify, etc., the

penal laws, Act March 4, 1909, c. 321. in chapter 8, § 209, thereof, and is expressly repealed by chapter 15, § 341, of said act, taking effect January 1, 1910. Said act is set forth post, under Title LXIX A, "The Criminal Code."

ACT JUNE 13, 1898, c. 446, § 4.

Second, third, and fourth class matter not to be returned or remailed until fully prepaid; notice of non-delivery.

Provisions for remailing to the sender third and fourth class mail matter are contained in Act March 3, 1903, c. 1009, § 9, set forth below.

Provisions for returning to the publisher copies of publications of the second class, undeliverable at the address thereon, contained in Act May 12, 1910, c. 230, are set forth below.

ACT MARCH 3, 1903, c. 1009, § 9.

Third and fourth class matter not to be remailed to sender until fully prepaid; notice of non-delivery.

That third and fourth class mail matter shall not be remailed to sender until the proper postage has been fully prepaid on the same: Provided, That in all cases when undelivered mail matter of the third and fourth class is of obvious value, the sender, if known, shall be given the opportunity of prepaying the return postage or accepting delivery to himself or upon his order, at the office where it is held, upon the payment of one cent postage for each card notice given him, under such regulations as the Postmaster-General may prescribe.

Act March 3, 1903, c. 1009, § 9, 32 Stat. 1176.

This section is part of the postal service appropriation act for the fiscal year ending June 30, 1904, cited above. Previous provisions for the returning or remailing of second, third, and fourth class mail matter and for notice of nondelivery are contained in Act June 13, 1898, c. 446, § 4, set forth in Comp. St. 1901, p. 2664.

Provisions for transmission of mail matter relating to the Census free of postage are contained in Act July 2, 1909, c. 2, § 29, set forth ante, under Title XXXI, "The Census."

ACT MAY 12, 1910, c. 230. [H. R. 21419.]

Second class publications not deliverable at address thereon; notice to publisher; return charged with third class rate.

That hereafter when copies of any publication of the second class, mailed by a publisher at the pound rate or free in the county of publication, are undeliverable at the address thereon, the postmaster at the office of destination shall promptly notify the publisher of the fact, giving the reason therefor, and copies received five weeks after the mailing of the notice to the publisher, and in no instance until two successive issues thereof have been published, shall, under such regulations as the Postmaster-General may prescribe, be separately returned to the publisher thereof charged with postage at the third-class rate. All laws and parts of laws in conflict with this Act are hereby repealed.

Act May 12, 1910, c. 230, 36 Stat. 366.

This is a provision of the postal service appropriation act for the fiscal year ending June 30, 1911, cited above.

Sec. 3899.

[Repealed. Act March 4, 1909, c. 321, § 341.]

This section, set forth in Comp. St. 1901, p. 2665, is incorporated in the act to codify, etc., the penal laws, Act March 4, 1909, c. 321, in chapter

8, § 207, thereof, and is expressly repealed by chapter 15, § 341, of said act, taking effect January 1, 1910. Said act is set forth post, under Title LXIX A, "The Criminal Code."

Sec. 3913.

ACT MARCH 3, 1877, c. 103, § 5.

Letters, etc., on official business to be transmitted free; official envelopes.

The matter to be admitted to the mails under a penalty privilege, which is provided for by this section, set forth in Comp. St. 1901, p. 2673, is restricted to matter entitled to admission under laws requiring prepayment of postage, by a provision of Act June 26, 1906, c. 3546, set forth below.

The last sentence of this section, making punishable the use of official envelopes to avoid payment of postage on private letters, etc., is incorporated in the act to codify, etc., the penal laws, Act March 4, 1909, c. 321, in chapter 8, § 227, thereof, and is expressly repealed by chapter 15, § 341, of said act, taking effect January 1, 1910. Said act is set forth post, under Title LXIX A, "The Criminal Code."

ACT JUNE 13, 1898, c. 446, § 1.

[Superseded. Act April 28, 1904, c. 1759, § 7.]

The provision of Act June 13, 1898, c. 446, § 1, set forth in Comp. St. 1901, p. 2676, that the Vice President, members and members-elect of Congress, etc., might send free through the mails, under their frank, certain mail matter, is superseded by the provision of Act April 28, 1904, c. 1759, § 7, set forth below, in the same language, except that the limit of weight of such mail matter is increased from two ounces to four ounces.

Lending franks or permitting their use by or for any committee, organization, etc., is declared unlawful by a provision of Act June 26, 1906, c. 3546, set forth below.

ACT APRIL 27, 1904, c. 1612. [S. 3129.]

An Act to Promote the Circulation of Reading Matter among the Blind. (33 Stat. 313.)

Reading matter for the blind to be transmitted free.

Be it enacted, &c., That books, pamphlets, and other reading matter in raised characters for the use of the blind, whether prepared by hand or printed, in single volumes, not exceeding ten pounds in weight, or in packages, not exceeding four pounds in weight, and containing no advertising or other matter whatever, unsealed and when sent by public institutions for the blind, or by any public libraries, as a loan to blind readers, or when returned by the latter to such institutions or public libraries, shall be transmitted in the United States mails free of postage, and under such regulations as the Postmaster-General may prescribe.

Act April 27, 1904, c. 1612, 33 Stat. 313.

ACT APRIL 28, 1904, c. 1759, § 7. [H. R. 13521.]

Official correspondence of Vice-President, Members of Congress, etc., to be transmitted free; limit of weight.

That hereafter the Vice-President, Members and Members-elect of and Delegates and Delegates-elect to Congress shall have the privilege of sending free through the mails, and under their frank, any mail matter to any Government official or to any person, correspondence,

not exceeding four ounces in weight, upon official or departmental business.

Act April 28, 1904, c. 1759, § 7, 33 Stat. 441.

This section is part of the postal service appropriation act for the fiscal year ending June 30, 1905, cited above. It supersedes the provision relating to the same subject of Act June 13, 1898, c. 446, § 1, set forth in Comp. St. 1901, p. 2676.

Lending franks or permitting their use by or for any committee, organization, etc., is declared unlawful by a provision of Act June 26, 1906, c. 3546, set forth below.

ACT JUNE 26, 1906, c. 3546. [H. R. 16953.]

Matter admitted to mails under penalty privilege restricted to matter admissible on prepayment of postage.

That hereafter no article, package, or other matter, except postage stamps, stamped envelopes, newspaper wrappers, postal cards, and internal-revenue stamps, shall be admitted to the mails under a penalty privilege, unless such article, package, or other matter, except postage stamps, stamped envelopes, newspaper wrappers, postal cards, and internal-revenue stamps would be entitled to admission to the mails under laws requiring payment of postage.

Act June 26, 1906, c. 3546, 34 Stat. 477.

This is a provision of the postal service appropriation act for the fiscal year ending June 30, 1907, cited above.

Provisions for transmission through the mails, free of postage, of matter relating to official business, when indorsed as prescribed, are contained in Act March 3, 1877, c. 103, §§ 5, 6, Comp. St. 1901, p. 2673.

Lending or permitting use of frank by or for any committee, organization, etc., unlawful.

That hereafter it shall be unlawful for any person entitled under the law to the use of a frank to lend said frank or permit its use by any committee, organization, or association, or permit its use by any person for the benefit or use of any committee, organization, or association: Provided, That this provision shall not apply to any committee composed of Members of Congress.

Act June 26, 1906, c. 3546, 34 Stat. 477.

This is a further provision of the postal service appropriation act for the fiscal year ending June 30, 1907, cited above.

Provisions conferring the franking privilege, contained in Act April 28, 1904, c. 1759, § 7, are set forth above.

CHAPTER FIVE.

Postage-Stamps and Envelopes.

Sec. 3914.

Postage stamps.

Provisions for the manufacture of special delivery and adhesive postage stamps by the Bureau of Engraving and Printing are contained in Act April 21, 1902, c. 563, § 1, set forth below.

ACT APRIL 21, 1902, c. 563, § 1.

Special delivery and postage stamps; manufacture by Bureau of Engraving and Printing.

* * That hereafter, when in the opinion of the Postmaster-General the interests of the Post-Office Department require it, the manufacturing of special-delivery and adhesive postage stamps may be done by the Treasury Department (Bureau of Engraving and Print-

ing), in conformity with an agreement satisfactory to both the Postmaster-General and the Secretary of the Treasury.

Act April 21, 1902, c. 563, § 1, 32 Stat. 117.

This is a proviso annexed to an appropriation for the manufacture of postage and special delivery stamps in the postal service appropriation act for the fiscal year ending June 30, 1903, cited above.

Provisions authorizing the Postmaster-General to prepare postage stamps are contained in Rev. St. § 3914, set forth in Comp. St. 1901, p. 2677. Provisions for special delivery stamps are contained in Act March 3, 1885, c. 342, § 3, set forth in Comp. St. 1901, p. 2640.

Contracts for manufacture of stamps, etc., are not to be made with any Department or Bureau below the cost of such work, by a provision of Act June 26, 1906, c. 3546, set forth below.

ACT JUNE 26, 1906, c. 3546. [H. R. 16953.]

Contracts for manufacture of stamps, etc., by Department or Bureau, not to be below cost of work.

* * That no contract for the manufacture of adhesive postage stamps, special-delivery stamps, or books of stamps shall be made by the Government with any Department or Bureau of the Government below the cost of such work to the Government.

Act June 26, 1906, c. 3546, 34 Stat. 475.

This is a proviso annexed to an appropriation for manufacture of postage stamps, etc., in the postal service appropriation act for the fiscal year ending June 30, 1907, cited above.

Sec. 3915.

Stamped envelopes.

The Postmaster-General is required to contract for all envelopes, stamped or otherwise, designed for the public or for the Departments, by provisions of Act June 26, 1906, c. 3546, set forth below.

ACT JAN. 12, 1895, c. 23, § 96.

[Superseded. Act June 26, 1906, c. 3546.]

The provisions of this section, set forth in Comp. St. 1901, p. 2679, relating to contracts by the Postmaster-General for envelopes, are superseded by the more specific provisions of Act June 26, 1906, c. 3546, set forth below.

ACT JUNE 26, 1906, c. 3546. [H. R. 16953.]

Contracts for envelopes by Postmaster-General.

The Postmaster-General is authorized to extend, for a period not exceeding six months, the contract for official, registry, and dead-letter envelopes for the postal service for the calendar year ending December thirty-first, nineteen hundred and six; and thereafter the Postmaster-General shall contract, for a period not exceeding four years, for all envelopes, stamped or otherwise, designed for sale to the public, or for use by the Post-Office Department, the postal service, and other Executive Departments, and all Government bureaus and establishments, and the branches of the service coming under their jurisdiction, and may contract for them to be plain or with such printed matter as may be prescribed by the Department making requisition therefor: Provided, That no envelope shall be sold by the Government containing any lithographing or engraving, nor any printing nor advertisement, except a printed request to return the letter to the writer.

Act June 26, 1906, c. 3546, 34 Stat. 476.

These are provisions of the postal service appropriation act for the fiscal year ending June 30, 1907, cited above. They supersede previous

provisions relating to the same subject, contained in Act Jan. 12, 1895, c. 23, § 96, set forth in Comp. St. 1901, p. 2679.

The use of the appropriation for the fiscal year 1911 for manufacture of stamped envelopes, etc., was restricted by proviso annexed thereto, as follows:

"For manufacture of stamped envelopes and newspaper wrappers, one million four hundred thousand dollars: Provided, That no part of the foregoing sum shall be used to print or have printed, or sell or offer to sell any stamped envelope bearing upon it a printed direction giving the name of any individual, firm, or company, or any number of any post-office box or drawer, or any street number or the name of any building to which it shall be returned if uncalled for or undelivered: Provided further, That this shall not apply to those envelopes printed with a return card left blank as to name, address, box, drawer, street number, or building, and which only give the name of the town or city, with the State, district or Territory: And provided further, That this provision shall in no way interfere with or prevent the carrying out of any existing contract heretofore entered into by the Government relative to the printing and manufacture of envelopes."

Act May 12, 1910, c. 230, 36 Stat. 364.

These provisos are not repeated with the similar appropriation for the fiscal year ending June 30, 1912, Act March 4, 1911, c. 241, § 1, 36 Stat. 1337.

Sec. 3916.

Postal cards.

Restrictions on contracts for manufacture of postal cards and bids therefor by any department or bureau of the government are contained in a provision of Act May 12, 1910, c. 230, set forth below.

ACT MAY 12, 1910, c. 230. [H. R. 21419.]

Contracts for manufacture of postal cards, and bids therefor, by government department or bureau; restriction of rate.

* * That no contract for the manufacture of postal cards shall be made by the Government with any department or bureau of the Government at any higher rate than offered for the same work by any responsible contractor, nor shall the bid of such department or bureau be below the cost of such work to the Government.

Act May 12, 1910, c. 230, 36 Stat. 365.

This is a proviso annexed to the appropriation for manufacture of postal cards in the postal service appropriation act for the fiscal year ending June 30, 1911, cited above.

Sec. 3920.

Selling stamps at more than face; penalty.

The provision of the latter part of this section, set forth in Comp. St. 1901, p. 2681, making punishable any violation of the section, is superseded by the similar provision contained in the act to codify, etc., the penal laws, Act March 4, 1909, c. 321, in chapter 8, § 208, thereof, set forth post, under Title LXIX A, "The Criminal Code."

ACT JUNE 17, 1878, c. 259, § 1.

[Repealed in part. Act March 4, 1909, c. 321, § 341.]

The provision of Act June 17, 1878, c. 259, § 1, set forth in Comp. St. 1901, p. 2682, which makes punishable any postmaster, etc., who sells or disposes of stamps, etc., except for cash, or otherwise than as provided by law, is incorporated in the act to codify, etc., the penal laws, Act March 4, 1909, c. 321, in chapter 8, § 208, thereof, and is expressly repealed by chapter 15, § 341, of said act, taking effect January 1, 1910. Said act is set forth post, under Title LXIX A, "The Criminal Code."

Sec. 3921.

ACT JUNE 20, 1878, c. 359, § 1.

Uniform ink or appliance for canceling postage stamps.

Provisions relating to rental and purchase of canceling machines, contained in Act May 12, 1910, c. 230, and Act March 4, 1911, c. 241, § 1, are set forth ante, in chapter 1 of this Title, under Rev. St. § 3860.

Secs. 3922-3925.

[Repealed. Act March 4, 1909, c. 321, § 341.]

These sections, set forth in Comp. St. 1901, p. 2683, are incorporated in the act to codify, etc., the penal laws, Act March 4, 1909, c. 321, in chapter 8, § 205, thereof, and are expressly repealed by chapter 15, § 341, of said act, taking effect January 1, 1910. Said act is set forth post, under Title LXIX A, "The Criminal Code."

ACT MARCH 3, 1879, c. 180, § 28.

[Repealed. Act March 4, 1909, c. 321, § 341.]

Section 28 of Act March 3, 1879, c. 180, set forth in Comp. St. 1901, p. 2684, making punishable the use of canceled stamps, etc., the removal of cancellation marks from stamps, etc., is incorporated in the act to codify, etc., the penal laws, Act March 4, 1909, c. 321, in chapter 8, § 205, thereof, and is expressly repealed by chapter 15, § 341, of said act, taking effect January 1, 1910. Said act is set forth post, under Title LXIX A, "The Criminal Code."

ACT MARCH 3, 1901, c. 830, § 1.

Sale of post-route maps; disposition of proceeds.

The provisions of this act set forth in Comp. St. 1901, p. 2685, are repeated in the same language in the legislative, executive, and judicial appropriation acts for subsequent years, with some additions in the recent acts. The provisions for the fiscal year ending June 30, 1912, by Act March 4, 1911, c. 237, § 1, are set forth below.

ACT MARCH 4, 1911, c. 237, § 1. [H. R. 29360.]

Sale of post-route maps and rural-delivery maps, etc.; disposal of proceeds.

* * And the Postmaster-General may authorize the sale to the public of post-route maps and rural-delivery maps or blueprints at the cost of printing and ten per centum thereof added, the proceeds of such sales to be used as a further appropriation for the preparation and publication of post-route maps and rural-delivery maps or blueprints. Of this amount one hundred dollars may be expended in the purchase of atlases, geographical and technical works needed in the Division of Topography.

Act March 4, 1911, c. 237, § 1, 36 Stat. 1224.

This is a provision accompanying an appropriation for preparation, etc., of post-route maps, etc., in the legislative, executive, and judicial appropriation act for the fiscal year ending June 30, 1912, cited above.

CHAPTER SIX.

Registered Letters.

Sec. 3926. [*As amended* 1897.]

System of registration authorized; [indemnity for loss of first-class registered matter.]

Provisions authorizing the Postmaster-General to increase the amount of indemnity for losses of first-class registered matter are contained in Act March 3, 1903, c. 1009, § 1, set forth below.

Moneys recovered or collected on account of loss of first-class domestic registered matter, which are not restored to the owners, are to be covered into the Treasury, by a provision of Act May 27, 1908, c. 206, set forth below.

A provision for indemnity for loss of third or fourth class registered matter, contained in Act March 4, 1911, c. 241, § 1, is set forth below.

A superintendent, division of registered mails, is provided for by appropriation in the legislative, executive, and judicial appropriation act for the fiscal year ending June 30, 1912, Act March 4, 1911, c. 237, § 1, 36 Stat. 1223.

ACT MARCH 3, 1903, c. 1009, § 1.

Indemnity for loss of first-class registered matter; maximum amount.

* * That hereafter the Postmaster-General may increase the amount of indemnity provided for in Act of February twenty-seventh, eighteen hundred and ninety-seven, an Act amendatory of section thirty-nine hundred and twenty-six of the Revised Statutes, to not exceeding one hundred dollars.

Act March 3, 1903, c. 1009, § 1, 32 Stat. 1174.

This is a proviso annexed to an appropriation for the payment of indemnity for the loss of first-class registered matter in the postal service appropriation act for the fiscal year ending June 30, 1904, cited above. A provision authorizing the Postmaster-General to increase the indemnity not to exceed $100 is contained in Act April 21, 1902, c. 563, § 1, 32 Stat. 117, in language similar to the provision set forth here, with the exception of the word "hereafter."

Act Feb. 27, 1897, mentioned in this provision, is incorporated into Rev. St. § 3926, set forth in Comp. St. 1901, p. 2685, and limited the indemnity for the loss of first-class registered matter to $10.

ACT MAY 27, 1908, c. 206. [H. R. 18347.]

Disposal of moneys recovered for loss of registered matter, and not restored to owners.

* * That hereafter all moneys recovered or collected on account of loss of first-class domestic registered matter which in the course of adjustment are not restored to the original owners, shall be covered into the Treasury of the United States.

Act May 27, 1908, c. 206, 35 Stat. 415.

This is a provision accompanying an appropriation for payment of indemnity for loss of registered matter in the postal service appropriation act for the fiscal year ending June 30, 1909, cited above.

ACT MARCH 4, 1911, c. 241, § 1. [H. R. 31539.]

Indemnity for loss of third class and fourth class registered matter.

That the Postmaster General is hereby authorized to indemnify the senders or owners of third and fourth class domestic registered matter lost in the mails, the indemnity, which shall be paid out of the postal revenues, not to exceed twenty-five dollars for a single piece

of registered matter or the actual value thereof if less than twenty-five dollars: Provided, That no indemnity shall be paid if the loser has been otherwise reimbursed.

Act March 4, 1911, c. 241, § 1, 36 Stat. 1337.

This is a provision of the postal service appropriation act for the fiscal year ending June 30, 1912, cited above.

Further provisions of this act, temporary in their nature, relate to payment of indemnity for loss of registered articles in international mails in accordance with convention stipulations.

Sec. 3928.

[Amended. Act May 23, 1910, c. 255.]

This section, set forth in Comp. St. 1901, p. 2686, is amended by Act May 23, 1910, c. 255, to read as set forth below.

ACT MAY 23, 1910, c. 255. [S. 7995.]

An Act to Amend Section Thirty-nine hundred and twenty-eight of the Revised Statutes to Provide for Receipts for Registered Mail, and for Other Purposes. (36 Stat. 416.)

Amendment of Rev. St. § 3928.

Be it enacted, &c., That section thirty-nine hundred and twenty-eight of the Revised Statutes be, and the same is hereby, amended to read as follows:

Receipt for delivery of registered matter [when requested by sender.]

"Sec. 3928. Whenever the sender shall so request, a receipt shall be taken on the delivery of any registered mail matter, showing to whom and when the same was delivered, which receipt shall be returned to the sender, and be received in the courts as prima facie evidence of such delivery."

Act May 23, 1910, c. 255, 36 Stat. 416.

Rev. St. § 3928, amended by this act, is set forth in Comp. St. 1901, p. 2686. The amendment consists in inserting, at the beginning of the section, the words "Whenever the sender shall so request," as set forth here.

CHAPTER SEVEN.

Unclaimed, Dead, and Request Letters.

Sec. 3939.

[Amended. Act June 24, 1910, c. 380.]

This section, set forth in Comp. St. 1901, p. 2690, is amended by Act June 24, 1910, c. 380, to read as set forth below.

ACT JUNE 24, 1910, c. 380. [S. 8094.]

An Act to Provide for the Return of Undelivered Letters and for Other Purposes. (36 Stat. 630.)

Amendment of Rev. St. § 3939.

Be it enacted, &c., That section thirty-nine hundred and thirty-nine of the Revised Statutes be, and the same is hereby, amended to read as follows:

Request to be returned.

"Sec. 3939. When the writer of any letter on which the postage is prepaid shall indorse on the outside thereof his name and address, such letter shall not be advertised, but, after remaining uncalled for at the office to which it is directed the time the writer may direct or the Postmaster-General prescribe, shall be returned to the writer without additional charge for postage, and if not then delivered, shall be treated as a dead letter."

Act June 24, 1910, c. 380, 36 Stat. 630.

Rev. St. § 3939, amended by this act, is set forth in Comp. St. 1901, p. 2690. The amendment consists chiefly in changing the time after which a letter remaining uncalled for shall be returned, from "thirty days, or the time the writer may direct," as in the original section, to "the time the writer may direct or the Postmaster General prescribe," as set forth here.

CHAPTER EIGHT.

Contracts for Carrying the Mails.

Sec. 3941.

ACT MARCH 1, 1881, c. 96, § 1.

[Amended. Act May 12, 1910, c. 230.]

The provision of Act March 1, 1881, c. 96, § 1, set forth in Comp. St. 1901, p. 2692, is amended by Act May 12, 1910, c. 230, to read as set forth below.

ACT MAY 12, 1910, c. 230. [H. R. 21419.]

Amendment of Act March 1, 1881, c. 96, § 1.

So much of the Act making appropriations for the service of the Post-Office Department for the fiscal year ended June thirtieth, eighteen hundred and eighty-two, and for other purposes, approved March first, eighteen hundred and eighty-one, as relates to the advertisements of mail lettings is hereby amended to read as follows:

Advertisement of general mail lettings.

Hereafter the Postmaster-General shall cause advertisements of all general mail lettings of each State and Territory to be conspicuously posted in each post-office named in said advertisements for at least sixty days before the time of such general lettings, and no other advertisement of such lettings shall be required; but this provision shall not apply to any other than general mail lettings.

Act May 12, 1910, c. 230, 36 Stat. 366.

This is a provision of the postal service appropriation act for the fiscal year ending June 30, 1911, cited above.

The provision of Act March 1, 1881, c. 96, § 1, amended by this act, is set forth in Comp. St. 1901, p. 2692. The amendment relates to the post-offices in which advertisements of general mail lettings are to be posted.

The provision of said Act March 1, 1881, c. 96, § 1, Comp. St. 1901, p. 2692, relating to posting of notices of temporary mail lettings, was superseded by the more comprehensive provisions of Act July 26, 1892, c. 249, set forth in Comp. St. 1901, p. 2693.

Sec. 3942.

Contracts with railways without advertising.

Appropriations for transportation of mail by electric and cable cars, mentioned in the note under this section in Comp. St. 1901, p. 2693, are continued in the postal service appropriation acts for the fiscal years following. The provision for the fiscal year ending June 30, 1912, by Act March 4, 1911, c. 241, § 1, is set forth below.

Provisions for the making of contracts for the transmission of mail by pneumatic tubes are contained in Act April 21, 1902, c. 563, § 1, set forth below.

Provisions relating to rates of pay for carrying mail on railways, and for ascertaining the average weight per day of such mails for adjustment of the rate of pay per mile per annum, are contained in Rev. St. §§ 3998, 4002, and subsequent provisions following the latter section, set forth in Comp. St. 1901, pp. 2718, 2719–2721; and further provisions on the subject, contained in Act March 3, 1905, c. 1480, § 1, are set forth post, under chapter 10 of this Title.

ACT APRIL 21, 1902, c. 563, § 1.

Transmission of mail by pneumatic tubes; contracts; expert commission; report.

For the transmission of mail by pneumatic tubes or other similar devices, * *; and the Postmaster-General is hereby authorized to enter into contracts for a period not exceeding four years, after public advertisement once a week for a period of six consecutive weeks in not less than five newspapers, one of which shall be published in each city where the service is to be performed. That the contracts for this service shall be subject to the provisions of the postal laws and regulations relating to the letting of mail contracts, except as herein otherwise provided, and that no advertisement shall issue until after a careful investigation shall have been made as to the needs and practicability of such service and until a favorable report, in writing, shall have been submitted to the Postmaster-General by a commission of not less than three expert postal officials, to be named by him; nor shall such advertisement issue until in the judgment of the Postmaster-General the needs of the postal service are such as to justify the expenditure involved. Advertisements shall state in general terms only the requirements of the service and in form best calculated to invite competitive bidding.

That the Postmaster-General shall have the right to reject any and all bids; that no contract shall be awarded except to the lowest responsible bidder, tendering full and sufficient guaranties, to the satisfaction of the Postmaster-General, of his ability to perform satisfactory service, and such guaranties shall include an approval bond in double the amount of the bid.

That no contract shall be entered into in any city for the character of mail service herein provided which will create an aggregate annual rate of expenditure, including necessary power and labor to operate the tubes, and all other expenses of such service in excess of four per centum of the gross postal revenue of said city for the last preceding fiscal year.

That no contract shall be made in any city providing for three miles or more of double lines of tube which shall involve an expenditure in excess of seventeen thousand dollars per mile per annum, and said compensation shall cover power, labor, and all operating expenses.

That the Postmaster-General shall not, prior to June thirtieth, nineteen hundred and four, enter into contracts under the provisions of this Act involving an annual expenditure in the aggregate in excess of eight hundred thousand dollars; and thereafter only such contracts shall be made as may from time to time be provided for in the annual appropriation Act for the postal service; and all provisions of law contrary to those herein contained are repealed.

Act April 21, 1902, c. 563, § 1, 32 Stat. 114.

These are provisions of the postal service appropriation act for the fiscal year ending June 30, 1903, cited above.

Contracts under the provisions of this act, pursuant to the provisions of the last paragraph thereof set forth here, are authorized by the subsequent postal service appropriation acts. The provision for the fiscal year ending June 30, 1909, by Act May 27, 1908, c. 206, authorizing such contracts for a period not exceeding ten years, is set forth below.

ACT MAY 27, 1908, c. 206. [H. R. 18347.]

Transmission of mail by pneumatic tubes; contracts authorized.

For the transmission of mail by pneumatic tubes or other similar devices, one million dollars; and the Postmaster-General is hereby authorized to enter into contracts not exceeding, in the aggregate, one million three hundred and eighty-eight thousand seven hundred and fifty-nine dollars, under the provisions of the law, for a period not exceeding ten years.

Act May 27, 1908, c. 206, 35 Stat. 412.

This is a provision of the postal service appropriation act for the fiscal year ending June 30, 1909, cited above. A like appropriation of the same amount, without the further provision as to contracts, is made by the similar subsequent appropriation acts. The provision for the fiscal year ending June 30, 1912, is by Act March 4, 1911, c. 241, § 1, 36 Stat. 1333.

Provisions similar to those of this act were contained in the postal service appropriation acts for preceding years.

The sundry civil appropriation acts for the fiscal years 1911 and 1912 authorize the Secretary of the Treasury, during the particular fiscal year, out of the appropriations "Fuel, Lights, and Water for Public Buildings," and "Pay of Assistant Custodians and Janitors," to furnish steam for the operation of pneumatic tubes of the postal service, and to pay employés in the production of said steam, the proceeds derived from the sale of said steam to be credited to said appropriations. The provision for the fiscal year ending June 30, 1912, is by Act March 4, 1911, c. 285, § 1, 36 Stat. 1392.

ACT MARCH 4, 1911, c. 241, § 1. [H. R. 31539.]

Transportation of mail by electric and cable cars.

For inland transportation of mail by electric and cable cars, seven hundred and twenty-five thousand five hundred dollars: Provided, That the rate of compensation to be paid per mile shall not exceed the rate now paid to companies performing such service, except that the Postmaster-General, in cases where the quantity of mail is large and the number of exchange points numerous, may, in his discretion, authorize payment for closed-pouch service at a rate per mile not to exceed one-third above the rate per mile now paid for closed-pouch service; and for mail cars and apartments carrying the mails, not to exceed the rate of one cent per linear foot per car mile of travel: Provided further, That the rates for electric-car service on routes over twenty miles in length outside of cities shall not exceed the rates paid for service on steam railroads: Provided, however, That not to exceed fifteen thousand dollars of the sum hereby appropriated may

be expended, in the discretion of the Postmaster-General where unusual conditions exist or where such service will be more expeditious and efficient and at no greater cost than otherwise, and not to exceed one hundred thousand dollars of this appropriation may be expended for regulation, screen, or motor-screen wagon service which may be authorized in lieu of electric or cable car service.

Act March 4, 1911, c. 241, § 1, 36 Stat. 1336.

These are provisions of the postal service appropriation act for the fiscal year ending June 30, 1912, cited above. Provisions similar, to a greater or less extent, were contained in the similar appropriation acts for preceding years.

Sec. 3943.

ACT MARCH 3, 1885, c. 342, § 1.

Contracts for inland and foreign steamboat mail service.

A contract for a period not exceeding four years for the steamboat and other equipment necessary for the Detroit River postal service, is authorized by a provision of Act March 4, 1911, c. 241, § 1, set forth ante, in chapter 1 of this Title, under Rev. St. § 3860.

Sec. 3947.

[Repealed. Act March 4, 1909, c. 321, § 341.]

This section, in which was incorporated Act June 8, 1872, c. 335, § 247, 17 Stat. 313, afterwards amended by Act June 23, 1874, c. 456, § 12, 18 Stat. 235, to read as set forth in Comp. St. 1901, p. 2696, is incorporated, with said amendment, in the act to codify, etc., the penal laws, Act March 4, 1909, c. 321, in chapter 8, § 222, thereof and is expressly repealed by chapter 15, § 341, of said act, taking effect January 1, 1910. Said act is set forth post, under Title LXIX A, "The Criminal Code."

ACT JUNE 8, 1872, c. 335, § 247. [*As amended* 1874.]

[Repealed. Act March 4, 1909, c. 321, § 341.]

This section, set forth in Comp. St. 1901, p. 2696, as amended by Act June 23, 1874, c. 456, § 12, 18 Stat. 235, is incorporated, as so amended, in the act to codify, etc., the penal laws, Act March 4, 1909, c. 321, in chapter 8, § 222, thereof, and is repealed by the express repeal of said amended section by chapter 15, § 341, of said act, taking effect January 1, 1910. Said act is set forth post, under Title LXIX A, "The Criminal Code."

Sec. 3954. [*As amended* 1876.]

[Repealed. Act March 4, 1909, c. 321, § 341.]

This section, set forth in Comp. St. 1901, p. 2700, as amended by Act Aug. 11, 1876, c. 260, is expressly repealed by the act to codify, etc., the penal laws, Act March 4, 1909, c. 321, in chapter 15, § 341, of said act, taking effect January 1, 1910. Said act is set forth post, under Title LXIX A, "The Criminal Code."

Sec. 3956.

Limit of time of contract.

Contracts for a term not less than five or more than ten years for the carrying of mails on American steamships between ports of the United States and ports in foreign countries, are authorized by Act March 3, 1891, c. 519, set forth in Comp. St. 1901, p. 2727.

Contracts for a period not exceeding four years, for rental of canceling machines, for hire of equipage for city delivery service, for collection service by boxes attached to street cars, and for steamboat, etc., for

Detroit River service, are authorized by a provision of Act March 4, 1911, c. 241, § 1, set forth ante, in chapter 1 of this Title, under Rev. St. § 3680.

Sec. 3961.

ACT AUG. 3, 1882, c. 379, § 1.

[Sec. 1. Superseded. Act March 4, 1911, c. 241, § 1.]

The provisions of section 1 of Act Aug. 3, 1882, c. 379, set forth in Comp. St. 1901, p. 2703, are superseded by somewhat different provisions relating to the same subject, contained in Act March 4, 1911, c. 241, § 1, set forth below.

ACT MARCH 4, 1911, c. 241, § 1. [H. R. 31539.]

Extension of mail route.

The Postmaster General is hereby authorized, in cases where the mail service would be thereby improved, to extend service on a mail route under contract, at not exceeding pro rata additional pay: Provided, That the extensions beyond either terminus ordered during a contract term shall not, in the aggregate, exceed twenty-five miles.

Act March 4, 1911, c. 241, § 1, 36 Stat. 1339.

These are provisions of the postal service appropriation act for the fiscal year ending June 30, 1912, cited above. They supersede previous provisions relating to the same subject, contained in Act Aug. 3, 1882, c. 379, § 1, set forth in Comp. St. 1901, p. 2703.

CHAPTER NINE.

Carrying the Mail.

Sec. 3977.

[Repealed. Act March 4, 1909, c. 321, § 341.]

This section, set forth in Comp. St. 1901, p. 2711, is incorporated in the act to codify, etc., the penal laws, Act March 4, 1909, c. 321, in chapter 8, § 200, thereof, and is expressly repealed by chapter 15, § 341, of said act taking effect January 1, 1910. Said act is set forth post, under Title LXIX A, "The Criminal Code."

Sec. 3979.

[Repealed. Act March 4, 1909, c. 321, § 341.]

This section, set forth in Comp. St. 1901, p. 2711, is incorporated in the act to codify, etc., the penal laws, Act March 4, 1909, c. 321, in chapter 8, § 188, thereof, and is expressly repealed by chapter 15, § 341, of said act, taking effect January 1, 1910. Said act is set forth post, under Title LXIX A, "The Criminal Code."

Secs. 3981-3986.

[Repealed. Act March 4, 1909, c. 321, § 341.]

These sections, set forth in Comp. St. 1901, pp. 2712-2713, are incorporated in the act to codify, etc., the penal laws, Act March 4, 1909, c. 321, in chapter 8, §§ 180-185, thereof, and are expressly repealed by chapter 15, § 341, of said act, taking effect January 1, 1910. Said act is set forth post, under Title LXIX A, "The Criminal Code."

ACT MARCH 3, 1879, c. 180, § 1.

[Repealed. Act March 4, 1909, c. 321, § 341.]

The provision of section 1 of Act March 3, 1879, c. 180, set forth in Comp. St. 1901, p. 2712, relating to the construction of Rev. St. 3982, is incorporated in the act to codify, etc., the penal laws, Act March 4, 1909, c. 321, in chapter 8, § 181, thereof, and is expressly repealed by chapter 15, § 341, of said act, taking effect January 1, 1910. Said act is set forth post, under Title, LXIX A, "The Criminal Code."

Sec. 3988.

[Repealed. Act March 4, 1909, c. 321, § 341.]

This section, set forth in Comp. St. 1901, p. 2714, is incorporated in the act to codify, etc., the penal laws, Act March 4, 1909, c. 321, in chapter 8, § 204, thereof, and is expressly repealed by chapter 15, § 341, of said act, which is set forth post, under Title LXIX A, "The Criminal Code."

Sec. 3992.

[Repealed. Act March 4, 1909, c. 321, § 341.]

This section, set forth in Comp. St. 1901, p. 2715, is incorporated in the act to codify, etc., the penal laws, Act March 4, 1909, c. 321, in chapter 8, § 186, thereof, and is expressly repealed by chapter 15, § 341, of said act, which is set forth post, under Title LXIX A, "The Criminal Code."

Sec. 3995.

[Repealed. Act March 4, 1909, c. 321, § 341.]

This section, set forth in Comp. St. 1901, p. 2716, is incorporated in the act to codify, etc., the penal laws, Act March 4, 1909, c. 321, in chapter 8, § 201, thereof, and is expressly repealed by chapter 15, § 341, of said act, taking effect January 1, 1910. Said act is set forth post, under Title LXIX A, "The Criminal Code."

Special delivery messengers, when actually engaged in carrying, etc., mail, are deemed carriers, within the meaning of Rev. St. § 3995, by Act March 3, 1903, c. 1009, § 4, ante, under chapter 2 of this Title.

Sec. 3996.

[Repealed. Act March 4, 1909, c. 321, § 341.]

This section, set forth in Comp. St. 1901, p. 2716, is incorporated in the act to codify, etc., the penal laws, Act March 4, 1909, c. 321, in chapter 8, § 202, thereof, and is expressly repealed by chapter 15, § 341, of said act, taking effect January 1, 1910. Said act is set forth post, under Title LXIX A, "The Criminal Code."

CHAPTER TEN.

Railway Service.

Sec. 3997.

Railway routes to be classified.

Provisions relating to officers of the railway mail service are set forth or referred to under chapter 12 of this Title.

Sec. 3998.

Rates of pay for carrying mail on railways.

Rates of pay per mile per annum, for carrying mail on railways, according to the average weight per day, are limited, and provisions for actual weighing of the mails are made, by Rev. St. § 4002, and Act March 3, 1875, c. 128, § 1, and Act June 13, 1898, c. 446, § 1, set forth in Comp. St. 1901, pp. 2719–2721, and by March 2, 1907, c. 2513, and Act May 12, 1910, c. 230, set forth post, under Rev. St. § 4002; and further provisions for ascertaining such average weight before making readjustment of pay, contained in Act March 3, 1905, c. 1480, § 1, and Act March 2, 1907, c. 2513, are also set forth post, under Rev. St. § 4002.

Sec. 4002.

Conditions of railway service.

Besides the provisions relating to ascertaining the average weight of mails carried by railway, contained in Rev. St. § 4002, and subsequent acts, set forth under that section in Comp. St. 1901, pp. 2719–2721, further provisions for actual weighing of such mails, before readjustment of pay for transportation, contained in Act March 3, 1905, c. 1480, § 1, and Act March 2, 1907, c. 2513, are set forth below.

ACT MARCH 3, 1875, c. 128, § 1.

Weighing of mails on railroad routes.

Further provisions for ascertaining the average weight of mails on railroad routes by actual weighing before readjustment of pay for transportation thereof, contained in Act March 3, 1905, c. 1480, § 1, and Act March 2, 1907, c. 2513, are set forth below.

ACT JUNE 13, 1898, c. 446, § 1.

[Repealed. Act March 4, 1909, c. 321, § 341.]

The provision of section 1 of Act June 13, 1898, c. 446, set forth in Comp. St. 1901, p. 2720, making punishable fraudulently increasing the weight of the mails during the weighing period, is incorporated in the act to codify, etc., the penal laws, Act March 4, 1909, c. 321, in chapter 8, § 228, thereof, and is expressly repealed by chapter 15, § 341, of said act, taking effect January 1, 1910. Said act is set forth post, under Title LXIX A, "The Criminal Code."

ACT MARCH 3, 1905, c. 1480, § 1. [H. R. 17865.]

Weighing of mails on railroad routes.

For inland transportation by railroad routes, * * Provided, That hereafter before making the readjustment of pay for transportation of mails on railroad routes, the average weight shall be ascertained by the actual weighing of the mails for such a number of successive working days not less than ninety, at such times after June thirtieth, nineteen hundred and five, and not less frequently than once in every four years, and the result to be stated and verified in such form and manner as the Postmaster-General may direct.

Act March 3, 1905, c. 1480, § 1, 33 Stat. 1087.

This is a provision of the postal service appropriation act for the fiscal year ending June 30, 1906, cited above.

Previous provisions relating to weighing the mails on railway routes for the same purpose are contained in Rev. St. § 4002, and subsequent acts set forth under that section in Comp. St. 1901, pp. 2719–2721.

Subsequent provisions relating to such weighing of the mails, and to the rates of pay based on the average weight thereof, contained in Act March 2, 1907, c. 2513, are set forth below.

ACT MARCH 2, 1907, c. 2513. [H. R. 25483.]

Rates for transportation of mail on railroad routes carrying average weight per day of upward of 5000 pounds.

The Postmaster-General is hereby authorized and directed to readjust the compensation to be paid from and after the first day of July, nineteen hundred and seven, for the transportation of mail on railroad routes carrying their whole length an average weight of mails per day of upward of five thousand pounds by making the following changes in the present rates per mile per annum for the transportation of mail on such routes, and hereafter the rates on such routes shall be as follows: On routes carrying their whole length an average weight of mail per day of more than five thousand pounds and less than forty-eight thousand pounds the rate shall be five per centum less than the present rates on all weight carried in excess of five thousand pounds; and on routes carrying their whole length an average weight of mail per day of more than forty-eight thousand pounds the rate shall be five per centum less than the present rates on all weight carried in excess of five thousand pounds up to forty-eight thousand pounds, and for each additional two thousand pounds in excess of forty-eight thousand pounds at the rate of nineteen dollars and twenty-four cents upon all roads other than land-grant roads, and upon all land-grant roads the rate shall be seventeen dollars and ten cents for each two thousand pounds carried in excess of said forty-eight thousand pounds.

Act March 2, 1907, c. 2513, 34 Stat. 1212.

This is a provision of the postal service appropriation act for the fiscal year ending June 30, 1908, cited above.

This provision is amended, by reducing the rate of compensation authorized by the last clause to be paid for transportation of mail on land-grant railroads, by a provision of Act May 12, 1910, c. 230, set forth below.

Previous provisions fixing rates of pay for transportation of mails on railroad routes are contained in Rev. St. § 4002, set forth in Comp. St. 1901, p. 2719.

Weighing of mails on railroad routes; withdrawal of freightable lots of postal supplies.

For pay of freight or expressage on postal cards, stamped envelopes, newspaper wrappers, and empty mail bags, two hundred and fifty thousand dollars. And the Postmaster-General shall require, when in freightable lots and whenever practicable, the withdrawal from the mails of all postal cards, stamped envelopes, newspaper wrappers, empty mail bags, furniture, equipment, and other supplies for the postal service, except postage stamps, in the respective weighing divisions of the country, immediately preceding the weighing period in said divisions, and thereafter such postal cards, stamped envelopes, newspaper wrappers, empty mail bags, furniture, equipment, and other supplies for the postal service, except postage stamps, shall be transmitted by either freight or express.

Act March 2, 1907, c. 2513, 34 Stat. 1212.

This is a further provision of the postal service appropriation act for the fiscal year ending June 30, 1908, cited above. A provision in the same language except the word "thereafter" was contained in the similar act for the preceding year, Act June 26, 1906, c. 3546, 34 Stat. 473. The provision of this act is repeated, in the same language, except an increase of the sum appropriated, in the subsequent similar

acts for the fiscal years 1909–1911. A provision accompanying the appropriation for the fiscal year 1912, in Act March 4, 1911, c. 241, § 1, is set forth below.

Previous provisions for weighing the mails are contained in Rev. St. § 4002, and Act March 3, 1875, c. 128, § 1, set forth in Comp. St. 1901. pp. 2719, 2720, and in Act March 3, 1905, c. 1480, § 1, set forth above.

ACT MAY 12, 1910, c. 230. [H. R. 21419.]

Amendment of Act March 2, 1907, c. 2513; rates for transportation of mail on land-grant railroads.

The provision of the act of March second, nineteen hundred and seven, entitled "An Act making appropriations for the service of the Post-Office Department for the fiscal year ending June thirtieth, nineteen hundred and eight, and for other purposes," fixing the compensation to be paid for transportation of mail on land-grant railroads at the rate of seventeen dollars and ten cents for each two thousand pounds carried in excess of forty-eight thousand pounds, is hereby amended to make such rate of compensation after June thirtieth, nineteen hundred and ten, fifteen dollars and thirty-nine cents for each two thousand pounds carried in excess of forty-eight thousand pounds, and the Postmaster-General is hereby authorized and directed to readjust the compensation in accordance with this amendment.

Act May 12, 1910, c. 230, 36 Stat. 362.

This is a provision of the postal service appropriation act for the fiscal year ending June 30, 1911, cited above.

The provision of Act March 2, 1907, c. 2513, amended by this act, is set forth above.

ACT MARCH 4, 1911, c. 241, § 1. [H. R. 31539.]

Weighing of mails on railroad routes; payment of expenses of computations.

* * That out of the appropriation for inland mail transportation the Postmaster General is authorized hereafter to pay rental if necessary in Washington, District of Columbia, and compensation to tabulators and clerks employed in connection with the weighings for assistance in completing computations, in connection with the expenses of taking the weights of mails on railroad routes, as provided by law: * *

Act March 4, 1911, c. 241, § 1, 36 Stat. 1334.

This is a proviso annexed to the appropriation for inland transportation by railroad routes in the postal service appropriation act for the fiscal year ending June 30, 1912, cited above.

A further proviso immediately following the proviso set forth here, which provided for the appointment of a commission to inquire into and report on the cost of transportation of the different classes of second class matter, was repealed by Res. Aug. 14, 1911, No. 5, 37 Stat. 37.

Return to mails, in cases of emergency, of empty mail bags previously withdrawn; payment for transportation.

And the Postmaster General in cases of emergency, between November fifteenth and January fifteenth of any year, may hereafter return to the mails empty mail bags theretofore withdrawn therefrom as required by law, and for such times may pay for their railroad transportation out of the appropriation for inland transportation by railroad routes at not exceeding the rate per pound per mile as shown by the last adjustment for mail service on the route over which they

may be carried, and pay for necessary cartage out of the appropriation for freight or expressage.

Act March 4, 1911, c. 241, § 1, 36 Stat. 1335.

This is a further provision of the postal service appropriation act for the fiscal year ending June 30, 1912, cited above.

Sec. 4004.

Additional pay for postal cars.

The rates of pay for railway post-office cars, fixed by this section, set forth in Comp. St. 1901, p. 2721, are changed by a provision of Act March 2, 1907, c. 2513, set forth below.

ACT JULY 5, 1884, c. 234, § 1.

Failure of railroad companies to carry mails on fastest trains.

A provision for requiring railroads carrying mails to maintain their regular train schedules, contained in Act March 2, 1907, c. 2513, is set forth below.

ACT MARCH 2, 1907, c. 2513. [H. R. 25483.]

Rates of additional pay for postal cars.

That after July first, nineteen hundred and seven, additional pay allowed for every line comprising a daily trip each way of railway post-office cars shall be at a rate not exceeding twenty-five dollars per mile per annum for cars forty feet in length, and twenty-seven dollars and fifty cents per mile per annum for forty-five-foot cars, and thirty-two dollars and fifty cents per mile per annum for fifty-foot cars, and forty dollars per mile per annum for cars fifty-five feet or more in length.

Act March 2, 1907, c. 2513, 34 Stat. 1212.

This is a provision of the postal service appropriation act for the fiscal year ending June 30, 1908, cited above.

Railroads carrying mails to maintain regular schedules as to time of arrival and departure; fines for delay.

That the Postmaster-General shall require all railroads carrying the mails to maintain their regular train schedules as to time of arrival and departure of said mails, and it shall be his duty to impose and collect reasonable fines for delay when such delay is not caused by unavoidable accidents or conditions.

Act March 2, 1907, c. 2513, 34 Stat. 1212.

This is a further provision of the postal service appropriation act for the fiscal year ending June 30, 1908, cited above. A provision somewhat similar, to require "all railroads carrying the mails under contract to comply with the terms of said contract, as to time of arrival and departure of said mails," was contained in the similar appropriation act for the preceding year, Act June 26, 1906, c. 3546, 34 Stat. 472.

Sec. 4005.

ACT MARCH 3, 1879, c. 180, § 4.

Style, construction, maintenance, etc., of railway post-office cars.

Provisions relating to the material construction, and equipment of post-office cars, contained in Act March 4, 1911, c. 241, § 1, are set forth below.

Entering by violence a railway post-office car or any apartment in any railway car assigned to the use of the railway mail service, or willfully or maliciously assaulting a railway postal clerk while on duty, were made punishable by Act March 3, 1903, c. 1009, § 5, which is in-

corporated in the act to codify, etc., the penal laws, Act March 4, 1909, c. 321, in c. 8, § 193, thereof, set forth post, under Title LXIX A, "The Criminal Code."

ACT MARCH 4, 1911, c. 241, § 1. [H. R. 31539.]

Post-office cars; material, construction, and equipment.

For railway post-office car service, five million and ten thousand dollars: Provided, That no part of this amount shall be paid for the use of any car which is not sound in material and construction, and which is not equipped with sanitary drinking-water containers and toilet facilities, nor unless such car is regularly and thoroughly cleaned: Provided further, That after the first of July, nineteen hundred and eleven, no pay shall be allowed for the use of any wooden full railway post-office car unless constructed substantially in accordance with the most approved plans and specifications of the Post Office Department for such type of cars, nor for any wooden full railway post-office car run in any train between adjoining steel cars or between the engine and a steel car adjoining, and that hereafter additional cars accepted for this service shall be of steel, or with steel underframe, if used in a train in which a majority of the cars are of like construction: Provided further, That after the first of July, nineteen hundred and sixteen, the Postmaster General shall not approve or allow to be used or pay for any full railway post-office car not constructed of steel or with steel underframe, if such post-office car is used in a train in which a majority of the cars are of steel or of steel underframe construction.

Act March 4, 1911, c. 241, § 1, 36 Stat. 1335.

These are provisions of the postal service appropriation act for the fiscal year ending June 30, 1912, cited above.

CHAPTER ELEVEN.

Foreign Mail-Service.

Sec. 4011.

ACT MARCH 1, 1899, c. 327, § 1.

Clerks on ocean mail vessels; transfer of foreign mails at New York, etc., and San Francisco.

The provisions of this section set forth in Comp. St. 1901, p. 2730, are repeated in the same language in the postal service appropriation acts for subsequent fiscal years, except that, in the more recent acts, the appropriation is increased, and the clause relating to transferring the foreign mail between the steamship piers in New York and Jersey City and the post-office and railroad stations is omitted. The provision for the fiscal year ending June 30, 1908, by Act March 2, 1907, c. 2513, made permanent by containing the word "hereafter," is set forth below.

ACT MARCH 2, 1907, c. 2513. [H. R. 25483.]

Clerks on ocean mail vessels; transfer of foreign mails at New York and San Francisco.

* * That hereafter the Postmaster-General shall be authorized to expend such sums as may be necessary, not exceeding one hundred and five thousand dollars, to cover one-half of the cost of transportation, compensation, and expense of clerks to be employed in assorting

and pouching mails in transit on steamships between the United States and other postal administrations in the International Postal Union, and not exceeding forty thousand dollars for transferring the foreign mail from incoming steamships in New York Bay to the steamship and railway piers, and for transferring the foreign mail from incoming steamships in San Francisco Bay to the piers: * *

Act March 2, 1907, c. 2513, 34 Stat. 1214.

This is a proviso annexed to an appropriation for transportation of foreign mails in the postal service appropriation act for the fiscal year ending June 30, 1908, cited above.

A similar provision was contained in Act March 1, 1899, c. 327, § 1, Comp. St. 1901, p. 2730, and was repeated in subsequent postal service appropriation acts.

The provision of this act was repeated, but without the word "hereafter," in the similar act for the fiscal year ending June 30, 1909, Act May 27, 1908, c. 206, 35 Stat. 414, and with variations in the limit of expenditure, and an addition to the services provided for, in the similar acts for subsequent years. The provision for the fiscal year 1912, by Act March 4, 1911, c. 241, § 1, is set forth below.

ACT MARCH 4, 1911, c. 241, § 1. [H. R. 31539.]

Clerks on ocean mail vessels; transfer of foreign mails at New York and San Francisco, and from steamships.

* * That the Postmaster-General shall be authorized to expend such sums as may be necessary, not exceeding ninety-five thousand dollars, to cover one-half of the cost of transportation, compensation, and expenses of clerks to be employed in assorting and pouching mails in transit on steamships between the United States and other postal administrations in the International Postal Union, and not exceeding eighty thousand dollars for transferring the foreign mail from incoming steamships in New York Bay to the steamship and railway piers, and for transferring the foreign mail from incoming steamships in San Francisco Bay to the piers; also for transferring the mail from steamships performing service under contract for transporting United States mail.

Act March 4, 1911, c. 241, § 1, 36 Stat. 1337.

This is a proviso annexed to an appropriation for transportation of foreign mails in the postal service appropriation act for the fiscal year ending June 30, 1912, cited above. Previous similar provisions are referred to in the note under Act March 2, 1907, c. 2513, set forth above.

Sec. 4013.

[Repealed. Act March 4, 1909, c. 321, § 341.]

This section, set forth in Comp. St. 1901, p. 2731, is incorporated in the act to codify, etc., the penal laws, Act March 4, 1909, c. 321 in chapter 8, § 229, thereof, and is expressly repealed by chapter 15, § 341, of said act, taking effect January 1, 1910. Said act is set forth post, under Title LXIX A, "The Criminal Code."

Sec. 4016.

[Repealed. Act March 4, 1909, c. 321, § 341.]

This section, set forth in Comp. St. 1901, p. 2732, is incorporated in the act to codify, etc., the penal laws, Act March 4, 1909, c. 321, in chapter 8, § 203, thereof, and is expressly repealed by chapter 15, § 341, of said act, taking effect January 1, 1910. Said act is set forth post, under Title LXIX A, "The Criminal Code."

CHAPTER TWELVE.

Special, Local, and Route Agents.

Sec. 4017. [*As amended* 1880.]

[Post-office inspectors;] their salary and allowances.

The compensation and number of post-office inspectors have been increased from time to time in the annual postal service appropriation acts, especially in the act for the fiscal year ending June 30, 1906, Act March 3, 1905, c. 1480, § 1, 33 Stat. 1082, and Act June 26, 1906, c. 3546, 34 Stat. 467. Provisions of the latter act for the appointment as post-office inspectors of superintendents of division, rural delivery, and rural agents employed as such on June 30, 1906, are set forth ante, under chapter 2 of this Title.

Appropriations are made by the postal service appropriation act for the fiscal year ending June 30, 1912, Act March 4, 1911, c. 241, § 1, 36 Stat. 1328, for salaries of fifteen inspectors in charge of divisions, at $3,000 each; ten inspectors, at $2,400 each; fifteen inspectors, at $2,250 each; twenty-six inspectors, at $2,100 each; fifteen inspectors, at $2,000 each; twenty-nine inspectors, at $1,900 each; sixty-five inspectors, at $1,800 each; seventy-five inspectors, at $1,700 each; seventy-five inspectors, at $1,600 each; and sixty-five inspectors, at $1,500 each. Further provisions relating to per diem allowances to inspectors are similar to those of Act March 3, 1903, c. 1009, § 1, set forth below. And further appropriations are made for traveling expenses of inspectors without per diem allowance, inspectors in charge, and the chief post-office inspector, and for expenses incurred by inspectors not covered by per diem allowance.

Restrictions on per diem allowances, applicable to all officers and employés of the Post-Office Department, with an exception in favor of post-office inspectors corresponding to the provision of Act March 3, 1903, c. 1009, § 1, set forth below, are contained in Act April 28, 1904, c. 1759, § 4, also set forth below.

ACT MARCH 1, 1899, c. 327, § 1.

[Superseded. Act March 3, 1903, c. 1009, § 1.]

The provision of this act set forth in Comp. St. 1901, p. 2735, is superseded by the re-enactment thereof with an additional proviso in Act March 3, 1903, c. 1009, § 1, set forth below.

ACT MARCH 3, 1903, c. 1009, § 1.

Post-office inspectors; per diem allowance.

For per diem allowance of inspectors in the field while actually traveling on business of the Department, * *: Provided, That the Postmaster-General may, in his discretion, allow post-office inspectors per diem while temporarily located at any place on business away from home, or their designated domicile, for a period not exceeding twenty consecutive days at any one place, and may make rules and regulations governing the foregoing provisions relating to per diem: And provided further, That no per diem shall be paid to inspectors receiving annual salaries of two thousand dollars or more.

Act March 3, 1903, c. 1009, § 1, 32 Stat. 1175.

These are provisions following an appropriation for salaries of post-office inspectors in the postal service appropriation act for the fiscal year ending June 30, 1904, cited above. They supersede the provision of Act March 1, 1899, c. 327, § 1, set forth in Comp. St. 1901, p. 2735, and repeated in the postal service appropriation act for the fiscal year ending June 30, 1903, Act April 21, 1902, c. 563, 32 Stat. 117, by re-enacting the same with the addition of the last proviso, as set forth

here. They are again repeated in the similar acts for the fiscal years following, with some variations in language. The provision for the fiscal year ending June 30, 1912, by Act March 4, 1911, c. 241, § 1, is set forth below.

ACT APRIL 28, 1904, c. 1759, § 4. [H. R. 13521.]

Per diem to be allowed to officers and employés of Department only when actually traveling; exception of post-office inspectors.

That on and after July first, nineteen hundred and four, all officers and employees of the Post-Office Department who are entitled to a per diem allowance when traveling, in lieu of actual expenses, shall only be allowed such per diem when actually engaged in traveling on official business away from their home, their official domicile, and their headquarters, except in cases of post-office inspectors while temporarily located at any place on business away from home, or their designated domicile, for a period not exceeding twenty consecutive days at any one place; and the Postmaster-General shall designate an official domicile and headquarters within the division or territory to which such officer or employee is assigned.

Act April 28, 1904, c. 1759, § 4, 33 Stat. 440.

This section is part of the postal service appropriation act for the fiscal year ending June 30, 1905, cited above.

The exception in this section of post-office inspectors temporarily located away from home or their designated domicile corresponds to and makes permanent the provision for per diem allowance to them contained in Act March 3, 1903, c. 1009, § 1, set forth above, and repeated in each annual appropriation act. The provision for the fiscal year ending June 30, 1912, by Act March 4, 1911, c. 241, § 1, is set forth below.

ACT MARCH 4, 1911, c. 241, § 1. [H. R. 31539.]

Post-office inspectors; per diem allowance.

For per diem allowance of inspectors in the field while actually traveling on official business away from their home, their official domicile, and their headquarters, at a rate to be fixed by the Postmaster-General, not to exceed three dollars per day, two hundred and eighty-seven thousand four hundred dollars: Provided, That the Postmaster General may, in his discretion, allow inspectors per diem while temporarily located at any place on business away from their home, or their designated domicile, for a period not exceeding twenty consecutive days at any one place, and make rules and regulations governing the foregoing provisions relating to per diem: And provided further, That no per diem shall be paid to inspectors receiving annual salaries of two thousand dollars or more, except the twenty-six inspectors receiving two thousand one hundred dollars each.

Act March 4, 1911, c. 241, § 1, 36 Stat. 1328.

This is a provision of the postal service appropriation act for the fiscal year ending June 30, 1912, cited above. Previous similar provisions were contained in Act March 3, 1903, c. 1009, § 1, set forth above, and were repeated in subsequent similar acts.

Sec. 4020. [*As amended* 1897.]

Railway service agents and their pay; [accounts of salary and per diem of assistant superintendents of railway mail service.]

Officers in the railway mail service are provided for by appropriations in the postal service appropriation act for the fiscal year ending June 30, 1912, Act March 4, 1911, c. 241, § 1, 36 Stat. 1335, as follows: Fourteen division superintendents, at $3,000 each; four assistant superin-

tendents, at $2,200 each; fourteen assistant division superintendents, at $2,000 each; 141 chief clerks, at $1,800 each; besides clerks of various classes. Appropriations are also made therein for traveling expenses of the various officers and clerks.

In the appropriations for the Post Office Department in the recent legislative, executive, and judicial appropriation acts, provision is made for a superintendent division of railway adjustments and an assistant superintendent division of railway adjustments, and, under the heading "Division of Railway Mail Service," for a general superintendent, an assistant general superintendent, a chief clerk, and other clerks. The provision for the fiscal year ending June 30, 1912, is by Act March 4, 1911, c. 237, § 1, 36 Stat. 1222.

ACT JUNE 2, 1900, c. 613, § 1.

Assistant superintendents; allowance for traveling expenses.

Appropriations for the per diem allowance authorized by the provision of this act, set forth in Comp. St. 1901, p. 2736, and for necessary official expenses not covered thereby, are made in the subsequent postal service appropriation acts. The provision for the fiscal year ending June 30, 1912, by Act March 4, 1911, c. 232, is set forth below.

ACT MARCH 4, 1911, c. 241, § 1. [H. R. 31539.]

Assistant superintendents; per diem allowance, and allowance for official expenses.

For per diem allowance of assistant superintendents while actually traveling on official business away from their home, their official domicile, and their headquarters, at a rate to be fixed by the Postmaster-General, not to exceed three dollars per day, four thousand nine hundred and eighty dollars, and for their necessary official expenses not covered by their per diem allowance, not exceeding six hundred dollars; in all, five thousand five hundred and eighty dollars.

Act March 4, 1911, c. 241, § 1, 36 Stat. 1336.

This is a provision of the postal service appropriation act for the fiscal year ending June 30, 1912, cited above.

A per diem allowance to assistant superintendents is authorized by a provision of Act June 2, 1900, c. 613, § 1, set forth in Comp. St. 1901, p. 2736.

Sec. 4025.

ACT JULY 31, 1882, c. 361, § 1.

Railway mail service employés; designation; classification; compensation.

The number and compensation of officers and clerks in the railway mail service are changed from year to year by provisions of the annual postal service appropriation acts. The act for the fiscal year ending June 30, 1912, provides for that year the following: fourteen division superintendents, at $3,000 each; four assistant superintendents, at $2,200 each; fourteen assistant division superintendents, at $2,000 each; 141 chief clerks, at $1,800 each; 295 clerks, class six, at not exceeding $1,600 each; 1,491 clerks, class five, at not exceeding $1,500 each; 563 clerks, class five, at not exceeding $1,400 each; 2,757 clerks, class four, at not exceeding $1,300 each; 2,251 clerks, class four, at not exceeding $1,200 each; 6,261 clerks, class three, at not exceeding $1,100 each; 2,602 clerks, class two, at not exceeding $1,000 each; 600 clerks, class one, at not exceeding $900 each; 600 clerks, class two, at not exceeding $800 each. Appropriations are also made therein for expenses, while traveling on business of the Department, of the various officers and clerks. Act March 4, 1911, c. 241, § 1, 36 Stat. 1335.

Provisions of such appropriation acts relating to rates of salary of railway postal clerks on entering the service and increase thereof, to leaves of absence when sick and annual vacations, and to travel allow-

ances to such clerks assigned to duty in railway post-office cars, contained in Act May 27, 1908, c. 206, Act March 1, 1909, c. 232, and Act March 4, 1911, c. 241, § 1, are set forth below.

A further provision of said Act March 4, 1911, c. 241, § 1, succeeding to previous similar provisions, for an allowance on the death of a railway postal clerk from injury while on duty, is also set forth below.

A provision of Act March 3, 1905, c. 1480, § 1, for preference, in transfers of clerks from the railway mail service to clerical service in the Department or in the post-offices, to those who served in the civil war, is set forth below.

ACT MARCH 1, 1899, c. 327, § 1.

Railway postal clerks; leaves of absence.

The provision of this act set forth in Comp. St. 1901, p. 2739, is repeated in the same language in the postal service appropriation acts for subsequent years. The provision of Act March 1, 1909, c. 232, made permanent by the insertion of the word "hereafter," is set forth below.

ACT MARCH 3, 1905, c. 1480, § 1. [H. R. 17865.]

Preference in transfers from railway mail service to Department or post-offices, of persons who served in civil war.

In the assignment or transfer of clerks from the railway mail service, however, preference shall be given to the persons honorably discharged from the military or naval service who served in the civil war and who are now serving as clerks on the railway mail cars in order that they may be transferred to clerical service in the Department or in the post-offices and relieved from service on said cars as rapidly as practicable, provided they are found to possess the business capacity necessary for the proper discharge of the duties of the offices to which they may be transferred.

Act March 3, 1905, c. 1480, § 1, 33 Stat. 1088.

This is a provision of the postal service appropriation act for the fiscal year ending June 30, 1905, cited above, following the appropriation therein for officers and clerks in the railway mail service, and a provision relating to such appropriation that "the appointment and assignment of clerks hereunder shall be so made during the fiscal year as not to involve a greater aggregate expenditure than this sum."

This provision is repeated in the same language in the postal service appropriation act for the fiscal year next following, Act June 26, 1906, c. 3546, 34 Stat. 474.

A general provision for preference of persons honorably discharged from the military or naval service, by reason of disability incurred in the line of duty, for appointments to civil offices, is contained in Rev. St. § 1754, Comp. St. 1901, p. 1200.

ACT MAY 27, 1908, c. 206. [H. R. 18347.]

Railway postal clerks; salary on entering service, and increase thereof.

That hereafter railway postal clerks on entering the service shall receive the salary of the lowest grade, and no clerk shall be advanced more than two grades in any period of one year's service.

Act May 27, 1908, c. 206, 35 Stat. 413.

This is a provision of the postal service appropriation act for the fiscal year ending June 30, 1909, cited above. A similar provision, without the word "hereafter," was contained in the similar act for the preceding year, Act March 2, 1907, c. 2315, 34 Stat. 1213.

ACT MARCH 1, 1909, c. 232. [H. R. 26305.]

Railway postal clerks; leave of absence when sick.

Railway mail service: * * Provided, That the Postmaster-General may hereafter, in his discretion, under such regulations as he may

provide, allow a clerk who is sick leave of absence with pay, his duties to be performed without expense to the Government during the period for which he is granted leave, not exceeding thirty days in any fiscal year.

Act March 1, 1909, c. 232, 35 Stat. 667.

This is a proviso annexed to an appropriation for the railway mail service in the postal service appropriation act for the fiscal year ending June 30, 1910, cited above. A similar provision, without the word "hereafter," was contained in the similar appropriation acts for preceding years.

Railway postal clerks; annual vacation.

For substitutes for clerks on vacation, * * dollars: Provided, That the Postmaster-General may hereafter allow railway postal clerks whose duties require them to work six days or more per week, fifty-two weeks per year, an annual vacation of fifteen days with pay.

Act March 1, 1909, c. 232, 35 Stat. 667.

This is a proviso annexed to an appropriation for substitutes for railway postal clerks in the postal service appropriation act for the fiscal year ending June 30, 1910, cited above. A similar provision, without the word "hereafter," was contained in Act March 1, 1899, c. 327, § 1, set forth in Comp. St. 1901, p. 2739, and in the subsequent postal service appropriation acts.

A provision of Act March 4, 1911, c. 241, § 1, 36 Stat. 1336, authorizing the allowance, to railway postal clerks described in this section and employees of the mail-lock and mail-bag repair shops, of an annual vacation of thirty days with pay, was repealed by Res. Aug. 14, 1911, No. 5, 37 Stat. 38.

ACT MARCH 4, 1911, c. 241, § 1. [H. R. 31539.]

Railway postal clerks; travel allowances to clerks assigned to duty in railway post-office cars.

That hereafter in addition to the salaries by law provided the Postmaster General is hereby authorized to make travel allowances, not exceeding in the aggregate the sum annually appropriated, to railway postal clerks assigned to duty in railway post-office cars for actual expenses incurred by them while on duty, after ten hours from the time of beginning their initial run, under such regulations as he may prescribe, and in no case shall such an allowance exceed one dollar per day.

Act March 4, 1911, c. 241, § 1, 36 Stat. 1336.

This is a provision of the postal service appropriation act for the fiscal year ending June 30, 1912, cited above. A somewhat similar provision, without the word "hereafter," was contained in the similar act for the preceding year, Act May 12, 1910, c. 230, 36 Stat. 363.

The appropriation by said act of $1,000,750 for travel allowances to railway postal clerks was reduced to $769,000, by Res. Aug. 14, 1911, No. 5, 37 Stat. 38.

Railway postal clerks; allowances on death of clerk killed or injured while on duty.

For acting clerks, in place of clerks or substitutes injured while on duty, and to enable the Postmaster-General to pay the sum of two thousand dollars, which shall be exempt from payment of debts of the deceased, to the legal representatives of any railway postal clerk or substitute railway postal clerk who shall be killed while on duty, or

who, being injured while on duty, shall die within one year thereafter as the result of such injury, one hundred and twenty thousand dollars.

Act March 4, 1911, c. 241, § 1, 36 Stat. 1336.

This is a further provision of the postal service appropriation act for the fiscal year ending June 30, 1912, cited above. Similar provisions were made by the postal service acts for several preceding years, the amount allowed by them, previous to the appropriation for the fiscal year 1911, being $1,000.

CHAPTER THIRTEEN.

The Money-Order System.

Sec. 4027.

Money-order system established.

A superintendent and chief clerk, and other clerks and employés, in the Division of Money Orders in the Post-Office Department, are provided for by appropriations in the annual legislative, executive, and judicial appropriation acts. The provision for the fiscal year ending June 30, 1912, is by Act March 4, 1911, c. 237, § 1, 36 Stat. 1223.

Money orders of fixed denominations, not exceeding ten dollars, to be known as postal notes, may be issued and paid at such offices as the Postmaster General may designate, by Act March 4, 1911, c. 241, § 8, set forth post, at the end of this chapter.

Sec. 4030.

[Repealed. Act March 4, 1909, c. 321, § 341.]

This section, set forth in Comp. St. 1901, p. 2742, is incorporated in the act to codify, etc., the penal laws, Act March 4, 1909, c. 321, in chapter 8, § 210, thereof, and is expressly repealed by chapter 15, § 341, of said act, taking effect January 1, 1910. Said act is set forth post, under Title LXIX A, "The Criminal Code."

Sec. 4035.

[Repealed. Act May 23, 1910, c. 254.]

This section, set forth in Comp. St. 1901, p. 2747, is repealed by Act May 23, 1910, c. 254, set forth below.

ACT MAY 23, 1910, c. 254. [S. 7994.]

An Act to Repeal Section Four thousand and thirty-five of the Revised Statutes, Providing for the Issuance of Money-Order Notices, and for Other Purposes. (36 Stat. 415.)

Repeal of Rev. St. § 4035.

Be it enacted, &c., That section four thousand and thirty-five of the Revised Statutes, providing that "the postmaster issuing a money order shall send a notice thereof by mail, without delay, to the postmaster on whom it is drawn," be, and the same is hereby, repealed.

Act May 23, 1910, c. 254, 36 Stat. 415.

Rev. St. § 4035, repealed by this act, is set forth in Comp. St. 1901, p. 2747.

Sec. 4040. [*As amended* 1894.]

Replacing lost orders.

Section 4 of Act Jan. 27, 1894, c. 21, which is referred to in the portion of Rev. St. § 4040, added by amendment, by section 11 of that act,

to Rev. St. § 4040, as set forth in Comp. St. 1901, p. 2749, and which provides for payment of lost money orders not paid within one year from the last day of the month of issue, itself amends section 5 of Act March 3, 1883, c. 123, which is set forth as so amended in Comp. St. 1901, p. 2744, and which provides for payment of money orders remaining unpaid one year or more from the last day of the month of their issue, by warrant of the Postmaster-General.

Sec. 4046.

[Repealed in part. Act March 4, 1909, c. 321, § 341.]

The provisions of this section, set forth in Comp. St. 1901, p. 2752, relating to embezzlement of money order funds and the prosecution and punishment thereof, being the whole of said section except the last sentence thereof, are incorporated in the act to codify, etc., the penal laws, Act March 4, 1909, c. 321, in chapter 8, § 225, thereof, and is expressly repealed by chapter 15, § 341, of said act, taking effect January 1, 1910. Said act is set forth post, under Title LXIX A, "The Criminal Code."

ACT MARCH 4, 1911, c. 241, § 8. [H. R. 31539.]

Postal notes; issue and payment.

Sec. 8. That the Postmaster General may authorize postmasters at such offices as he shall designate, under such regulations as he shall prescribe, to issue and pay money orders of fixed denominations, not exceeding ten dollars, to be known as postal notes.

That postal notes shall be valid for six calendar months from the last day of the month of their issue, but thereafter may be paid under such regulations as the Postmaster General may prescribe.

That postal notes shall not be negotiable or transferable through indorsement.

That if a postal note has been once paid, to whomsoever paid, the United States shall not be liable for any further claim for the amount thereof.

Act March 4, 1911, c. 241, § 8, 36 Stat. 1340.

This section is part of the postal service appropriation act for the fiscal year ending June 30, 1912, cited above.

A previous provision authorizing the issue of postal notes, Act March 3, 1883, c. 123, § 1, amended by Act Jan. 3, 1887, c. 13, 24 Stat. 354, was repealed by Act Jan. 27, 1894, c. 21, § 1, 28 Stat. 30.

[CHAPTER THIRTEEN A.]

[Postal Savings Depositories.]

ACT JUNE 25, 1910, c. 386. [S. 5876.]

An Act to Establish Postal Savings Depositories for Depositing Savings at Interest with the Security of the Government for Repayment thereof, and for Other Purposes. (36 Stat. 814.)

Board of trustees for control, etc., of postal savings depository offices; composition of board; power to make regulations; annual report to Congress.

Be it enacted, &c., That there be, and is hereby, created a board of trustees for the control, supervision, and administration of the postal

savings depository offices designated and established under the provisions of this Act, and of the funds received as deposits at such postal savings depository offices by virtue thereof. Said board shall consist of the Postmaster-General, the Secretary of the Treasury, and the Attorney-General, severally, acting ex officio, and shall have power to make all necessary and proper regulations for the receipt, transmittal, custody, deposit, investment, and repayment of the funds deposited at postal savings depository offices.

The board of trustees shall submit a report to Congress at the beginning of each regular session showing by States and Territories (for the preceding fiscal year) the number and names of post-offices receiving deposits, the aggregate amount of deposits made therein, the aggregate amount of withdrawals therefrom, the number of depositors in each, the total amount standing to the credit of all depositors at the conclusion of the year, the amount of such deposits at interest, the amount of interest received thereon, the amount of interest paid thereon, the amount of deposits surrendered by depositors for bonds issued by authority of this Act, and the number and amount of unclaimed deposits. Also the amount invested in government securities by the trustees, the amount of extra expense of the Post-Office Department and the postal service incident to the operation of the postal savings depository system, the amount of work done for the savings depository system by the Post-Office Department and postal service in the transportation of free mail, and all other facts which it may deem pertinent and proper to present.

Act June 25, 1910, c. 386, § 1, 36 Stat. 814.

The Postmaster General is to make rules and regulations with respect to deposits and withdrawals of moneys and the issue of pass books, etc., as evidence thereof, by a modification of the provisions of this act by Act March 4, 1911, c. 241, § 5, set forth below.

Special stamps for free mail resulting from act.

Sec. 2. That the Postmaster-General is hereby directed to prepare and issue special stamps of the necessary denominations for use in lieu of penalty or franked envelopes, in the transmittal of free mail resulting from the administration of this Act.

Act June 25, 1910, c. 386, § 2, 36 Stat. 815.

Designation of postal savings depository offices; hours for business.

Sec. 3. That said board of trustees is hereby authorized and empowered to designate such post-offices as it may select to be postal savings depository offices, and each and every post-office so designated by order of said board is hereby declared to be a postal savings depository office within the meaning of this Act and to be authorized and required to receive deposits of funds from the public and to account for and dispose of the same, according to the provisions of this Act and the regulations made in pursuance thereof. Each postal savings depository office shall be kept open for the transaction of business during such hours as the Postmaster-General, with the approval of the board of trustees, shall direct.

Act June 25, 1910, c. 386, § 3, 36 Stat. 815.

The Postmaster General is to designate the post-offices which are to be postal savings depository offices, and to prescribe the hours during which they shall remain open, by a modification of the provisions of this act by Act March 4, 1911, c. 241, § 1, set forth below.

Persons who may open accounts and make deposits; no person to have more than one account.

Sec. 4. That accounts may be opened and deposits made in any postal savings depository established under this Act by any person of the age of ten years or over, in his or her own name, and by a married woman in her own name and free from any control or interference by her husband; but no person shall at the same time have more than one postal savings account in his or her own right.

Act June 25, 1910, c. 386, § 4, 36 Stat. 815.

Pass books; entries therein of deposits and withdrawals; other devices as means of evidence thereof.

Sec. 5. That the postmaster at a postal savings depository office shall, upon the making of an application to open an account under this Act and the submission of an initial deposit, deliver to the depositor a pass book free of cost, upon which shall be written the name and signature or mark of the depositor and such other memoranda as may be necessary for purposes of identification, in which pass book entries of all deposits and withdrawals shall be made in both figures and writing: Provided, That the Postmaster-General may, with the approval of the board of trustees, adopt some other device or devices in lieu of a pass book as a means of making and preserving evidence of deposits and withdrawals.

Act June 25, 1910, c. 386, § 5, 36 Stat. 815.

Deposits; restrictions of amount; postal savings cards and postal savings stamps for small amounts, and deposits thereof; preparation of cards and stamps.

Sec. 6. That at least one dollar, or a larger amount in multiples thereof, must be deposited before an account is opened with the person depositing the same, and one dollar, or multiples thereof, may be deposited after such account has been opened, but no one shall be permitted to deposit more than one hundred dollars in any one calendar month: Provided, That in order that smaller amounts may be accumulated for deposit any person may purchase for ten cents from any depository office a postal savings card to which may be attached specially prepared adhesive stamps, to be known as "postal savings stamps," and when the stamps so attached amount to one dollar, or a larger sum in multiples thereof, including the ten-cent postal savings card, the same may be presented as a deposit for opening an account, and additions may be made to any account by means of such card and stamps in amounts of one dollar, or multiples thereof, and when a card and stamps thereto attached are accepted as a deposit the postmaster shall immediately cancel the same. It is hereby made the duty of the Postmaster-General to prepare such postal savings cards and postal savings stamps of denominations of ten cents, and to keep them on sale at every postal savings depository office, and to prescribe all necessary rules and regulations for the issue, sale, and cancellation thereof.

Act June 25, 1910, c. 386, § 6, 36 Stat. 815.

Interest on deposits; limitation of balance to credit of one person.

Sec. 7. That interest at the rate of two per centum per annum shall be allowed and entered to the credit of each depositor once in each year, the same to be computed on such basis and under such rules

and regulations as the board of trustees may prescribe; but interest shall not be computed or allowed on fractions of a dollar: Provided, That the balance to the credit of any one person shall never be allowed to exceed five hundred dollars, exclusive of accumulated interest.

Act June 25, 1910, c. 386, § 7, 36 Stat. 816.

Withdrawals; payment from deposits; banks not to receive exchange or other fees, etc.

Sec. 8. That any depositor may withdraw the whole or any part of the funds deposited to his or her credit, with the accrued interest, upon demand and under such regulations as the board of trustees may prescribe. Withdrawals shall be paid from the deposits in the State or Territory, so far as the postal funds on deposit in such State or Territory may be sufficient for the purpose, and, so far as practicable, from the deposits in the community in which the deposit was made. No bank in which postal savings funds shall be deposited shall receive any exchange or other fees or compensation on account of the cashing or collection of any checks or the performance of any other service in connection with the postal savings depository system.

Act June 25, 1910, c. 386, § 8, 36 Stat. 816.

Deposits of savings funds in banks; interest; reserve; security from banks; distribution of deposits locally; deposits with treasurer of board of trustees; withdrawals; investment of part of funds in United States bonds, etc.; application of interest, etc., accruing; disposal of bonds held as investments; definition of "Territory" and "bank," for purposes of act.

Sec. 9. That postal savings funds received under the provisions of this Act shall be deposited in solvent banks, whether organized under national or state laws, being subject to national or state supervision and examination, and the sums deposited shall bear interest at the rate of not less than two and one-fourth per centum per annum, which rate shall be uniform throughout the United States and Territories thereof; but five per centum of such funds shall be withdrawn by the board of trustees and kept with the Treasurer of the United States, who shall be treasurer of the board of trustees, in lawful money as a reserve. The board of trustees shall take from such banks such security in public bonds or other securities, supported by the taxing power, as the board may prescribe, approve, and deem sufficient and necessary to insure the safety and prompt payment of such deposits on demand. The funds received at the postal savings depository offices in each city, town, village, and other locality shall be deposited in banks located therein (substantially in proportion to the capital and surplus of each such bank) willing to receive such deposits under the terms of this Act and the regulations made by authority thereof, but the amount deposited in any one bank shall at no time exceed the amount of the paid-in capital and one-half the surplus of such bank. If no such bank exist in any city, town, village, or locality, or if none where such deposits are made will receive such deposits on the terms prescribed, then such funds shall be deposited under the terms of this Act in the bank most convenient to such locality. If no such bank in any State or Territory is willing to receive such deposits on the terms prescribed, then the same shall be deposited with the treasurer of the board of trustees, and shall be counted in making

up the reserve of five per centum. Such funds may be withdrawn from the treasurer of said board of trustees and all other postal savings funds, or any part of such funds, may be at any time withdrawn from banks and savings depository offices for the repayment of postal savings depositors when required for that purpose. Not exceeding thirty per centum of the amount of such funds may at any time be withdrawn by the trustees for investment in bonds or other securities of the United States, it being the intent of this Act that the residue of such funds, amounting to sixy-five per centum thereof, shall remain on deposit in the banks in each State and Territory willing to receive the same under the terms of this Act, and shall be a working balance and also a fund which may be withdrawn for investment in bonds or other securities of the United States, but only by direction of the President, and only when, in his judgment, the general welfare and the interests of the United States so require. Interest and profit accruing from the deposits or investment of postal savings funds shall be applied to the payment of interest due to postal savings depositors as hereinbefore provided, and the excess thereof, if any, shall be covered into the Treasury of the United States as a part of the postal revenue: Provided, That postal savings funds in the treasury of said board shall be subject to disposition as provided in this Act, and not otherwise: And provided further, That the board of trustees may at any time dispose of bonds held as postal savings investments and use the proceeds to meet withdrawals of deposits by depositors. For the purposes of this Act the word "Territory," as used herein, shall be held to include the District of Columbia, the District of Alaska, and Porto Rico, and the word "bank" shall be held to include savings banks and trust companies doing a banking business.

Act June 25, 1910, c. 386, § 9, 36 Stat. 816.

Bonds to be issued to depositors on surrender of deposits; interest; payment; conditions of issue, and regulations; investment of savings funds in bonds; exemption from taxation; bonds not receivable as security for circulating notes of national banks.

Sec. 10. That any depositor in a postal savings depository may surrender his deposit, or any part thereof, in sums of twenty dollars, forty dollars, sixty dollars, eighty dollars, one hundred dollars, and multiples of one hundred dollars and five hundred dollars, and receive in lieu of such surrendered deposits, under such regulations as may be established by the board of trustees, the amount of the surrendered deposits in United States coupon or registered bonds of the denominations of twenty dollars, forty dollars, sixty dollars, eighty dollars, one hundred dollars, and five hundred dollars, which bonds shall bear interest at the rate of two and one-half per centum per annum, payable semiannually, and be redeemable at the pleasure of the United States after one year from the date of their issue and payable twenty years from such date, and both principal and interest shall be payable in United States gold coin of the present standard of value: Provided, That the bonds herein authorized shall be issued only (first) when there are outstanding bonds of the United States subject to call, in which case the proceeds of the bonds shall be applied to the redemption at par of outstanding bonds of the United States subject to call, and (second) at times when under authority of law other than that

contained in this Act the Government desires to issue bonds for the purpose of replenishing the Treasury, in which case the issue of bonds under authority of this Act shall be in lieu of the issue of a like amount of bonds issuable under authority of law other than that contained in this Act: Provided further, That the bonds authorized by this Act shall be issued by the Secretary of the Treasury under such regulations as he may prescribe: And provided further, That the authority contained in section nine of this Act for the investment of postal savings funds in United States bonds shall include the authority to invest in the bonds herein authorized whenever such bonds may be lawfully issued: And provided further, That the bonds herein authorized shall be exempt from all taxes or duties of the United States as well as from taxation in any form by or under state, municipal, or local authority: And provided further, That no bonds authorized by this Act shall be receivable by the Treasurer of the United States as security for the issue of circulating notes by national banking associations.

Act June 25, 1910, c. 386, § 10, 36 Stat. 817.

Investment by trustees of savings funds in United States bonds subject to call for redemption; reissue of bonds to trustees, and redemption from trustees.

Sec. 11. That whenever the trustees of the postal savings fund have in their possession funds available for investment in United States bonds they may notify the Secretary of the Treasury of the amount of such funds in their hands which they desire to invest in bonds of the United States subject to call, whereupon, if there are United States bonds subject to call, the Secretary of the Treasury shall call for redemption an amount of such bonds equal to the amount of the funds in the hands of the trustees which the trustees desire to thus invest, and the bonds so called shall be redeemed at par with accrued interest at the Treasury of the United States on and after three months from the date of such call, and interest on the said bonds shall thereupon cease: Provided, That the said bonds when redeemed shall be reissued at par to the trustees without change in their terms as to rate of interest and date of maturity: And provided further, That the bonds so reissued may, in the discretion of the Secretary of the Treasury, be called for redemption from the trustees in like manner as they were originally called for redemption from their former owners whenever there are funds in the Treasury of the United States available for such redemption.

Act June 25, 1910, c. 386, § 11, 36 Stat. 818.

Savings funds to be kept separate; accountability therefor; amount of any deposit not to be disclosed; application of laws relating to keeping of and accounting for postal receipts; additional bonds of postmasters, etc.

Sec. 12. That postal savings depository funds shall be kept separate from other funds by postmasters and other officers and employés of the postal service, who shall be held to the same accountability under their bonds for such funds as for public moneys; and no person connected with the Post-Office Department shall disclose to any person other than the depositor the amount of any deposits, unless directed so to do by the Postmaster-General. All statutes relating to the safe-keeping of and proper accounting for postal receipts are made

applicable to postal savings funds, and the Postmaster-General may require postmasters, assistant postmasters, and clerks at postal saving depositories to give any additional bond he may deem necessary.

Act June 25, 1910, c. 386, § 12, 36 Stat. 818.

Additional compensation to postmasters of fourth class; amount and payment; no additional compensation to other postmasters, etc.

Sec. 13. That additional compensation shall be allowed postmasters at post-offices of the fourth class for the transaction of postal savings depository business. Such compensation shall not exceed one-fourth of one per centum on the average sum upon which interest is paid each calendar year on receipts at such post-office, and shall be paid from the postal revenues; but postmasters, assistant postmasters, clerks, or other employees at post-offices of the presidential grade shall not receive any additional compensation for such service.

Act June 25, 1910, c. 386, § 13, 36 Stat. 818.

Appropriation for establishment of postal savings depositories, and preparation, etc., of bonds; duties of postmasters and other postal officers, etc., under act; regulations.

Sec. 14. That the sum of one hundred thousand dollars is hereby appropriated, out of any money in the Treasury not otherwise appropriated, or so much thereof as may be necessary, to enable the Postmaster-General and the board of trustees to establish postal savings depositories in accordance with the provisions of this Act, including the reimbursement of the Secretary of the Treasury for expenses incident to the preparation, issue, and registration of the bonds authorized in this Act; and the Postmaster-General is authorized to require postmasters and other postal officers and employees to transact, in connection with their other duties, such postal savings depository business as may be necessary; and he is also authorized to make, and with the approval of the board of trustees to promulgate, and from time to time to modify or revoke, subject to the approval of said board, such rules and regulations not in conflict with law as he may deem necessary to carry the provisions of this Act into effect.

Act June 25, 1910, c. 386, § 14, 36 Stat. 818.

A subsequent appropriation for purposes similar to those of this section, and further provisions as to the powers of the Postmaster general under the act, are made by Act March 4, 1911, c. 241, § 5, set forth below.

Application to postal savings depository funds and business, etc., of safeguards for protection of public moneys and of laws relating to offenses against the postal service.

Sec. 15. That all the safeguards provided by law for the protection of public moneys, and all statutes relating to the embezzlement, conversion, improper handling, retention, use, or disposal of postal and money-order funds and the punishments provided for such offenses are hereby extended and made applicable to postal savings depository funds, and all statutes relating to false returns of postal and money-order business, the forgery, counterfeiting, alteration, improper use or handling of postal and money-order blanks, forms, vouchers, accounts, and records, and the dies, plates, and engravings therefor, with the penalties provided in such statutes, are hereby extended

and made applicable to postal savings depository business, and the forgery, counterfeiting, alteration, improper use or handling of postal savings depository blanks, forms, vouchers, accounts, and records, and the dies, plates, and engravings therefor.

Act June 25, 1910, c. 386, § 15, 36 Stat. 818.

Faith of United States pledged to payment of deposits.

Sec. 16. That the faith of the United States is solemnly pledged to the payment of the deposits made in postal savings depository offices, with accrued interest thereon as herein provided.

Act June 25, 1910, c. 386, § 16, 36 Stat. 819.

Judgment, etc., of court adjudicating right or interest in deposit, duly authenticated, conclusive; payment of deposit in accordance therewith.

Sec. 17. That the final judgment, order, or decree of any court of competent jurisdiction adjudicating any right or interest in the credit of any sums deposited by any person with a postal savings depository if the same shall not have been appealed from and the time for appeal has expired shall, upon submission to the Postmaster-General of a copy of the same, duly authenticated in the manner provided by the laws of the United States for the authentication of the records and judicial proceedings of the courts of any State or Territory or of any possession subject to the jurisdiction of the United States, when the same are proved or admitted within any other court within the United States, be accepted and pursued by the board of trustees as conclusive of the title, right, interest, or possession so adjudicated, and any payment of said sum in accordance with such order, judgment, or decree shall operate as a full and complete discharge of the United States from the claim or demand of any person or persons to the same.

Act June 25, 1910, c. 386, § 17, 36 Stat. 819.

ACT MARCH 4, 1911, c. 241, § 5. [H. R. 31539.]

Appropriation for establishment, maintenance, and extension of postal savings depositories, and preparation, etc., of bonds; audit of expenditures; powers of Postmaster General as to designation of postal savings depository offices, compensation of superintendents, inspectors, etc., prescribing hours during which offices shall remain open, and regulations as to deposits and withdrawal and issue of pass books or other devices as evidence thereof.

Sec. 5. That the sum of five hundred thousand dollars, or so much thereof as may be necessary, is hereby appropriated and made immediately available, out of any money in the Treasury not otherwise appropriated, to enable the Postmaster General to continue the establishment, maintenance, and extension of postal savings depositories, including the reimbursement of the Secretary of the Treasury for expenses incident to the preparation, issue, and registration of the bonds authorized by the Act of June twenty-fifth, nineteen hundred and ten: Provided, That out of such sum an amount not to exceed ten thousand dollars may be expended for the rental, if necessary, of quarters for the central office of the Postal Savings System in the District of Columbia: And provided further, That all expenditures under this appropriation shall be audited by the Auditor for the Post Office Department: And provided further, That the Postmaster General shall select and designate the post offices which are to be postal

savings depository offices, and shall appoint and fix the compensation of such superintendents, inspectors, and other employees as may be necessary in conducting, supervising, and directing the business of such offices, including the employees of a central office at Washington, District of Columbia, and shall prescribe the hours during which postal savings depository offices shall remain open. He shall also from time to time make rules and regulations with respect to the deposits in and withdrawal of moneys from postal savings depositories and the issue of pass books or such other devices as he may adopt as evidence of such deposits or withdrawals, and the provisions of the Act approved June twenty-fifth, nineteen hundred and ten, are hereby modified accordingly.

Act March 4, 1911, c. 241, § 5, 36 Stat. 1340.

This section is part of the postal service appropriation act for the fiscal year ending June 30, 1912, cited above.

Act June 25, 1910, c. 386, provisions of which are modified by those of this section, is set forth above.

CHAPTER FOURTEEN.

Accounts and Revenues.

Sec. 4051.

Postal revenue to be accounted for.

Provisions for refunding postage paid for which service is not rendered, or in excess of the legal rate, are contained in Act March 3, 1905, c. 1480, § 2, set forth below.

ACT MARCH 3, 1905, c. 1480, § 2. [H. R. 17865.]

Refund of postage paid for which service is not rendered, or in excess of legal rate.

That hereafter, whenever it shall be shown to the satisfaction of the Postmaster-General that any postage is paid on any mail matter for which service is not rendered, or is collected in excess of the lawful rate, he may, in his discretion, authorize the postmaster at the office where paid to refund the proper amount out of the postal receipts in the possession of the postmaster: Provided, That this provision shall apply to all applications for such refunds pending in the Post-Office Department at the time of the passage of this Act.

Act March 3, 1905, c. 1480, § 2, 33 Stat. 1091.

This provision is part of section 2 of the postal service appropriation act for the fiscal year ending June 30, 1906, cited above. The remaining part of the section makes the usual general appropriation to supply any deficiencies in the revenues of the Department to meet the appropriations made by the act.

Sec. 4053.

[Repealed. Act March 4, 1909, c. 321, § 341.]

This section, set forth in Comp. St. 1901, p. 2755, is incorporated in the act to codify, etc., the penal laws, Act March 4, 1909, c. 321, in chapter 8, § 225, thereof, and is expressly repealed by chapter 15, § 341, of said act, taking effect January 1, 1910. Said act is set forth post, under Title LXIX A, "The Criminal Code."

Sec. 4054.

Revenues to be appropriated for postal service.

Appropriations to supply deficiencies in the revenues for the Post-Office Department to meet the appropriations made by the postal service appropriation acts are made by each of said acts for the fiscal year. The provision for the fiscal year ending June 30, 1912, Act March 4, 1911, c. 241, § 7, 36 Stat. 1340, is as follows: "That if the revenues of the Post Office Department shall be insufficient to meet the appropriations made by this Act, a sum equal to such deficiency of the revenue of said Department is hereby appropriated, to be paid out of any money in the Treasury not otherwise appropriated, to supply said deficiencies in the revenues for the Post-Office Department for the year ending June thirtieth, nineteen hundred and twelve, and the sum needed may be advanced to the Post-Office Department upon requisition of the Postmaster-General."

Appropriations for the service of the Post Office Department are not to be expended for any of the purposes provided for in the legislative, executive, and judicial appropriation act on account of the Post Office Department at Washington, by a provision of Act June 17, 1910, c. 297, § 1, set forth below.

ACT JUNE 17, 1910, c. 297, § 1. [H. R. 22643.]

Appropriations for postal service not to be expended for purposes otherwise provided for on account of Post Office Department.

No part of any appropriations made for the service of the Post-Office Department in conformity with the Act of July second, eighteen hundred and thirty-six, shall be expended for any of the purposes herein provided for on account of the Post-Office Department at Washington, District of Columbia.

Act June 17, 1910, c. 297, § 1, 36 Stat. 522.

This is a provision of the legislative, executive, and judicial appropriation act for the fiscal year ending June 30, 1911, cited above. It is repeated in the similar act for the fiscal year next following, Act March 4, 1911, c. 237, § 1, 36 Stat. 1224.

Act July 2, 1836, c. 270, 5 Stat. 80, mentioned in this paragraph, in section 5 thereof, contains a provision that the aggregate sum required "for the service of the Post Office Department" in each year, shall be appropriated by law out of the revenue of the Department, which provision is substantially the same as that of Rev. St. § 4054, set forth in Comp. St. 1901, p. 2755. The annual appropriations for the postal service are expressed to be "for the service of the Post Office Department, in conformity with the Act of July second, eighteen hundred and thirty six," as in Act May 12, 1910, c. 230, 36 Stat. 355. The annual appropriations for the Post Office Department are made by the legislative, executive, and judicial appropriation acts, such as Act June 17, 1910, c. 297, cited above, to which appropriations the words of this paragraph, "purposes herein provided for," refer.

Sec. 4061.

Disposal of uncalled-for printed matter.

Subsequent provisions as to the disposal of second class and third class matter, remaining undelivered, contained in Act March 3, 1903, c. 1009, § 3, and Act May 12, 1910, c. 230, are set forth ante, in chapter 4 of this Title, under Rev. St. § 3898.

TITLE XLVII.

FOREIGN RELATIONS.

Sec. 4066.

ACT MARCH 3, 1887, c. 340.

An Act to Restrict the Ownership of Real Estate in the Territories to American Citizens, and so Forth. (24 Stat. 476.)

Acquisition of real estate in District of Columbia by aliens or alien corporations, prohibited.

Be it enacted, &c., That it shall be unlawful for any person or persons not citizens of the United States, or who have not lawfully declared their intention to become such citizens, or for any corporation not created by or under the laws of the United States or of some State or Territory of the United States, to hereafter acquire, hold, or own real estate so hereafter acquired, or any interest therein, in any of the Territories of the United States or in the District of Columbia, except such as may be acquired by inheritance or in good faith in the ordinary course of justice in the collection of debts heretofore created: Provided, That the prohibition of this section shall not apply to cases in which the right to hold or dispose of lands in the United States is secured by existing treaties to the citizens or subjects of foreign countries, which rights, so far as they may exist by force of any such treaty shall continue to exist so long as such treaties are in force, and no longer.

Act March 3, 1887, c. 340, § 1, 24 Stat. 476.

This act is not to apply to or operate in the District of Columbia, so far as relates to the ownership of legations, or the ownership of residences by representatives of foreign governments, or attachés thereof, by an amendment of the act by Act March 9, 1888, c. 30, set forth below.

This act, except so far as it affects real estate in the District of Columbia, is superseded by amendment, substituting other provisions therefor, but providing that it shall remain in force so far as it refers to or affects real estate in the District of Columbia, in Act March 2, 1897, c. 363, set forth below. And that act is amended, so as to extend to aliens the same rights and privileges concerning the acquisition, holding, owning, and disposition of real estate in the District of Columbia as are conferred by it upon them in respect of real estate in the Territories, by Act Feb. 23, 1905, c. 733, set forth below.

Acquisition of real estate in District of Columbia by corporations more than 20 per cent. of whose stock is owned by aliens, prohibited.

Sec. 2. That no corporation or association more than twenty per centum of the stock of which is or may be owned by any person or persons, corporation or corporations, association or associations, not citizens of the United States, shall hereafter acquire or hold or own any real estate hereafter acquired in any of the Territories of the United States or of the District of Columbia.

Act March 3, 1887, c. 340, § 2, 24 Stat. 477.

See notes under preceding section of this act.

Sec. 3. [Superseded. Act March 2, 1897, c. 363.]

The provisions of this section, which limited the amount of land to be acquired, held, or owned by corporations in any of the Territories, as they do not affect real estate in the District of Columbia, may be regarded as superseded or repealed by the amendment of this act by Act March 2, 1897, c. 363, set forth below.

See, also, notes under section 1 of this act.

Forfeiture of property acquired, held, or owned in violation of provisions of act; proceedings for enforcement.

Sec. 4. That all property acquired, held, or owned in violation of the provisions of this act shall be forfeited to the United States, and it shall be the duty of the Attorney General to enforce every such forfeiture by bill in equity or other proper process. And in any suit or proceeding that may be commenced to enforce the provisions of this act, it shall be the duty of the court to determine the very right of the matter without regard to matters of form, joinder of parties, multifariousness, or other matters not affecting the substantial rights either of the United States or of the parties concerned in any such proceeding arising out of the matters in this act mentioned.

Act March 3, 1887, c. 340, § 4, 24 Stat. 477.

See notes under section 1 of this act.

Provisions relating to proceedings for escheat of lands under Act March 2, 1897, c. 363, are contained in sections 5 and 6 of that act, set forth below.

ACT MARCH 9, 1888, c. 30.

An Act to Amend an Act to Restrict the Ownership of Real Estate in the Territories to American Citizens, and so Forth, Approved March Third, Eighteen hundred and eighty-seven. (25 Stat. 45.)

Ownership in District of Columbia of legations or of residences by representatives of foreign governments or attachés thereof.

Be it enacted, &c., That an act entitled "An Act to restrict the ownership of real estate in the Territories to American citizens, and so forth," approved March third, eighteen hundred and eighty-seven, be so amended that the same shall not apply to or operate in the District of Columbia, so far as relates to the ownership of legations, or the ownership of residences by representatives of foreign governments, or attaches thereof.

Act March 9, 1888, c. 30, 25 Stat. 45.

Act March 3, 1887, c. 340, mentioned in and amended by this act, is set forth above.

ACT MARCH 2, 1897, c. 363.

An Act to Better Define and Regulate the Rights of Aliens to Hold and Own Real Estate in the Territories. (29 Stat. 618.)

Amendment of Act March 3, 1887, c. 340.

Be it enacted, &c., That an Act entitled "An Act to restrict the ownership of real estate in the Territories to American citizens, and so forth," approved March third, eighteen hundred and eighty-seven, except so far as it affects real estate in the District of Columbia, be, and the same is hereby, amended so as to read as follows:

Acquisition or ownership of land in Territories by aliens, prohibited.

"That no alien or person who is not a citizen of the United States, or who has not declared his intention to become a citizen of the

United States in the manner provided by law shall acquire title to or own any land in any of the Territories of the United States except as hereinafter provided: Provided, That the prohibition of this section shall not apply to cases in which the right to hold or dispose of lands in the United States is secured by existing treaties to citizens or subjects of foreign countries, which rights, so far as they may exist by force of any such treaty, shall continue to exist so long as such treaties are in force, and no longer.

Act March 2, 1897, c. 363, § 1, 29 Stat. 618.

Act March 3, 1887, c. 340, mentioned in and amended by this act, is set forth above.

This act is amended so as to extend to aliens the same rights and privileges concerning the acquisition, holding, owning, and disposition of real estate in the District of Columbia as are by it conferred upon them in respect of real estate in the Territories, by Act Feb. 23, 1905, c. 733, set forth below.

Provisions of act not to apply to lands previously acquired by aliens, nor to aliens who become residents.

"Sec. 2. That this Act shall not apply to land now owned in any of the Territories of the United States by aliens, which was acquired on or before March third, eighteen hundred and eighty-seven, so long as it is held by the then owners, their heirs or legal representatives, nor to any alien who shall become a bona fide resident of the United States, and any alien who shall become a bona fide resident of the United States, or shall have declared his intention to become a citizen of the United States in the manner provided by law, shall have the right to acquire and hold lands in either of the Territories of the United States upon the same terms as citizens of the United States: Provided, That if any such resident alien shall cease to be a bona fide resident of the United States then such alien shall have ten years from the time he ceases to be such bona fide resident in which to alienate such lands. This Act shall not be construed to prevent any persons not citizens of the United States from acquiring or holding lots or parcels of lands in any incorporated or platted city, town, or village, or in any mine or mining claim, in any of the Territories of the United States.

Act March 2, 1897, c. 363, § 2, 29 Stat. 618.

Provisions of act not to prevent acquisition of lands by inheritance or in collection of debts, nor acquisition and enforcement of liens, etc.

"Sec. 3. That this Act shall not prevent aliens from acquiring lands or any interests therein by inheritance or in the ordinary course of justice in the collection of debts, nor from acquiring liens on real estate or any interest therein, nor from lending money and securing the same upon real estate or any interest therein; nor from enforcing any such lien, nor from acquiring and holding title to such real estate, or any interest therein, upon which a lien may have heretofore or may hereafter be fixed, or upon which a loan of money may have been heretofore or hereafter may be made and secured: Provided, however, That all lands so acquired shall be sold within ten years after title shall be perfected in him under said sale or the same shall escheat to the United States and be forfeited as hereinafter provided.

Act March 2, 1897, c. 363, § 3, 29 Stat. 618.

Conveyance by aliens of lands held contrary to provisions of act, before institution of escheat proceedings.

"Sec. 4. That any alien who shall hereafter hold lands in any of the Territories of the United States in contravention of the provisions of this Act may nevertheless convey his title thereto at any time before the institution of escheat proceedings as hereinafter provided: Provided, however, That if any such conveyance shall be made by such alien, either to an alien or to a citizen of the United States, in trust and for the purpose and with the intention of evading the provisions of this Act, such conveyance shall be null and void, and any such lands so conveyed shall be forfeited and escheat to the United States.

Act March 2, 1897, c. 363, § 4, 29 Stat. 618.

The rights and privileges conferred by this act upon aliens concerning the acquisition, holding, owning, and disposition of real estate in the Territories, are extended to them in respect of real estate in the District of Columbia, by Act Feb. 23, 1905, c. 733, set forth below.

Proceedings for escheat.

"Sec. 5. That it shall be the duty of the Attorney-General of the United States, when he shall be informed or have reason to believe that land in any of the Territories of the United States are being held contrary to the provisions of this Act, to institute or cause to be instituted suit in behalf of the United States in the district court of the Territory in the district where such land or a part thereof may be situated, praying for the escheat of the same on behalf of the United States to the United States: Provided, That before any such suit is instituted the Attorney-General shall give or cause to be given ninety days' notice by registered letter of his intention to sue, or by personal notice directed to or delivered to the owner of said land, or the person who last rendered the same for taxation, or his agent, and to all other persons having an interest in such lands of which he may have actual or constructive notice. In the event personal notice can not be obtained in some one of the modes above provided, then said notice shall be given by publication in some newspaper published in the county where the land is situate, and if no newspaper is published in said county then the said notice shall be published in some newspaper nearest said county.

Act March 2, 1897, c. 363, § 5, 29 Stat. 619.

Condemnation and sale of lands; disposition of proceeds; dismissal of suit upon alien conforming to law, etc.

"Sec. 6. That if it shall be determined upon the trial of any such escheat proceedings that the lands are held contrary to the provisions of this Act, the court trying said cause shall render judgment condemning such lands and shall order the same to be sold as under execution; and the proceeds of such sale, after deducting costs of such suit, shall be paid to the clerk of such court so rendering judgment, and said fund shall remain in the hands of such clerk for one year from the date of such payment, subject to the order of the alien owner of such lands, or his heirs or legal representatives; and if not claimed within the period of one year, such clerk shall pay the same into the treasury of the Territory in which the lands may be situated, for the benefit of the available school fund of said Territory: Provided, That the defendant in any such escheat proceedings may, at any time, before final judgment, suggest and show to the court that he has conformed with the law, either becoming a bona fide resident

of the United States, or by declaring his intention of becoming a citizen of the United States, or by the doing or happening of any other act which, under the provisions of this Act, would entitle him to hold or own real estate, which being admitted or proved, such suit shall be dismissed on payment of costs and a reasonable attorney fee to be fixed by the court.

Act March 2, 1897, c. 363, § 6, 29 Stat. 619.

Provisions of act not to be construed to refer to District of Columbia, nor to authorize aliens to acquire public lands, nor to affect laws regulating disposal of public lands.

"Sec. 7. That this Act shall not in any manner be construed to refer to the District of Columbia, nor to authorize aliens to acquire title from the United States to any of the public lands of the United States or to in any manner affect or change the laws regulating the disposal of the public lands of the United States. And the Act of which this Act is an amendment shall remain in force and unchanged by this Act so far as it refers to or affects real estate in the District of Columbia.

Act March 2, 1897, c. 363, § 7, 29 Stat. 619.

The act of which this act is an amendment, mentioned in this section, Act March 3, 1887, c. 340, is set forth above.

This act is amended so as to extend to aliens the same rights and privileges concerning the acquisition, holding, owning, and disposition of real estate in the District of Columbia as are conferred by it upon them in respect of real estate in the Territories, by Act Feb. 23, 1905, c. 733, set forth below.

Repeal.

"Sec. 8. That all laws and parts of laws so far as they conflict with the provisions of this Act are hereby repealed."

Act March 2, 1897, c. 363, § 8, 29 Stat. 619.

ACT FEB. 23, 1905, c. 733. [S. 1258.]

An Act to Amend the Act Entitled "An Act to Better Define and Regulate the Rights of Aliens to Hold and Own Real Estate in the Territories," Approved March Second, Eighteen Hundred and Ninety-Seven. (33 Stat. 733.)

Amendment of Act March 2, 1897, c. 363, to extend to aliens in respect of real estate in District of Columbia.

Be it enacted, &c., That the Act entitled "An Act to better define and regulate the rights of aliens to hold and own real estate in the Territories," approved March second, eighteen hundred and ninety-seven, be, and the same is hereby, amended so as to extend to aliens the same rights and privileges concerning the acquisition, holding, owning, and disposition of real estate in the District of Columbia as by that Act are conferred upon them in respect of real estate in the Territories of the United States.

Act Feb. 23, 1905, c. 733, § 1, 33 Stat. 733.

Act March 2, 1897, c. 363, mentioned in and amended by this section, is set forth above. It amended the previous Act March 3, 1887, c. 340, also set forth above, which related to the same subject, except so far as said previous act affected real estate in the District of Columbia.

Repeal.

Sec. 2. That all laws and parts of laws so far as they conflict with the provisions of this Act are hereby repealed.

Act Feb. 23, 1905, c. 733, § 2, 33 Stat. 733.

Sec. 4075.

[Amended. Act June 14, 1902, c. 1088, § 1.]

This section is amended by Act June 14, 1902, c. 1088, § 1, set forth below.

ACT JUNE 14, 1902, c. 1088.

An Act To Amend Sections Four Thousand and Seventy-Six, Four Thousand and Seventy-Eight, and Four Thousand and Seventy-Five of the Revised Statutes. (32 Stat. 386.)

Amendment of Rev. St. § 4075; passports, how granted.

Be it enacted, &c., That section four thousand and seventy-five of the Revised Statutes of the United States is hereby amended by inserting after the phrase "consular officers of the United States" the following: "and by such chief or other executive officer of the insular possessions of the United States."

Act June 14, 1902, c. 1088, § 1, 32 Stat. 386.

This section amends Rev. St. § 4075, set forth in Comp. St. 1901, p. 2764, by the addition of the provision that the chief or other executive officer of the insular possessions of the United States may grant, issue, and verify passports.

Sec. 2. [Amends Rev. St. § 4076.]

Sec. 3. [Amends Rev. St. § 4078.]

Sec. 4076.

[Amended. Act June 14, 1902, c. 1088, § 2.]

This section is amended by Act June 14, 1902, c. 1088, § 2, set forth below.

ACT JUNE 14, 1902, c. 1088, § 2.

Amendment of Rev. St. § 4076; passports to be issued only to those owing allegiance.

Sec. 2. That section four thousand and seventy-six of the Revised Statutes is hereby amended so as to read as follows: "No passport shall be granted or issued to or verified for any other persons than those owing allegiance, whether citizens or not, to the United States."

Act June 14, 1902, c. 1088, § 2, 32 Stat. 386.

This section amends Rev. St. § 4076, set forth in Comp. St. 1901, p. 2765, to read as set forth here. As originally enacted, said section authorized the issuance of passports to citizens only.

The issue of passports to persons who have made a declaration of intention to become citizens and who have resided in the United States for three years, such passports not to be valid for more than six months, and not to entitle the holder to protection in the country of which he was a citizen prior to making such declaration of intention, is authorized by Act March 2, 1907, c. 2534, § 1, set forth ante, under Title XXV, "Citizenship."

Sec. 4078.

[Amended. Act June 14, 1902, c. 1088, § 3.]

This section is amended by Act June 14, 1902, c. 1088, § 3, set forth below.

ACT JUNE 14, 1902, c. 1088, § 3.

Amendment of Rev. St. § 4078; false passports.

Sec. 3. That section four thousand and seventy-eight is hereby amended so as to read: "If any person acting or claiming to act in

any office or capacity under the United States, its possessions, or any of the States of the United States, who shall not be lawfully authorized so to do, shall grant, issue, or verify any passport or other instrument in the nature of a passport to or for any person whomsoever, or if any consular officer who shall be authorized to grant, issue, or verify passports shall knowingly and willfully grant, issue, or verify any such passport to or for any person not owing allegiance, whether a citizen or not, to the United States, he shall be imprisoned for not more than one year or fined not more than five hundred dollars, or both; and may be charged, proceeded against, tried, convicted, and dealt with therefor in the district where he may be arrested or in custody.

Act June 14, 1902, c. 1088, § 3, 32 Stat. 386.

This section amends Rev. St. § 4078, set forth in Comp. St. 1901, p. 2766, to read as set forth here. The amendment consists in the addition, after the words "under the United States," of the words "its possessions," and in the substitution for the words "not a citizen of the United States," contained in the original section, of the words "not owing allegiance, whether a citizen or not, to the United States."

Sec. 4083.

Judicial authority of United States ministers and consuls in certain countries.

A United States court for China is established, and exclusive jurisdiction is conferred upon it in all cases and judicial proceedings whereof jurisdiction might have been exercised previously by United States consuls and ministers by law and by virtue of treaties between the United States and China, except in certain minor cases, civil and criminal, by Act June 30, 1906, c. 3934, set forth post, at the end of this Title.

Sec. 4092.

Appeals from consular courts in China.

The provisions of this section and of Rev. St. §§ 4093–4096, so far as applicable to appeals from consular courts in China, are superseded by the provisions relating to such appeals contained in the act establishing a United States court for China, Act June 30, 1906; c. 3934, §§ 2, 3, set forth post, at the end of this Title.

Secs. 4093–4096.

See note under preceding section.

Sec. 4106.

Associates may be called by consul in criminal trials.

The provisions of this section and of Rev. St. § 4107, set forth in Comp. St. 1901, pp. 2774, 2775, allowing consuls in certain cases to summon associates, have no application to the United States court for China, by a provision of section 5 of the act establishing that court, Act June 30, 1906, c. 3934, set forth post, at the end of this Title.

Sec. 4107.

Associates in civil cases.

See note under preceding section.

Sec. 4111.

Marshals of consular courts.

The annual diplomatic and consular appropriation acts contain an appropriation for salaries of marshals for the consular courts in China,

Korea, and Turkey. The provision for the fiscal year ending June 30, 1912, is by Act March 3, 1911, c. 208, 36 Stat. 1035.

The office of marshal in China, existing in pursuance of this section, is abolished, by a provision of section 8 of the act establishing a United States court for China, which provides for a marshal of that court, Act June 26, 1906, c. 3934, set forth post, at the end of this Title.

Sec. 4122.

ACT MARCH 2, 1901, c. 802.

Expenses of keeping prisoners in China, Korea, Siam, and Turkey.

The provision of this act, set forth in Comp. St. 1901, p. 2779, is repeated in the diplomatic and consular appropriation acts for the fiscal years following, except that, after the words at the beginning of the provision, "Paying for the keeping and feeding of prisoners in China, Korea, Siam, and Turkey," the words, "and for such miscellaneous expenses in connection therewith as may be approved by the Secretary of State," are omitted, and the last proviso, relating to prisoners able to pay or who do pay the sum allowed, is also omitted in the recent acts.

The provision for the fiscal year ending June 30, 1912, is by Act March 3, 1911, c. 208, 36 Stat. 1036.

Sec. 4130.

ACT JULY 14, 1890, c. 706.

International Union of American Republics established.

Provisions of a temporary nature are made by the annual diplomatic and consular appropriation acts for the disposition of moneys received from various sources by the Commercial Bureau of American Republics, and for the printing and distribution of the Monthly Bulletin of the Bureau. Such provision for the fiscal year ending June 30, 1912, is by Act March 3, 1911, c. 208, 36 Stat. 1032.

ACT MARCH 1, 1893, c. 182.

Commercial Bureau of American Republics; collection and distribution of commercial information.

Besides the provision made by Act March 1, 1893, c. 182, set forth in Comp. St. 1901, p. 2788, relating to the distribution of commercial information by the Commercial Bureau of American Republics, the Public Printer is authorized to print an edition of the Monthly Bulletin of the Bureau, of not to exceed 5,000 copies, for distribution every month during the fiscal year, by the recent annual diplomatic and consular appropriation acts. The provision for the fiscal year ending June 30, 1912, is by Act March 3, 1911, c. 208, 36 Stat. 1032.

ACT JULY 26, 1894, c. 166.

Commercial Bureau of American Republics; disposition of receipts.

The provision of this act, set forth in Comp. St. 1901, p. 2789, is repeated in the diplomatic and consular appropriation acts for the fiscal years following. The provision for the fiscal year ending June 30, 1912, is by Act March 3, 1911, c. 208, 36 Stat. 1032.

ACT JUNE 6, 1900, c. 784.

[Repealed. Act Jan. 5, 1905, c. 23.]

This act, set forth in Comp. St. 1901, pp. 2791-2794, reincorporating the American National Red Cross, previously incorporated under the laws of the District of Columbia, is expressly repealed by Act Jan. 5, 1905, c. 23, set forth below, which reincorporates the society, by the same name, under government supervision, and makes other provisions relating thereto.

ACT MARCH 22, 1902, c. 272.

International Bureau of Permanent Court of Arbitration; expenses.

To meet the share of the United States in the expenses for the year nineteen hundred and one of the International Bureau of the Perma-

nent Court of Arbitration, created under article twenty-two of the convention concluded at The Hague, July twenty-ninth, eighteen hundred and ninety-nine, for the pacific settlement of international disputes, one thousand two hundred and fifty dollars.

Act March 22, 1902, c. 272, 32 Stat. 81.

This is a provision of the diplomatic and consular appropriation act for the fiscal year ending June 30, 1903, cited above. The similar act for each subsequent fiscal year contains a like appropriation. The provision for the fiscal year ending June 30, 1912, is by Act March 3, 1911, c. 208, 36 Stat. 1032.

The International Bureau of the Permanent Court of Arbitration was established by Article XXII of a Convention between the United States, Germany, Austria-Hungary, Belgium, China, Denmark, Spain, Mexico, France, Great Britain and Ireland, Greece, Italy, Japan, Luxembourg, Montenegro, the Netherlands, Persia, Portugal, Roumania, Russia, Servia, Siam, Sweden and Norway, Switzerland, Turkey, and Bulgaria, concluded and signed July 29, 1899, and proclaimed November 1, 1901. Said article reads as follows:

"ARTICLE XXII.

"An International Bureau, established at The Hague, serves as record office for the Court.

"This Bureau is the channel for communications relative to the meetings of the Court.

"It has the custody of the archives and conducts all the administrative business.

"The Signatory Powers undertake to communicate to the International Bureau at The Hague a duly certified copy of any conditions of arbitration arrived at between them, and of any award concerning them delivered by special Tribunals.

"They undertake also to communicate to the Bureau the Laws, Regulations, and documents eventually showing the execution of the awards given by the Court."

ACT JUNE 28, 1902, c. 1306.

An Act Appropriating the Sum of Three Thousand Dollars a Year for the Support and Maintenance of the Permanent International Commission of the Congresses of Navigation, and for Other Purposes. (32 Stat. 485.)

International Commission of Congresses of Navigation; expenses of delegates.

Be it enacted, &c., That the sum of three thousand dollars a year is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the support and maintenance of the permanent international commission of the congresses of navigation and for the payment of the actual expenses of the properly accredited national delegates of the United States to the meetings of the congresses and of the commission; and that the Secretary of War be, and is hereby, authorized to draw his warrant each year upon the Secretary of the Treasury for such sum, not to exceed three thousand dollars, as may in his opinion be proper to apply to the purposes above mentioned, and that the said sum shall be disbursed under such regulations as may be prescribed by the Secretary of War.

The national delegates aforesaid from the United States shall serve without compensation, but shall be reimbursed for their actual expenses incurred while traveling to and from the meetings, and while in attendance thereon, from the funds herein appropriated and authorized to be expended.

Act June 28, 1902, c. 1306, 32 Stat. 485.

ACT JAN. 5, 1905, c. 23. [S. 5704.] [*As amended* 1910. S. 6877.]

An Act to Incorporate the American National Red Cross. (33 Stat. 599.)

Preamble.

Whereas on the twenty-second of August, eighteen hundred and sixty-four, at Geneva, Switzerland, plenipotentiaries respectively representing Italy, Baden, Belgium, Denmark, Spain, Portugal, France, Prussia, Saxony, and Wurttemberg and the Federal Council of Switzerland agreed upon ten articles of a treaty or convention for the purpose of mitigating the evils inseparable from war; of ameliorating the condition of soldiers wounded on the field of battle, and particularly providing, among other things, in effect, that persons employed in hospitals and in according relief to the sick and wounded and supplies for this purpose shall be deemed neutral and entitled to protection; and that a distinctive and uniform flag shall be adopted for hospitals and ambulances and convoys of sick and wounded and an arm badge for individuals neutralized; and

Whereas said treaty has been ratified by all of said nations, and by others subsequently, to the number of forty-three or more, including the United States of America; and

Whereas the International Conference of Geneva of eighteen hundred and sixty-three recommended "that there exist in every country a committee whose mission consists in co-operating in times of war with the hospital service of the armies by all means in its power;" and

Whereas a permanent organization is an agency needed in every nation to carry out the purposes of said treaty, and especially to secure supplies and to execute the humane objects contemplated by said treaty, with the power to adopt and use the distinctive flag and arm badge specified by said treaty in article seven, on which shall be the sign of the Red Cross, for the purpose of co-operating with the "Comité International de Secours aux Militaires Blessés" (International Committee of Relief for the Wounded in War); and

Whereas in accordance with the requirements and customs of said international body such an association adopting and using said insignia was formed in the city of Washington, District of Columbia, in July, eighteen hundred and eighty-one, known as "The American National Association of the Red Cross," reincorporated April seventeenth, eighteen hundred and ninety-three, under the laws of the District of Columbia, and reincorporated by Act of Congress in June, nineteen hundred; and

Whereas it is believed that the importance of the work demands a repeal of the present charter and a reincorporation of the society under Government supervision: Now, therefore,

American National Red Cross; incorporators.

Be it enacted, &c., That Clara Barton, Hilary A. Herbert, Thomas F. Walsh, Charles C. Glover, Charles J. Bell, Mabel T. Boardman, George Dewey, William R. Day, Nelson A. Miles, James Tanner, William K. Van Reypen, John M. Wilson, Simon Wolf, James R. Garfield, Gifford Pinchot, S. W. Woodward, Mary A. Logan, Walter Wyman, of Washington, District of Columbia; George H. Shields, of Missouri; William H. Taft, F. B. Loomis, Samuel Mather, of Ohio; Spencer Trask, Robert C. Ogden, Cleveland H. Dodge, George C. Boldt, William T. Wardwell, John G. Carlisle,

George B. McClellan, Elizabeth Mills Reid, Margaret Carnegie, of New York; John H. Converse, Alexander Mackay-Smith, J. Wilkes O'Neill, H. Kirke Porter, of Pennsylvania; Richard Olney, W. Murray Crane, Henry L. Higginson, William Draper, Frederick H. Gillett, of Massachusetts; Marshall Field, Robert T. Lincoln, Lambert Tree, of Illinois; A. G. Kaufman, of South Carolina; Alexander W. Terrell, of Texas; George Gray, of Delaware; Redfield Proctor, of Vermont; John W. Foster, Noble C. Butler, Robert W. Miers, of Indiana; John Sharp Williams, of Mississippi; William Alden Smith, of Michigan; Horace Davis, W. W. Morrow, of California; Daniel C. Gilman, Eugene Lovering, of Maryland; J. Taylor Ellyson, of Virginia; Daniel R. Noyes, of Minnesota; Emanuel Fiske, Marshall Fiske, of Connecticut, together with five other persons to be named by the President of the United States, one to be chosen from each of the Departments of State, War, Navy, Treasury, and Justice, their associates and successors, are hereby created a body corporate and politic in the District of Columbia.

Act Jan. 5, 1905, c. 23, § 1, 33 Stat. 599.

Name of corporation; powers; badge.

Sec. 2. That the name of this corporation shall be "The American National Red Cross," and by that name shall have perpetual succession, with the power to sue and be sued in courts of law and equity within the jurisdiction of the United States; to have and to hold such real and personal estate as shall be deemed advisable and to accept bequests for the purposes of this corporation hereinafter set forth; to adopt a seal and the same to alter and destroy at pleasure; and to have the right to have and to use, in carrying out its purposes hereinafter designated, as an emblem and badge, a Greek red cross on a white ground, as the same has been described in the treaty of Geneva, August twenty-second, eighteen hundred and sixty-four, and adopted by the several nations acceding thereto; to ordain and establish by-laws and regulations not inconsistent with the laws of the United States of America or any State thereof, and generally to do all such acts and things (including the establishment of regulations for the election of associates and successors) as may be necessary to carry into effect the provisions of this Act and promote the purposes of said organization; and the corporation hereby created is designated as the organization which is authorized to act in matters of relief under said treaty. In accordance with article seven of the treaty, the delivery of the brassard allowed for individuals neutralized in time of war shall be left to military authority.

Act Jan. 5, 1905, c. 23, § 2, 33 Stat. 600.

Purposes of corporation.

Sec. 3. That the purposes of this corporation are and shall be—

First. To furnish volunteer aid to the sick and wounded of armies in time of war, in accordance with the spirit and conditions of the conference of Geneva of October, eighteen hundred and sixty-three, and also of the treaty of the Red Cross, or the treaty of Geneva, of August twenty-second, eighteen hundred and sixty-four, to which the United States of America gave its adhesion on March first, eighteen hundred and eighty-two.

Second. And for said purposes to perform all the duties devolved upon a national society by each nation which has acceded to said treaty.

Third. To succeed to all the rights and property which have been hitherto held and to all the duties which have heretofore been performed by the American National Red Cross as a corporation duly incorporated by Act of Congress June sixth, nineteen hundred, which Act is hereby repealed and the organization created thereby is hereby dissolved.

Fourth. To act in matters of voluntary relief and in accord with the military and naval authorities as a medium of communication between the people of the United States of America and their Army and Navy, and to act in such matters between similar national societies of other Government and the people and the Army and Navy of the United governments through the "Comité International de Secours," and the States of America.

Fifth. And to continue and carry on a system of national and international relief in time of peace and apply the same in mitigating the sufferings caused by pestilence, famine, fire, floods, and other great national calamities, and to devise and carry on measures for preventing the same.

Act Jan. 5, 1905, c. 23, § 3, 33 Stat. 600.

Act June 6, 1900, c. 784, mentioned in and repealed by this section, is set forth in Comp. St. 1901, pp. 2791–2794.

Fraudulent representations or use of insignia, etc.; penalty.

Sec. 4. That from and after the passage of this Act it shall be unlawful for any person within the jurisdiction of the United States to falsely or fraudulently hold himself out as or represent or pretend himself to be a member of or an agent for the American National Red Cross for the purpose of soliciting, collecting, or receiving money or material; or for any person to wear or display the sign of the Red Cross or any insignia colored in imitation thereof for the fraudulent purpose of inducing the belief that he is a member of or an agent for the American National Red Cross. It shall be unlawful for any person, corporation, or association other than the American National Red Cross and its duly authorized employés and agents and the army and navy sanitary and hospital authorities of the United States for the purpose of trade or as an advertisement to induce the sale of any article whatsoever or for any business or charitable purpose to use within the territory of the United States of America and its exterior possessions the emblem of the Greek Red Cross on a white ground, or any sign or insignia made or colored in imitation thereof, or of the words "Red Cross" or "Geneva Cross" or any combination of these words: Provided, however, That no person, corporation, or association that actually used or whose assignor actually used the said emblem, sign, insignia, or words for any lawful purpose prior to January fifth, nineteen hundred and five, shall be deemed forbidden by this Act to continue the use thereof for the same purpose and for the same class of goods. If any person violates the provision of this section he shall be deemed guilty of a misdemeanor, and upon conviction in any federal court shall be liable to a fine of not less than one or more than five hundred dollars, or imprisonment for a term not exceeding one year, or both, for each and every offense.

Act June 5, 1905, c. 23, § 4, 33 Stat. 600. Act June 23, 1910, c. 372, § 1, 36 Stat. 604.

Governing body; central committee; executive committee; meetings of incorporators; voting by proxy not to be allowed.

Sec. 5. That the governing body of the said American National Red Cross shall consist, in the first instance, of a central committee numbering eighteen persons, to be appointed in the manner following, namely: Six by the incorporators herein named and twelve by the President of the United States, one of whom shall be designated by the President to act as chairman. It shall be the duty of the central committee to organize with as little delay as possible State and Territorial societies, including the District of Columbia, under such rules as the said committee may prescribe. When six or more State or Territorial societies have been formed, thereafter the central committee shall be composed as follows: Six to be appointed by the incorporators, six by the representatives of the State and Territorial societies at the annual meeting of the incorporators and societies, and six by the President of the United States, one of whom shall be designated by him as chairman and one each to be named by him from the Departments of State, War, Navy, Treasury, and Justice.

The first six members of the central committee elected by the incorporators at the first annual meeting, and the first six members of the central committee elected by the State and Territorial delegates, shall when elected select by lot from their number two members to serve one year, two members to serve two years, and two members to serve three years, and each subsequent election of members shall be for a period of three years or until their successors are duly elected and qualify. The six members of the central committee appointed by the President at the annual meeting shall serve for one year.

The President shall fill as soon as may be any vacancy that may occur by death, resignation, or otherwise in the chairmanship or in the membership of the central committee appointed by him. And any vacancy that may occur in the six members of the central committee herein provided to be appointed by the incorporators or in the six to be appointed by the representatives of the State societies shall be filled by temporary appointments to be made by the remaining members of the six in which the vacancy or vacancies may occur, such appointees to serve until the next annual meeting.

The central committee shall have power to appoint from its own members an executive committee of seven persons, five of whom shall be a quorum, who, when the central committee is not in session, shall have and exercise all the powers of the central committee.

The Secretary of War shall within thirty days after the passage of this Act call a meeting at a time and place to be designated by him in the city of Washington of the incorporators hereunder, giving at least thirty days' notice thereof in one or more newspapers, and the annual meeting of said incorporators, their associates and successors, shall thereafter be held in said city on the first Tuesday after the first Monday in December, the first of said meetings to be held in December, nineteen hundred and five. Fifteen members shall constitute a quorum at any annual or special meeting.

Voting by proxy shall not be allowed at any meeting of the incorporators, annual or special, nor at any meeting of State or Territorial societies organized under the provisions of this charter.

Act Jan. 5, 1905, c. 23, § 5, 33 Stat. 601.

Reports.

Sec. 6. That the said American National Red Cross shall on the first day of January of each year make and transmit to the Secretary of War a report of its proceedings for the preceding year, including a full, complete, and itemized report of receipts and expenditures of whatever kind, which report shall be duly audited by the War Department, and a copy of said report shall be transmitted to Congress by the War Department.

Act Jan. 5, 1905, c. 23, § 6, 33 Stat. 602.

Right to repeal or amend act.

Sec. 7. That Congress shall have the right to repeal, alter, or amend this Act at any time.

Act Jan. 5, 1905, c. 23, § 7, 33 Stat. 602.

Endowment fund; investment; trustees.

Sec. 8. That the endowment fund of the American National Red Cross shall be kept and invested under the management and control of a board of nine trustees, who shall be elected from time to time by the incorporators and their successors under such regulations regarding terms and tenure of office, accountability, and expense as said incorporators and successors shall prescribe.

Act June 23, 1910, c. 372, § 2, 36 Stat. 604.

This section was added to Act Jan. 5, 1905, c. 23, by amendment thereof by Act June 23, 1910, c. 372, § 2, cited above.

ACT JUNE 29, 1906, c. 3621. [H. R. 18024.]

An Act for the Control and Regulation of the Waters of Niagara River, for the Preservation of Niagara Falls, and for Other Purposes. (34 Stat. 626.)

Diversion of water from Niagara River or its tributaries prohibited, except as authorized.

Be it enacted, &c., That the diversion of water from Niagara River or its tributaries, in the State of New York, is hereby prohibited, except with the consent of the Secretary of War as hereinafter authorized in section two of this Act: Provided, That this prohibition shall not be interpreted as forbidding the diversion of the waters of the Great Lakes or of Niagara River for sanitary or domestic purposes, or for navigation, the amount of which may be fixed from time to time by the Congress of the United States or by the Secretary of War of the United States under its direction.

Act June 29, 1906, c. 3621, § 1, 34 Stat. 626.

Permits for diversion of water for creation of power, and for transmission of power from Canada into United States; revocable permits; restrictions as to amount of diversion.

Sec. 2. That the Secretary of War is hereby authorized to grant permits for the diversion of water in the United States from said Niagara River or its tributaries for the creation of power to individuals, companies, or corporations which are now actually producing power from the waters of said river, or its tributaries, in the State of New York, or from the Erie Canal; also permits for the transmission of power from the Dominion of Canada into the United States, to companies legally authorized therefor, both for diversion and transmission, as hereinafter stated, but permits for diversion shall be issued only to

the individuals, companies, or corporations as aforesaid, and only to the amount now actually in use or contracted to be used in factories the buildings for which are now in process of construction, not exceeding to any one individual, company or corporation as aforesaid a maximum amount of eight thousand six hundred cubic feet per second, and not exceeding to all individuals, companies or corporations as aforesaid an aggregate amount of fifteen thousand six hundred cubic feet per second; but no revocable permits shall be issued by the said Secretary under the provisions hereafter set forth for the diversion of additional amounts of water from the said river or its tributaries until the approximate amount for which permits may be issued as above, to wit, fifteen thousand, six hundred cubic feet per second, shall for a period of not less than six months have been diverted from the waters of said river or its tributaries, in the State of New York: Provided, That the said Secretary, subject to the provisions of section five of this Act, under the limitations relating to time above set forth is hereby authorized to grant revocable permits, from time to time, to such individuals, companies, or corporations, or their assigns, for the diversion of additional amounts of water from the said river or its tributaries to such amount, if any, as, in connection with the amount diverted on the Canadian side, shall not injure or interfere with the navigable capacity of said river, or its integrity and proper volume as a boundary stream, or the scenic grandeur of Niagara Falls; and that the quantity of electrical power which may by permits be allowed to be transmitted from the Dominion of Canada into the United States, shall be one hundred and sixty thousand horsepower: Provided further, That the said Secretary, subject to the provisions of section five of this Act, may issue revocable permits for the transmission of additional electrical power so generated in Canada, but in no event shall the amount included in such permits, together with the said one hundred and sixty thousand horsepower and the amount generated and used in Canada, exceed three hundred and fifty thousand horsepower: Provided always, That the provisions herein permitting diversions and fixing the aggregate horsepower herein permitted to be transmitted into the United States, as aforesaid, are intended as a limitation on the authority of the Secretary of War, and shall in no wise be construed as a direction to said Secretary to issue permits, and the Secretary of War shall make regulations preventing or limiting the diversion of water and the admission of electrical power as herein stated; and the permits for the transmission of electrical power issued by the Secretary of War may specify the persons, companies, or corporations by whom the same shall be transmitted, and the persons, companies, or corporations to whom the same shall be delivered.

Act June 29, 1906, c. 3621, § 2, 34 Stat. 626.

Diversion of water from Niagara River or its tributaries, or transmission of power into United States from Canada, except as authorized, punishable; penalty; remedies to enforce or enjoin removal of structures erected, or diversion of water or transmission of power in violation of act.

Sec. 3. That any person, company, or corporation diverting water from the said Niagara River or its tributaries, or transmitting elec-

trical power into the United States from Canada, except as herein stated, or violating any of the provisions of this Act, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine not exceeding two thousand five hundred dollars nor less than five hundred dollars, or by imprisonment (in the case of a natural person) not exceeding one year, or by both such punishments, in the discretion of the court. And, further, the removal of any structures or parts of structures erected in violation of this Act, or any construction incidental to or used for such diversion of water or transmission of power as is herein prohibited, as well as any diversion of water or transmission of power in violation hereof, may be enforced or enjoined at the suit of the United States by any circuit court having jurisdiction in any district in which the same may be located, and proper proceedings to this end may be instituted under the direction of the Attorney-General of the United States.

Act June 29, 1906, c. 3621, § 3, 34 Stat. 627.

Negotiations for treaty with Great Britain for preservation of Niagara Falls and rapids.

Sec. 4. That the President of the United States is respectfully requested to open negotiations with the Government of Great Britain for the purpose of effectually providing, by suitable treaty with said Government, for such regulation and control of the waters of Niagara River and its tributaries as will preserve the scenic grandeur of Niagara Falls and of the rapids in said river.

Act June 29, 1906, c. 3621, § 4, 34 Stat. 628.

A treaty between the United States and Great Britain concerning the use of boundary waters between the United States and Canada, signed Jan. 11, 1909, is set forth in 36 Stat. 2448, and appropriations for expenses of the international joint commission provided for by said treaty with provisions as to the proceedings and powers of the commissioners are made by Act June 25, 1910, c. 384, § 1, 36 Stat. 766, and Act March 4, 1911, c. 285, § 1, 36 Stat. 1364.

Provisions of act to remain in force for three years; termination or revocation of permits.

Sec. 5. That the provisions of this Act shall remain in force for three years from and after date of its passage, at the expiration of which time all permits granted hereunder by the Secretary of War shall terminate unless sooner revoked, and the Secretary of War is hereby authorized to revoke any or all permits granted by him by authority of this Act, and nothing herein contained shall be held to confirm, establish, or confer any rights heretofore claimed or exercised in the diversion of water or the transmission of power.

Act June 29, 1906, c. 3621, § 5, 34 Stat. 628.

The provisions of this act are extended for two years from June 29, 1909, the date of expiration of its operation under this section, by Res. March 3, 1909, No. 24, set forth below, and are further extended to March 1, 1912, by Res. Aug. 22, 1911, No. 9, also set forth below.

Appropriation.

Sec. 6. That for accomplishing the purposes detailed in this Act the sum of fifty thousand dollars, or so much thereof as may be necessary, is hereby appropriated from any moneys in the Treasury not otherwise appropriated.

Act June 29, 1906, c. 3621, § 6, 34 Stat. 628.

Right to amend or repeal act.

Sec. 7. That the right to alter, amend, or repeal this Act is hereby expressly reserved.

Act June 29, 1906, c. 3621, § 7, 34 Stat. 628.

ACT JUNE 30, 1906, c. 3934. [H. R. 17345.]

An Act Creating a United States Court for China and Prescribing the Jurisdiction Thereof. (34 Stat. 814.)

United States court for China established; sessions; seal; writs, processes, etc.

Be it enacted, &c., That a court is hereby established, to be called the United States court for China, which shall have exclusive jurisdiction in all cases and judicial proceedings whereof jurisdiction may now be exercised by United States consuls and ministers by law and by virtue of treaties between the United States and China, except in so far as the said jurisdiction is qualified by section two of this Act. The said court shall hold sessions at Shanghai, China, and shall also hold sessions at the cities of Canton, Tientsin, and Hankau at stated periods, the dates of such sessions at each city to be announced in such manner as the court shall direct, and a session of the court shall be held in each of these cities at least once annually. It shall be within the power of the judge, upon due notice to the parties in litigation, to open and hold court for the hearing of a special cause at any place permitted by the treaties, and where there is a United States consulate, when, in his judgment, it shall be required by the convenience of witnesses, or by some public interest. The place of sitting of the court shall be in the United States consulate at each of the cities, respectively.

That the seal of the said United States court for China shall be the arms of the United States, engraved on a circular piece of steel of the size of a half dollar, with these words on the margin, "The Seal of the United States Court for China."

The seal of said court shall be provided at the expense of the United States.

All writs and processes issuing from the said court, and all transcripts, records, copies, jurats, acknowledgments, and other papers requiring certification or to be under seal, may be authenticated by said seal, and shall be signed by the clerk of said court. All processes issued from the said court shall bear test from the day of such issue.

Act June 30, 1906, c. 3934, § 1, 34 Stat. 814.

The jurisdiction, mentioned in this section as exercised by United States consuls and ministers in China, and in certain other countries, is defined, and the mode of its exercise is prescribed, by Rev. St. §§ 4083–4130, set forth in Comp. St. 1901, pp. 2768–2783.

Jurisdiction of consuls continued in minor cases, civil and criminal; appeals to court from consular courts, and from consular courts in Korea; administration of estates of decedents in China.

Sec. 2. The consuls of the United States in the cities of China to which they are respectively accredited shall have the same jurisdiction as they now possess in civil cases where the sum or value of the property involved in the controversy does not exceed five hundred dollars United States money and in criminal cases where the punishment for the offense charged can not exceed by law one hundred dollars fine or

sixty days' imprisonment, or both, and shall have power to arrest, examine, and discharge accused persons or commit them to the said court. From all final judgments of the consular court either party shall have the right of appeal to the United States court for China: Provided, also, That appeal may be taken to the United States court for China from any final judgment of the consular courts of the United States in Korea so long as the rights of extraterritoriality shall obtain in favor of the United States. The said United States court for China shall have and exercise supervisory control over the discharge by consuls and vice-consuls of the duties prescribed by the laws of the United States relating to the estates of decedents in China. Within sixty days after the death in China of any citizen of the United States, or any citizen of any territory belonging to the United States, the consul or vice-consul whose duty it becomes to take possession of the effects of such deceased person under the laws of the United States shall file with the clerk of said court a sworn inventory of such effects, and shall as additional effects come from time to time into his possession immediately file a supplemental inventory or inventories of the same. He shall also file with the clerk of said court within said sixty days a schedule under oath of the debts of said decedent, so far as known, and a schedule or statement of all additional debts thereafter discovered. Such consul or vice-consul shall pay no claims against the estate without the written approval of the judge of said court, nor shall he make sale of any of the assets of said estate without first reporting the same to said judge and obtaining a written approval of said sale, and he shall likewise within ten days after any such sale report the fact of such sale to said court, and the amount derived therefrom. The said judge shall have power to require at any time reports from consuls or vice-consuls in respect of all their acts and doings relating to the estate of any such deceased person. The said court shall have power to require where it may be necessary a special bond for the faithful performance of his duty to be given by any consul or vice-consul into whose possession the estate of any such deceased citizen shall have come in such amount and with such sureties as may be deemed necessary, and for failure to give such bond when required, or for failure to properly perform his duties in the premises, the court may appoint some other person to take charge of said estate, such person having first given bond as aforesaid. A record shall be kept by the clerk of said court of all proceedings in respect of any such estate under the provisions hereof.

Act June 30, 1906, c. 3934, § 2, 34 Stat. 814.

The jurisdiction, mentioned in this section as possessed by consuls of the United States in China, and in certain other countries, is defined, and the mode of its exercise is prescribed, by Rev. St. §§ 4083–4130, set forth in Comp. St. 1901, pp. 2768–2783.

Before this act, appeals from final judgments in consular courts in China were provided for by Rev. St. §§ 4092–4096, set forth in Comp. St. 1901, pp. 2771, 2772.

General provisions prescribing the duties of consuls in regard to estates of decedents are contained in Rev. St. §§ 1709–1711, set forth in Comp. St. 1901, pp. 1179, 1180.

The judicial authority and jurisdiction in civil and criminal cases of the consul-general at Shanghai, under this act, are vested in a vice-consul-general to be designated by the Secretary of State, by a provision of Act March 2, 1909, c. 235, set forth below.

Appeals from court to circuit court of appeals for ninth circuit, and from circuit court of appeals to Supreme Court; procedure thereon.

Sec. 3. That appeals shall lie from all final judgments or decrees of said court to the United States circuit court of appeals of the ninth judicial circuit, and thence appeals and writs of error may be taken from the judgments or decrees of the said circuit court of appeals to the Supreme Court of the United States in the same class of cases as those in which appeals and writs of error are permitted to judgments of said court of appeals in cases coming from district and circuit courts of the United States. Said appeals or writs of error shall be regulated by the procedure governing appeals within the United States from the district courts to the circuit courts of appeal, and from the circuit courts of appeal to the Supreme Court of the United States, respectively, so far as the same shall be applicable; and said courts are hereby empowered to hear and determine appeals and writs of error so taken.

Act June 30, 1904, c. 3934, § 3, 34 Stat. 815.

Jurisdiction of court to be exercised in conformity to treaties and laws in reference to consular courts; application of common law and decisions of courts of United States.

Sec. 4. The jurisdiction of said United States court, both original and on appeal, in civil and criminal matters, and also the jurisdiction of the consular courts in China, shall in all cases be exercised in conformity with said treaties and the laws of the United States now in force in reference to the American consular courts in China, and all judgments and decisions of said consular courts, and all decisions, judgments, and decrees of said United States court, shall be enforced in accordance with said treaties and laws. But in all such cases when such laws are deficient in the provisions necessary to give jurisdiction or to furnish suitable remedies, the common law and the law as established by the decisions of the courts of the United States shall be applied by said court in its decisions and shall govern the same subject to the terms of any treaties between the United States and China.

Act June 30, 1906, c. 3934, § 4, 34 Stat. 815.

Procedure of court; provisions allowing consuls to summon associates not applicable.

Sec. 5. That the procedure of the said court shall be in accordance, so far as practicable, with the existing procedure prescribed for consular courts in China in accordance with the Revised Statutes of the United States: Provided, however, That the judge of the said United States court for China shall have authority from time to time to modify and supplement said rules of procedure. The provisions of sections forty-one hundred and six and forty-one hundred and seven of the Revised Statutes of the United States allowing consuls in certain cases to summon associates shall have no application to said court.

Act June 30, 1906, c. 3934, § 5, 34 Stat. 816.

Provisions relating to procedure of consular courts are contained in Rev. St. §§ 4083–4130, Comp. St. 1901, pp. 2768–2783.

Rev. St. §§ 4106, 4107, mentioned in this section, are set forth in Comp. St. 1901, pp. 2774, 2775.

Officers of court; judge, district attorney, marshal, and clerk; appointment; salaries; expenses of judge and district attorney.

Sec. 6. There shall be a district attorney, a marshal, and a clerk of said court, with authority possessed by the corresponding officers of the district courts in the United States as far as may be consistent with the conditions of the laws of the United States and said treaties. The judge of said court and the district attorney, who shall be lawyers of good standing and experience, marshal, and clerk shall be appointed by the President, by and with the advice and consent of the Senate, and shall receive as salary, respectively, the sums of eight thousand dollars per annum for said judge, four thousand dollars per annum for said district attorney, three thousand dollars per annum for said marshal, and three thousand dollars per annum for said clerk. The judge of the said court and the district attorneys shall, when the sessions of the court are held at other cities than Shanghai, receive in addition to their salaries their necessary expenses during such sessions not to exceed ten dollars per day for the judge and five dollars per day for the district attorney.

Act June 30, 1906, c. 3934, § 6, 34 Stat. 816.

The provision at the end of this section, relating to expenses of the judge and the district attorney, is repeated in nearly the same language, except a change of the words "their necessary expenses" to "their actual expenses," in the appropriation for such expenses for the fiscal years following, down to 1911. For the fiscal year 1912, the appropriation is "For the actual expenses of the judge of said court, not to exceed ten dollars per day, and of the district attorney, not to exceed five dollars per day, when sessions of said court are held at other cities than Shanghai, so much as may be necessary." Act March 3, 1911, c. 208, 36 Stat. 1033.

Tenure of office of judge and officers of court.

Sec. 7. The tenure of office of the judge of said court shall be ten years, unless sooner removed by the President for cause; the tenure of office of the other officials of the court shall be at the pleasure of the President.

Act June 30, 1906, c. 3934, § 7, 34 Stat. 815.

Bonds of marshal and clerk of court; deputies of marshal and clerk, bonds, and compensation; office of marshal in China abolished.

Sec. 8. The marshal and the clerk of said court shall be required to furnish bond for the faithful performance of their duties, in sums and with sureties to be fixed and approved by the judge of the court They shall each appoint, with the written approval of said judge, deputies at Canton and Tientsin, who shall also be required to furnish bonds for the faithful performance of their duties, which bonds shall be subject, both as to form and sufficiency of the sureties, to the approval of the said judge. Such deputies shall receive compensation at the rate of five dollars for each day the sessions of the court are held at their respective cities. The office of marshal in China now existing in pursuance of section forty-one hundred and eleven of the Revised Statutes is hereby abolished.

Act June 30, 1906, c. 3934, § 8, 34 Stat. 816.

Rev. St. § 4111, mentioned in this section, is set forth in Comp. St. 1901, p. 2776.

Fees of officers of court.

Sec. 9. The tariff of fees of said officers of the court shall be the same as the tariff already fixed for the consular courts in China, sub-

ject to amendment from time to time by order of the President, and all fees taxed and received shall be paid into the Treasury of the United States.

Act June 30, 1906, c. 3934, § 9, 34 Stat. 816.

Provisions for establishing a tariff of fees in consular courts are contained in Rev. St. § 4120, Comp. St. 1901, p. 2778.

ACT MARCH 2, 1909, c. 235. [H. R. 27523.]

Judicial authority and jurisdiction of consul-general at Shanghai, China, transferred to vice-consul-general.

The judicial authority and jurisdiction in civil and criminal cases now vested in and reserved to the consul-general of the United States at Shanghai, China, by the Act of June thirtieth, nineteen hundred and six, entitled "An Act creating a United States court for China and prescribing the jurisdiction thereof," shall, subsequent to June thirtieth, nineteen hundred and nine, be vested in and exercised by a vice-consul-general of the United States to be designated from time to time by the Secretary of State, and the consul-general at Shanghai shall thereafter be relieved of his judicial functions.

Act March 2, 1909, c. 235, 35 Stat. 679.

This is a provision of the diplomatic and consular appropriation act for the fiscal year ending June 30, 1910, cited above.

Act June 30, 1906, c. 3934, mentioned in this provision, is set forth above.

RES. MARCH 3, 1909, No. 24. [H. J. Res. 262.]

Joint Resolution Extending the Operation of an Act for the Control and Regulation of the Waters of Niagara River, for the Preservation of Niagara Falls, and for Other Purposes. (35 Stat. 1169.)

Preamble.

Whereas the provisions of the Act entitled "An Act for the control and regulation of the waters of Niagara River, for the preservation of Niagara Falls, and for other purposes," approved June twenty-ninth, nineteen hundred and six, will expire by limitation on June twenty-ninth, nineteen hundred and nine; and

Whereas a date for the termination of the operation of said Act was provided therein, but with a view to the more permanent settlement of the questions involved by a treaty with Great Britain and by further legislation appropriate to the situation, and such treaty not having been negotiated, it is desirable that the provisions of said Act should be continued until such permanent settlement can be made; Therefore be it

Provisions of Act June 29, 1906, c. 3621, extended for two years from June 29, 1909.

Resolved, &c., That the provisions of the aforesaid Act be, and they are hereby, extended for two years from June twenty-ninth, nineteen hundred and nine, being the date of the expiration of the operation of said Act, save in so far as any portion thereof may be found inapplicable or already complied with.

Res. March 3, 1909, No. 24, 35 Stat. 1169.

Act June 29, 1906, c. 3621, the operation of which is extended by this resolution, is set forth above.

The operation of said Act June 29, 1906, c. 3621, is further extended to March 1, 1912, by Res. Aug. 22, 1911, No. 9, set forth below.

RES. AUG. 22, 1911, No. 9. [S. J. R. 3.]

Joint Resolution Extending the Operation of the Act for the Control and Regulation of the Waters of Niagara River, for the Preservation of Niagara Falls, and for Other Purposes. (37 Stat. 43.)

Provisions of Act June 29, 1906, c. 3621, further extended to March 1, 1912.

Resolved, &c., That the provisions of an Act entitled "An Act for the control of the waters of Niagara River, for the preservation of Niagara Falls, and for other purposes," be, and they are hereby, extended and reenacted from June twenty-ninth, nineteen hundred and eleven, being the date of the expiration of the operation of said Act, to March first, nineteen hundred and twelve.

Res. Aug. 22, 1911, No. 9, 37 Stat. 43.

Act June 29, 1906, c. 3621, the operation of which is further extended by this resolution, is set forth above.

TITLE XLVIII.

REGULATION OF COMMERCE AND NAVIGATION.

CHAPTER ONE.

Registry and Recording.

Sec. 4132.

What vessels are entitled to register.

Until Congress shall have authorized the registry of vessels owned in the Philippine Archipelago, the transportation of merchandise and passengers between ports or places therein is to be regulated by the Government of the Philippine Islands, by Act April 15, 1904, c. 1314, § 3, set forth post, under Title L, "Regulation of Vessels in Domestic Commerce."

Sec. 4136.

[Repealed. Act Feb. 22, 1906, c. 500.]

This section, set forth in Comp. St. 1901, p. 2807, is expressly repealed by Act Feb. 22, 1906, c. 500, set forth below.

ACT FEB. 22, 1906, c. 500. [S. 1007.]

An Act to Repeal Section Forty-one hundred and thirty-six of the Revised Statutes Relating to the Admission to Registry of Repaired Foreign Wrecks. (34 Stat. 17.)

Repeal of Rev. St. § 4136.

Be it enacted, &c., That section forty-one hundred and thirty-six of the Revised Statutes, as amended, reading as follows: "The Commissioner of Navigation may issue a register or enrollment for any vessel built in a foreign country, whenever such vessel shall be wrecked in the United States, and shall be purchased and repaired by a citizen of the United States, if it shall be proved to the satisfaction of the Commissioner that the repairs put upon such vessel are equal to three-fourths of the cost of the vessel when so repaired," is hereby repealed.

Act Feb. 22, 1906, c. 500, 34 Stat. 17.

Sec. 4139.

[Amended. Act June 24, 1902, c. 1155, § 1.]

This section is amended by Act June 24, 1902, c. 1155, § 1, set forth below.

ACT JUNE 24, 1902, c. 1155.

An Act To Amend Section Forty-One Hundred and Thirty-Nine and Section Forty-Three Hundred and Fourteen of the Revised Statutes. (32 Stat. 398.)

Amendment of Rev. St. § 4139.

Be it enacted, &c., That section forty-one hundred and thirty-nine of the Revised Statutes be, and the same is hereby, amended so as to read as follows:

Oath of officer of corporation [or managing owner or his agent].

"Sec. 4139. Previous to granting a register for any vessel owned by any incorporated company, or by an individual or individuals, the president or secretary of such company, or any other officer or agent thereof, duly authorized by said company in writing, attested by the corporate seal thereof, to act for the company in this behalf, or the managing owner, or his agent duly authorized by power of attorney, when such vessel is owned by an individual or individuals, shall swear to the ownership of the vessel without designating the names of the persons composing the company, when such vessel is owned by a corporation, and the oath of either of said officers or agents shall be deemed sufficient without requiring the oath of any other person interested and concerned in such vessel."

Act June 24, 1902, c. 1155, § 1, 32 Stat. 398.

Rev. St. § 4139, amended by this section, is set forth in Comp. St. 1901, p. 2808.

Sec. 2. [Amends Rev. St. § 4314.]

Sec. 4153. [*As amended* 1882, 1886, 1895.]

This section, set forth in Comp. St. 1901, p. 2812, as previously amended, is further amended by Act Feb. 6, 1909, c. 82, set forth below.

ACT FEB. 6, 1909, c. 82. [S. 8460.]

An Act to Provide for the Deduction of Hatchways and Water-ballast Space from the Gross Tonnage of Vessels. (35 Stat. 613.)

Amendment of Act March 2, 1895, c. 173, § 1.

Be it enacted, &c., That section one of the Act approved March second, eighteen hundred and ninety-five, entitled "An Act to amend section one of chapter three hundred and ninety-eight of the laws of eighteen hundred and eighty-two, entitled 'An Act to provide for deductions from the gross tonnage of vessels of the United States,'" is hereby amended by inserting after paragraph (h) the following words:

Tonnage; deduction for hatchways.

"The cubical contents of the hatchways shall be obtained by multiplying the length and breadth together and the product by the mean depth taken from the top of beam to the under side of the hatch. From the aggregate tonnage of the hatchways there shall be deducted one-half of one per cent of the gross tonnage and the remainder only shall be added to the gross tonnage of the ship exclusive of the tonnage of the hatchways."

Act Feb. 6, 1909, c. 82, § 1, 35 Stat. 613.

Act March 2, 1895, c. 173, § 1, amended by this act, itself amended Act Aug. 5, 1882, c. 398, § 1, by substituting for an amendment by that act of Rev. St. § 4153, different provisions, constituting an amendment of Rev. St. § 4153, which are incorporated in that section as set forth in Comp. St. 1901, p. 2812.

Further amendment of Act March 2, 1895, c. 173, § 1.

Sec. 2. That said section is further amended by inserting at the end of the fourth paragraph after paragraph (i) the following words:

Tonnage; deduction for water ballast space.

"From the gross tonnage there shall be deducted any other space adapted only for water ballast certified by the collector not to be available for the carriage of cargo, stores, supplies, or fuel."

Act Feb. 6, 1909, c. 82, § 2, 35 Stat. 613.

See note under preceding section of this act.

Sec. 4170.

New registry upon sale or alteration of vessel.

Besides the provisions of Rev. St. § 4170, set forth in Comp. St. 1901, p. 2287, for new registry upon sale or transfer of a registered vessel, provisions for recording bills of sale, mortgages, hypothecations, and conveyances of vessels are contained in Rev. St. §§ 4192, 4193, 4196, Comp. St. 1901, pp. 2837, 2839; and vessels enrolled are made subject to the requirements prescribed for registered vessels, by Rev. St. § 4312, Comp. St. 1901, p. 2959.

Sec. 4178.

ACT MAY 28, 1908, c. 212, § 7. [H. R. 21815.]

Private signals, etc., of vessels, and registry thereof.

That thirty days after the passage of this Act if a shipowner desires to use for the purpose of a private code any rockets, lights, or other similar signals, he may register those signals and house flags and funnel marks with the Commissioner of Navigation, who shall give public notice from time to time of the signals, house flags, and funnel marks so registered in such manner as he may think requisite for preventing those signals from being mistaken for signals of distress or signals for pilots. The Commissioner of Navigation may refuse to register any signals which in his opinion can not easily be distinguished from signals of distress, signals for pilots, or signals prescribed by laws for preventing collisions.

Act May 28, 1908, c. 212, § 7, 35 Stat. 426.

Sec. 4192.

Conveyance of vessels; lien by bottomry.

Besides the requirement of recording bills of sale, etc., of vessels, contained in Rev. St. §§ 4192, 4193, set forth in Comp. St. 1901, p. 2387, new registry is required upon sale or transfer of a registered vessel, by Rev. St. § 4170, Comp. St. 1901, p. 2827; and vessels enrolled are made subject to the requirements prescribed for registered vessels, by Rev. St. § 4312, Comp. St. 1901, p. 2959.

Requisites of bills of sale of vessels registered or enrolled are prescribed by Rev. St. § 4196, Comp. St. 1901, p. 2839.

A maritime lien for repairs, supplies, etc., furnished to a vessel, to be enforced by a proceeding in rem, without alleging or proving that credit was given to the vessel, is provided for by Act June 23, 1910, c. 373, set forth post, under Rev. St. § 4196.

Sec. 4196.

Interests to be named in bills of sale.

Bills of sale, etc., of vessels are required to be recorded, by Rev. St. §§ 4192, 4193, Comp. St. 1901, p. 2837.

ACT JUNE 23, 1910, c. 373. [H. R. 15812.]

An Act Relating to Liens on Vessels for Repairs, Supplies, or Other Necessaries. (36 Stat. 604.)

Maritime lien on vessel for repairs, supplies, etc., to be enforced in rem, without allegation or proof that credit was given to vessel.

Be it enacted, &c., That any person furnishing repairs, supplies, or other necessaries, including the use of dry dock or marine railway, to a vessel, whether foreign or domestic, upon the order of the owner or owners of such vessel, or of a person by him or them authorized, shall have a maritime lien on the vessel which may be enforced by a proceeding in rem, and it shall not be necessary to allege or prove that credit was given to the vessel.

Act June 23, 1910, c. 373, § 1, 36 Stat. 604.

Persons presumed to have authority to procure repairs, supplies, etc., for vessel.

Sec. 2. That the following persons shall be presumed to have authority from the owner or owners to procure repairs, supplies, and other necessaries for the vessel: The managing owner, ship's husband, master, or any person to whom the management of the vessel at the port of supply is intrusted. No person tortiously or unlawfully in possession or charge of a vessel shall have authority to bind the vessel.

Act June 23, 1910, c. 373, § 2, 36 Stat. 604.

Officers and agents appointed by charterer, etc., included with persons specified in preceding section; no lien when want of authority to bind vessel was known to furnisher of repairs, supplies, etc.

Sec. 3. That the officers and agents of a vessel specified in section two shall be taken to include such officers and agents when appointed by a charterer, by an owner pro hac vice, or by an agreed purchaser in possession of the vessel, but nothing in this Act shall be construed to confer a lien when the furnisher knew, or by the exercise of reasonable diligence could have ascertained, that because of the terms of a charter party, agreement for sale of the vessel, or for any other reason, the person ordering the repairs, supplies, or other necessaries was without authority to bind the vessel therefor.

Act June 23, 1910, c. 373, § 3, 36 Stat. 605.

Waiver of right to lien; act not to affect rules of law as to other rights and remedies.

Sec. 4. That nothing in this Act shall be construed to prevent a furnisher of repairs, supplies, or other necessaries from waiving his right to a lien at any time, by agreement or otherwise, and this Act shall not be construed to affect the rules of law now existing, either in regard to the right to proceed against a vessel for advances, or in regard to laches in the enforcement of liens on vessels, or in regard to the priority or rank of liens, or in regard to the right to proceed in personam.

Act June 23, 1910, c. 373, § 4, 36 Stat. 605.

State statutes conferring liens on vessels, to be enforced by proceedings in rem, for repairs, supplies, etc., superseded.

Sec. 5. That this Act shall supersede the provisions of all state statutes conferring liens on vessels in so far as the same purport to create rights of action to be enforced by proceedings in rem against vessels for repairs, supplies, and other necessaries.

Act June 23, 1910, c. 373, § 5, 36 Stat. 604.

CHAPTER TWO.

Clearance and Entry.

Sec. 4197.

Granting clearances.

The provisions of this section, and of sections 4198, 4199, and 4200, are extended to and govern in the trade between the United States and Hawaii, Porto Rico, Alaska, the Philippine Islands, Guam, and its other noncontiguous territory, and in the trade conducted between said islands and territory, and in shipments from said islands or territory to other parts of the United States, by Act April 29, 1902, c. 637, set forth below.

The laws relating to entry, clearance, and manifests of vessels arriving from or going to foreign ports apply to voyages each way between the Philippine Islands and the United States and the possessions thereof, by Act July 1, 1902, c. 1369, § 84, ante, under Title XXXIV, "Collection of Duties upon Imports," c. 4.

ACT APRIL 29, 1902, c. 637.

An Act To Facilitate the Procurement of Statistics of Trade Between the United States and Its Noncontiguous Territory. (32 Stat. 172.)

Provisions of Rev. St. §§ 4197-4200, made applicable to trade between United States and Hawaii, Porto Rico, Alaska, Philippine Islands, Guam, and other noncontiguous territory.

Be it enacted, &c., That the provisions of sections four thousand one hundred and ninety-seven to four thousand two hundred, inclusive, of the Revised Statutes of the United States, requiring statements of quantity and value of goods carried by vessels clearing from the United States to foreign ports, shall be extended to and govern, under such regulations as the Secretary of the Treasury shall prescribe, in the trade between the United States and Hawaii, Porto Rico, Alaska, the Philippine Islands, Guam, and its other noncontiguous territory, and shall also govern in the trade conducted between said islands and territory, and in shipments from said islands or territory to other parts of the United States: Provided, That this law shall not apply in the Philippine Islands during such time as the collectors of customs of those islands are under the jurisdiction of the War Department.

Act April 29, 1902, c. 637, 32 Stat. 172.

The sections of the Revised Statutes referred to in this act are set forth in Comp. St. 1901, pp. 2840, 2841.

Sec. 4198.

Oath of master.

See note under Rev. St. § 4197.

Sec. 4199.

Form of manifest.

See note under Rev. St. § 4197.

Sec. 4200.

Manifests of shippers.

See note under Rev. St. § 4197.

Sec. 4214. [*As amended* 1883.]

Pleasure yachts.

Any foreign built yacht, pleasure-boat, or vessel, not used or intended to be used for trade, owned or chartered for more than six months by any citizen or citizens of the United States, on payment by the owner of a duty of 35 per centum ad valorem thereon, is entitled to all the privileges and is subject to all the requirements prescribed by Rev. St. §§ 4214, 4215, 4217, and 4218, set forth in Comp. St. 1901, pp. 2845–2847, by a provision of Act Aug. 5, 1909, c. 6, § 37, set forth post, under chapter 3 of this Title.

Sec. 4215.

Signals of yachts.

See note ante, under Rev. St. § 4214.

Provisions relating to the registry and use of private signals, etc., of vessels, are contained in Act May 28, 1908, c. 212, § 7, set forth ante, in chapter 1 of this Title.

Sec. 4216. [*As amended* 1897.]

[Repealed. Act May 28, 1908, c. 212, § 6.]

This section, set forth in Comp. St. 1901, p. 2847, is expressly repealed by Act May 28, 1908, c. 212, § 6, set forth below, different provisions on the same subject being enacted by section 5 of that act, also set forth below.

ACT MAY 28, 1908, c. 212, §§ 5, 6. [H. R. 21815.]

Yachts belonging to foreign yacht-clubs; reciprocal exemption from charges, tonnage taxes, etc.; licenses.

That whenever it shall be made to appear to the satisfaction of the President of the United States that yachts belonging to any regularly organized yacht club of the United States are allowed to arrive at and depart from any foreign port and to cruise in the waters of such port without entering or clearing at the custom-house thereof and without the payment of any charges for entering or clearing, dues, duty per ton, tonnage taxes or charges for cruising licenses, the Secretary of Commerce and Labor may authorize and direct the customs authorities at the various ports and subports of entry of the United States to allow yachts from such foreign port belonging to any regularly organized yacht club thereof to arrive at and depart from any port or subport of the United States and to cruise in waters of the United States without the payment of any charges for entering or clearing, dues, duty per ton, or tonnage taxes, but the Secretary of Commerce and Labor may, in his discretion, direct that such foreign yachts shall be required to obtain licenses to cruise, in a form prescribed by him, before they shall be allowed under the provisions of this Act to cruise in waters of the United States. Such licenses shall be issued without cost to such yachts and shall prescribe such limitations as to length of time, direction, and place of cruising and action, and such other particulars as the Secretary of Commerce and Labor may deem proper: Provided, That the privileges of this section shall not extend to any yacht built outside of the United States and owned, chartered, or used by a citizen of the United States unless such ownership or charter was acquired prior to February fifth, eighteen hundred and ninety-seven.

Act May 28, 1908, c. 212, § 5, 35 Stat. 425.

Previous provisions on the subject of this section were contained in

Rev. St. § 4216, Comp. St. 1901, p. 2847, repealed by section 6 of this act, set forth below.

This section is not amended or repealed by section 36 of Act Aug. 5, 1909, c. 6, relating to tonnage duties, but so much of it as relates to yachts built outside the United States and owned by citizens of the United States is repealed by section 37 of that act, by provisions of said two sections, set forth post, under chapter 3 of this Title.

Repeal of Rev. St. § 4216.

Sec. 6. That section forty-two hundred and sixteen of the Revised Statutes is hereby repealed.

Act May 28, 1908, c. 212, § 6, 35 Stat. 426.

Rev. St. § 4216, repealed by this section, is set forth in Comp. St. 1901, p. 2847.

Sec. 4217.

Commissions to yachts.

See note ante, under Rev. St. § 4214.

Sec. 4218.

Entry of yachts.

See note ante, under Rev. St. § 4214.

CHAPTER THREE.

Tonnage Duties.

Sec. 4219. [*As amended* 1877.]

[Repealed in part. Act Aug. 5, 1909, c. 6, § 36.]

So much of this section as conflicted with Act June 26, 1884, c. 121, § 14, set forth, as amended by Act June 19, 1886, c. 421, § 11, in Comp. St. 1901, p. 2850, was repealed by a provision of that section. In like manner, so much of it as conflicts with Act Aug. 5, 1909, c. 6, § 36, set forth below, is repealed by a provision of said section.

The President was authorized to suspend in part the operation of this section, by a proviso annexed to Rev. St. § 4228, by an amendment of that section by Act July 24, 1897, c. 13, incorporated in Rev. St. § 4228, as set forth in Comp. St. 1901, p. 2856, so that foreign vessels from a country imposing partial discriminating tonnage duties upon American vessels, or partial discriminating import duties upon American merchandise, might enjoy in our ports the identical privileges which the same class of American vessels and merchandise may enjoy in said foreign country.

Tonnage taxes are to be levied on foreign vessels coming into the United States from the Philippine Islands, by Act April 29, 1908, c. 152, § 2, set forth post, under Title L, "Regulation of Vessels in Domestic Commerce."

ACT JUNE 26, 1884, c. 121, §§ 14, 15.

Amount of tonnage duties; suspension; repeal.

Section 14 of Act June 26, 1884, c. 121, was amended by Act June 19, 1886, c. 421, § 11, 24 Stat. 81, to read as therein set forth; but said amendatory section is expressly repealed by a provision of Act Aug. 5, 1909, c. 6, § 36, set forth below. A later act, amending said amendatory section, by changing the language of part of the last proviso of the section, so as to read as set forth in Comp. St. 1901, p. 2850, is not ex-

pressly mentioned as repealed in said provision of Act Aug. 5, 1909, c. 6, § 36, set forth below.

Provisions subsequent to those of Act June 26, 1884, c. 121, § 14, set forth in Comp. St. 1901, p. 2850, for a partial suspension of tonnage duties as to foreign vessels from a country imposing partial discriminating tonnage duties upon American vessels are contained in a proviso annexed to Rev. St. § 4228, by an amendment by Act July 24, 1897, c. 13, incorporated in that section as set forth in Comp. St. 1901, p. 2856.

Repeal of provisions for hospital tax on seamen; appropriation of tonnage duties to Marine-Hospital Service.

So much of section 15 of Act June 26, 1884, c. 121, set forth in Comp. St. 1901, p. 2851, as makes a permanent appropriation of the receipts for duties on tonnage for the expenses of maintaining the Marine-Hospital Service is repealed by a provision of Act March 3, 1905, c. 1484, § 1, set forth below.

ACT JUNE 19, 1886, c. 421, §§ 11, 12.

[Repealed. Act Aug. 5, 1909, c. 6, § 36.]

Section 11 of Act June 19, 1886, c. 421, which amended Act June 26, 1884, c. 121, § 14, set forth as amended thereby and by Act April 4, 1888, in Comp. St. 1901, p. 2850, and section 12 of said Act June 19, 1886, c. 421, set forth in Comp. St. 1901, p. 2852, are expressly repealed by a provision of Act Aug. 5, 1909, c. 6, § 36, set forth below.

ACT MARCH 3, 1905, c. 1484, § 1. [H. R. 19150.]

Repeal in part of Act June 26, 1884, c. 121, § 15, as to appropriation of tonnage duties to Marine-Hospital Service.

That so much of section fifteen of an Act entitled "An Act to remove certain burdens on the American merchant marine and encourage the American foreign carrying trade, and for other purposes," approved June twenty-sixth, eighteen hundred and eighty-four, as makes a permanent appropriation of the receipts for duties on tonnage provided for by said Act for the expenses of maintaining the Marine-Hospital Service is hereby repealed, to take effect from and after June thirtieth, nineteen hundred and six. * *

Act March 3, 1905, c. 1484, § 1, 33 Stat. 1217.

This is a provision of the deficiency appropriation act for the fiscal year ending June 30, 1905, cited above. It follows appropriations for the fiscal years 1905 and 1906, in addition to the tonnage tax appropriated by Act June 26, 1884, stated to be made necessary by decrease in the tonnage tax and added expense in the maintenance of the service, etc.

Act June 26, 1884, c. 121, § 15, repealed in part by this provision, is set forth in Comp. St. 1901, p. 2851.

ACT AUG. 5, 1909, c. 6, §§ 36, 37. [H. R. 1438.]

Amount of tonnage duties; amendment or repeal of previous provisions; time of taking effect of this section.

Sec. 36. That a tonnage duty of two cents per ton, not to exceed in the aggregate ten cents per ton in any one year, is hereby imposed at each entry on all vessels which shall be entered in any port of the United States from any foreign port or place in North America, Central America, the West India Islands, the Bahama Islands, the Bermuda Islands, or the coast of South America bordering on the Caribbean Sea, or Newfoundland, and a duty of six cents per ton, not to exceed thirty cents per ton per annum, is hereby imposed at each entry on all vessels which shall be entered in any port of the United States from any other foreign port, not, however, to include vessels in distress or not engaged in trade.

This section shall not be construed to amend or repeal section twenty-seven hundred and ninety-two of the Revised Statutes as amended by section one of chapter two hundred and twelve of the laws of nineteen hundred and eight, approved May twenty-eighth, nineteen hundred and eight, or section five of the said chapter two hundred and twelve of the laws of nineteen hundred and eight, or section twenty-seven hundred and ninety-three of the Revised Statutes.

Section forty-two hundred and thirty-two of the Revised Statutes, and sections eleven and twelve of chapter four hundred and twenty-one of the laws of eighteen hundred and eighty-six, approved June nineteenth, eighteen hundred and eighty-six, and so much of section forty-two hundred and nineteen of the Revised Statutes as conflicts with this section, are hereby repealed.

This section shall take effect sixty days after the approval of this Act.

Act Aug. 5, 1909, c. 6, § 36, 36 Stat. 111.

This section and the section next following are part of the Tariff Act of 1909, cited above, other sections of which are set forth or referred to under Title XXXIII, "Duties upon Imports."

Rev. St. §§ 2792, 2793, mentioned in this section as not amended or repealed thereby, are set forth in Comp. St. 1901, p. 1870. Section 1 of Act May 28, 1908, c. 212, mentioned therein as amending Rev. St. § 2792, is set forth ante, under Title XXXIV, "Collection of Duties upon Imports," c. 4, and section 5 of said Act May 28, 1908, c. 212, also mentioned in this section, is set forth under chapter 2 of this Title.

Rev. St. § 4232, repealed by this section, is set forth in Comp. St. 1901, p. 2857. Section 11 of Act June 19, 1886, c. 421, also repealed thereby, amended Act June 26, 1884, c. 121, § 14, to read as therein set forth, and is incorporated in said amended section as set forth in Comp. St. 1901, p. 2850, and section 12 of said Act June 19, 1886, c. 421, also repealed by this section, is set forth in Comp. St. 1901, p. 2852. Rev. St. § 4219, repealed in part by this section, containing provisions relating to amount of tonnage duties, etc., is set forth in Comp. St. 1901, p. 2848.

Provisions relating to exemptions of certain vessels from tonnage duties and other taxes, etc., are contained in Rev. St. §§ 4220–4227, Comp. St. 1901, pp. 2853–2855, and in Act March 8, 1910, c. 86, set forth below, and Act March 24, 1908, c. 96, set forth post, under Rev. St. § 4227.

Tax on foreign-built yachts, etc., owned or chartered by citizens of United States; ad valorem duty in lieu of annual tax, and privileges, etc., on payment thereof; repeal in part of Act May 28, 1908, c. 212, § 5; limitation of application of this section.

Sec. 37. There shall be levied and collected annually on the first day of September by the collector of customs of the district nearest the residence of the managing owner, upon the use of every foreign-built yacht, pleasure-boat or vessel, not used or intended to be used for trade, now or hereafter owned or chartered for more than six months by any citizen or citizens of the United States, a sum equivalent to a tonnage tax of seven dollars per gross ton.

In lieu of the annual tax above prescribed the owner of any foreign-built yacht, pleasure-boat or vessel above described may pay a duty of thirty-five per centum ad valorem thereon, and such yacht, pleasure-boat or vessel shall thereupon be entitled to all the privileges and shall be subject to all the requirements prescribed by sections forty-two hundred and fourteen, forty-two hundred and fifteen, forty-two hundred and seventeen, and forty-two hundred and eighteen of the Revised Statutes and Acts amendatory thereto in the same manner as

if said yacht had been built in the United States, and shall be subject to tonnage duty and light money only in the same manner as if said yacht had been built in the United States.

So much of section five of chapter two hundred and twelve of the laws of nineteen hundred and eight, approved May twenty-eighth nineteen hundred and eight, as relates to yachts built outside the United States and owned by citizens of the United States is hereby repealed.

This section shall not apply to a foreign-built vessel admitted to American registry.

Act Aug. 5, 1909, c. 6, § 37, 36 Stat. 112.

See first note under preceding section.

Act May 28, 1908, c. 212, § 5, providing for reciprocal exemption of yachts belonging to foreign yacht clubs from charges, tonnage taxes, etc., so much of which as relates to yachts built outside the United States and owned by citizens of the United States is repealed by this section, is set forth ante, under chapter 2 of this Title.

ACT MARCH 8, 1910, c. 86. [S. 4639.]

An Act Concerning Tonnage Duties on Vessels Entering Otherwise than by Sea. (36 Stat. 234.)

Exemption of vessels entering otherwise than by sea from foreign ports at which tonnage or light-house dues, etc., are not imposed on vessels of United States.

Be it enacted, &c., That vessels entering otherwise than by sea from a foreign port at which tonnage or light-house dues or other equivalent tax or taxes are not imposed on vessels of the United States shall be exempt from the tonnage duty of two cents per ton, not to exceed in the aggregate ten cents per ton in any one year, prescribed by section thirty-six of the Act approved August fifth, nineteen hundred and nine, entitled "An Act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes."

Act March 8, 1910, c. 86, 36 Stat. 234.

Act Aug. 5, 1909, c. 6, § 36, mentioned in this act as imposing tonnage duties, is set forth above.

Sec. 4227.

ACT MARCH 24, 1908, c. 96. [S. 4377.]

An Act to Carry into Effect the International Convention of December Twenty-First, Nineteen Hundred and Four, Relating to the Exemption in Time of War of Hospital Ships from Dues and Taxes on Vessels. (35 Stat. 46.)

Preamble.

Whereas a convention providing for the exemption of hospital ships in time of war from the payment of all dues and taxes imposed for the benefit of the State was signed at The Hague on December twenty-first, nineteen hundred and four, by the plenipotentiaries of the United States of America, Germany, Austria-Hungary, Belgium, China, Korea, Denmark, Spain, Mexico, France, Greece, Italy, Japan, Luxemburg, Montenegro, The Netherlands, Peru, Persia, Portugal, Roumania, Russia, Servia, Siam, and Switzerland; and

Whereas the said convention was duly ratified by the Government of the United States of America by and with the advice and consent of

the Senate thereof, and was proclaimed by the President of the United States May twenty-first, nineteen hundred and seven: Therefore

Exemption of hospital ships in time of war from dues and taxes and pilotage charges.

Be it enacted, &c., That hospital ships, concerning which the conditions set forth in articles one, two, and three of the convention concluded at The Hague on July twenty-ninth, eighteen hundred and ninety-nine, for the adaptation to maritime warfare of the principles of the Geneva convention of August twenty-second, eighteen hundred and sixty-four, are fulfilled, shall, in the ports of the United States and the possessions thereof, be exempted, in time of war, from all dues and taxes imposed on vessels by the laws of the United States, and from all pilotage charges.

Act March 24, 1908, c. 96, § 1, 35 Stat. 46.

Ships exempted to be named and time of exemption indicated by proclamation.

Sec. 2. That the President of the United States shall by proclamation name the hospital ships to which this Act shall apply, and shall indicate the time when the exemptions herein provided for shall begin and end.

Act March 24, 1908, c. 96, § 2, 35 Stat. 46.

CHAPTER FOUR.

Discriminating Duties.

Sec. 4228. [*As amended* 1897.]

Suspension by the President.

Rev. St. § 2502, mentioned in the proviso annexed to this section by amendment by Act July 24, 1897, c. 13, and incorporated in this section as set forth in Comp. St. 1901, p. 2856, imposed a discriminating duty upon merchandise imported in foreign vessels. It is superseded by subsequent similar sections in successive tariff acts, the latest of which is Act Aug. 5, 1909, c. 6, § 15, set forth ante, under Title XXXIII, "Duties upon Imports."

Rev. St. § 4219, also mentioned in the proviso annexed to this section as stated above, imposing tonnage duties on foreign vessels, is set forth in Comp. St. 1901, p. 2848. It was repealed by Act June 26, 1884, c. 121, § 14, Comp. St. 1901, p. 2850, so far as it was in conflict with that section, which contained other provisions relating to tonnage duties, including provisions for partial suspension thereof; and it is repealed by Act Aug. 5, 1909, c. 6, § 36, set forth ante, under chapter 3 of this Title, so far as it conflicts with said section.

Sec. 4232.

[Repealed. Act Aug. 5, 1909, c. 6, § 36.]

This section, set forth in Comp. St. 1901, p. 2857, is expressly repealed by a provision of Act Aug. 5, 1909, c. 6, § 36, set forth ante, under chapter 3 of this Title.

CHAPTER FIVE.

Navigation.

[INTERNATIONAL RULES FOR PREVENTING COLLISIONS AT SEA.]

ACT AUG. 19, 1890, c. 802. [*As amended* 1894, 1896.]

[Amended. Act Jan. 19, 1907, c. 300, § 1.]

This act, set forth in Comp. St. 1901, pp. 2863–2872, as amended by Act May 28, 1894, c. 83, by the repeal of article 9 thereof, and by Act June 10, 1896, c. 401, is further amended by inserting therein a new article 9, by Act Jan. 19, 1907, c. 300, § 1, set forth below.

Acts of Congress embodying or revising international rules for preventing collisions at sea are not altered or amended by Act June 9, 1910, c. 268, relating to motor boats and prescribing lights, signals, etc., for such boats, by section 9 of said act, set forth post, under Title LII A, "Regulation of Motor Boats."

ACT AUG. 13, 1894, c. 284.

[Repealed. Act Jan. 19, 1907, c. 300, § 2.]

This act, set forth in Comp. St. 1901, p. 2873, is obviously intended to be repealed by the provision repealing "the act approved August thirtieth, eighteen hundred and ninety-four," contained in Act Jan. 19, 1907, c. 300, § 2, set forth below.

ACT JAN. 19, 1907, c. 300. [S. 6855.]

An Act to Amend the Act Approved August Nineteenth, Eighteen hundred and ninety, Entitled "An Act to Adopt Regulations for Preventing Collisions at Sea." (34 Stat. 850.)

Amendment of Act Aug. 19, 1890, c. 802, § 1.

Be it enacted, &c., That the Act approved August nineteenth, eighteen hundred and ninety, entitled "An Act to adopt regulations for preventing collisions at sea," be, and hereby is, amended by inserting therein the following:

Fishing vessels and fishing boats.

"Article 9. Fishing vessels and fishing boats, when under way and when not required by this article to carry or show the lights hereinafter specified, shall carry or show the lights prescribed for vessels of their tonnage under way.

"(a) Open boats, by which is to be understood boats not protected from the entry of sea water by means of a continuous deck, when engaged in any fishing at night, with outlying tackle extending not more than one hundred and fifty feet horizontally from the boat into the seaway, shall carry one all-round white light.

"Open boats, when fishing at night, with outlying tackle extending more than one hundred and fifty feet horizontally from the boat into the seaway, shall carry one all-round white light, and in addition, on approaching or being approached by other vessels, shall show a second white light at least three feet below the first light and at a horizontal distance of at least five feet away from it in the direction in which the outlying tackle is attached.

"(b) Vessels and boats, except open boats as defined in subdivision (a), when fishing with drift nets, shall, so long as the nets are wholly or partly in the water, carry two white lights where they can best be

seen. Such lights shall be placed so that the vertical distance between them shall be not less than six feet and not more than fifteen feet, and so that the horizontal distance between them, measured in a line with the keel, shall be not less than five feet and not more than ten feet. The lower of these two lights shall be in the direction of the nets, and both of them shall be of such a character as to show all around the horizon, and to be visible at a distance of not less than three miles.

"Within the Mediterranean Sea and in the seas bordering the coasts of Japan and Korea sailing fishing vessels of less than twenty tons gross tonnage shall not be obliged to carry the lower of these two lights. Should they, however, not carry it, they shall show in the same position (in the direction of the net or gear) a white light, visible at a distance of not less than one sea mile, on the approach of or to other vessels.

"(c) Vessels and boats, except open boats as defined in subdivision (a), when line fishing with their lines out and attached to or hauling their lines, and when not at anchor or stationary within the meaning of subdivision (h), shall carry the same lights as vessels fishing with drift nets. When shooting lines, or fishing with towing lines, they shall carry the lights prescribed for a steam or sailing vessel under way, respectively.

"Within the Mediterranean Sea and in the seas bordering the coasts of Japan and Korea sailing fishing vessels of less than twenty tons gross tonnage shall not be obliged to carry the lower of these two lights. Should they, however, not carry it, they shall show in the same position (in the direction of the lines) a white light, visible at a distance of not less than one sea mile on the approach of or to other vessels.

"(d) Vessels when engaged in trawling, by which is meant the dragging of an apparatus along the bottom of the sea—

"First. If steam vessels, shall carry in the same position as the white light mentioned in article two (a) a tri-colored lantern so constructed and fixed as to show a white light from right ahead to two points on each bow, and a green light and a red light over an arc of the horizon from two points on each bow to two points abaft the beam on the starboard and port sides, respectively; and not less than six nor more than twelve feet below the tri-colored lantern a white light in a lantern, so constructed as to show a clear, uniform, and unbroken light all around the horizon.

"Second. If sailing vessels, shall carry a white light in a lantern, so constructed as to show a clear, uniform, and unbroken light all around the horizon, and shall also, on the approach of or to other vessels, show where it can best be seen a white flare-up light or torch in sufficient time to prevent collision.

"All lights mentioned in subdivision (d) first and second shall be visible at a distance of at least two miles.

"(e) Oyster dredgers and other vessels fishing with dredge nets shall carry and show the same lights as trawlers.

"(f) Fishing vessels and fishing boats may at any time use a flare-up light in addition to the lights which they are by this article required to carry and show, and they may also use working lights.

"(g) Every fishing vessel and every fishing boat under one hundred

and fifty feet in length, when at anchor, shall exhibit a white light visible all around the horizon at a distance of at least one mile.

"Every fishing vessel of one hundred and fifty feet in length or upward, when at anchor, shall exhibit a white light visible all around the horizon at a distance of at least one mile, and shall exhibit a second light as provided for vessels of such length by article eleven.

"Should any such vessel, whether under one hundred and fifty feet in length or of one hundred and fifty feet in length or upward, be attached to a net or other fishing gear, she shall on the approach of other vessels show an additional white light at least three feet below the anchor light, and at a horizontal distance of at least five feet away from it in the direction of the net or gear.

"(h) If a vessel or boat when fishing becomes stationary in consequence of her gear getting fast to a rock or other obstruction, she shall in daytime haul down the day signal required by subdivision (k); at night show the light or lights prescribed for a vessel at anchor; and during fog, mist, falling snow, or heavy rain storms make the signal prescribed for a vessel at anchor. (See subdivision (d) and the last paragraph of article fifteen.)

"(i) In fog, mist, falling snow, or heavy rain storms, drift-net vessels attached to their nets, and vessels when trawling, dredging, or fishing with any kind of drag net, and vessels line fishing with their lines out, shall, if of twenty tons gross tonnage or upward, respectively, at intervals of not more than one minute make a blast; if steam vessels, with the whistle or siren, and if sailing vessels, with the foghorn, each blast to be followed by ringing the bell. Fishing vessels and boats of less than twenty tons gross tonnage shall not be obliged to give the above-mentioned signals; but if they do not, they shall make some other efficient sound signal at intervals of not more than one minute.

"(k) All vessels or boats fishing with nets or lines or trawls, when under way, shall in daytime indicate their occupation to an approaching vessel by displaying a basket or other efficient signal where it can best be seen. If vessels or boats at anchor have their gear out, they shall, on the approach of other vessels, show the same signal on the side on which those vessels can pass.

"The vessels required by this article to carry or show the lights hereinbefore specified shall not be obliged to carry the lights prescribed by article four (a) and the last paragraph of article eleven."

Act Jan. 19, 1907, c. 300, § 1, 34 Stat. 850.

Article 9 of Act Aug. 19, 1890, c. 802, § 1, as originally enacted, which prescribed the lights of fishing vessels, was expressly repealed by Act May 28, 1894, c. 83, and in place thereof, article 10 of Act March 3, 1885, c. 354, § 1, relating to the same subject, was re-enacted and continued in force by Act Aug. 13, 1894, c. 284, set forth in Comp. St. 1901, p. 2873.

Repeal of Act March 3, 1885, c. 354, § 1, art. 10, and of Act Aug. 13, 1894, c. 284.

Sec. 2. That article ten of the Act approved March third, eighteen hundred and eighty-five, entitled "An Act to adopt the revised international regulations for preventing collisions at sea," and the Act approved August thirtieth, eighteen hundred and ninety-four, entitled "An Act relating to lights on fishing vessels," are hereby repealed.

Act Jan. 19, 1907, c. 300, § 2, 34 Stat. 852.

Act March 3, 1885, c. 354, § 1, art. 10, repealed by this section, pre-

scribed the lights to be carried by fishing vessels, etc. That act was superseded by Act Aug. 19, 1890, c. 802, Comp. St. 1901, pp. 2863–2872, but, after the repeal of article 9 of section 1 of said last mentioned act, relating to lights for fishing vessels, by Act May 28, 1894, c. 83, art. 10 of Act March 3, 1885, c. 354, § 1, was re-enacted and continued in force by Act Aug. 13, 1894, c. 284, set forth in Comp. St. 1901, p. 2873. The further provision of this section purporting to repeal Act Aug. 30, 1894, is intended, obviously, as a repeal of said Act Aug. 13, 1894, c. 284, Comp. St. p. 2873.

Time of taking effect of act.

Sec. 3. That this Act shall take effect on the first day of January, nineteen hundred and eight.

Act Jan. 19, 1907, c. 300, § 3, 34 Stat. 852.

Sec. 4233. [*As amended* 1893, 1897.]

[Amended. Act March 3, 1905, c. 1457, § 10.]

Rule 1 of Rev. St. § 4233, set forth in Comp. St. 1901, p. 2893, defining vessels to be considered sail vessels and steam vessels, under the rules for preventing collisions, is amended by Act March 3, 1905, c. 1457, § 10, to read as set forth below.

ACT MARCH 3, 1905, c. 1457, § 10. [H. R. 18202.]

Amendment of Rev. St. § 4233, rule 1.

Sec. 10. That rule one of section forty-two hundred and thirty-three of the Revised Statutes of the United States be amended to read as follows:

Meaning of words "sail vessel" and "steam vessel."

"Rule 1. Every steam vessel which is under sail and not under steam shall be considered a sail vessel; and every steam vessel which is under steam, whether under sail or not, shall be considered a steam vessel. The words steam vessel shall include any vessel propelled by machinery."

Act March 3, 1905, c. 1457, § 10, 33 Stat. 1032.

This section is part of an act, cited above, amending also section 4415 and subsequent sections of the Revised Statutes relating to steamboat inspection, which are set forth as amended post, under the respective sections amended. The amendment of rule 1 of this section consists in the addition to the rule of the last sentence, as set forth here, "The words steam vessel shall include any vessel propelled by machinery," making the rule conform to the similar provisions of Act Aug. 19, 1890, c. 802, Comp. St. 1901, p. 2863, Act June 7, 1897, c. 4, Comp. St. 1901, p. 2875, and Act Feb. 8, 1895, c. 64, Comp. St. 1901, p. 2886.

[LIFE-SAVING SERVICE.]

Sec. 4249.

ACT JUNE 20, 1874, c. 344, § 1.

Establishment of stations, etc.

Additional life-saving stations are established by Act March 10, 1902, c. 143, Act April 12, 1902, c. 502, Act June 3, 1902, c. 984, Act March 3, 1903, c. 993, Act April 22, 1904, c. 1413, Act April 27, 1904, c. 1621, Act April 28, 1904, c. 1770, Act March 1, 1905, c. 1293, Act April 19, 1906, c. 1640, Act June 19, 1906, c. 3431, and Act Jan. 17, 1907, c. 150, set forth below.

ACT JUNE 18, 1878, c. 265, §§ 4, 8.

Keepers' compensation.

The compensation of keepers of life-saving stations, fixed by section 4 of Act June 18, 1878, c. 265, set forth in Comp. St. 1901, p. 2913, is

increased to $1,000 per annum each, by Act March 26, 1908, c. 99, § 1, set forth below.

Revenue Marine officers as inspectors.

Officers of the Revenue-Cutter Service detailed for duty in the Life-Saving Service, as provided by section 8 of Act June 18, 1878, c. 265, set forth in Comp. St. 1901, p. 2915, are not entitled to mileage when traveling on duty connected with the service, but are to receive actual necessary traveling expenses, by a provision of Act July 1, 1902, c. 1351, set forth below.

ACT MAY 4, 1882, c. 117, § 8.

[Amended. Act March 26, 1908, c. 99, § 3.]

This section, set forth in Comp. St. 1901, p. 2919, is expressly amended by Act March 26, 1908, c. 99, § 3, set forth below, to read as there set forth.

ACT JUNE 6, 1900, c. 791, § 1.

Compensation of district superintendents.

This section fixes the compensation of the district superintendents of the Life-Saving Service, enumerates the districts, and authorizes the Secretary of the Treasury to change the serial number of the districts. The compensation of the superintendents, as fixed by this act, is changed by Act June 28, 1902, c. 1303, and Act March 26, 1908, c. 99, set forth below.

The thirteenth life-saving district is extended to include the coast of Alaska, by Act March 1, 1905, c. 1293, § 2, set forth below.

ACT MARCH 10, 1902, c. 143.

An Act To Authorize the Establishment of a Life-Saving Station At or Near Bogue Inlet, North Carolina. (32 Stat. 58.)

Station at Bogue Inlet, N. C.

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized to establish a life-saving station at or near Bogue Inlet, North Carolina, in such locality as the General Superintendent of the Life-Saving Service may recommend.

Act March 10, 1902, c. 143, 32 Stat. 58.

ACT APRIL 12, 1902, c. 502.

An Act To Authorize the Establishment of a Life-Saving Station on Ocracoke Island, on the Coast of North Carolina. (32 Stat. 101.)

Station on Ocracoke Island, N. C.

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized to establish a life-saving station on Ocracoke Island near Ocracoke Inlet, on the coast of North Carolina, at such point as the General Superintendent of the Life-Saving Service may recommend.

Act April 12, 1902, c. 502, § 1, 32 Stat. 101.

Equipments and appliances.

Sec. 2. That the character of the equipments and appliances of the station and the station building shall be determined by the General Superintendent of the Life-Saving Service.

Act April 12, 1902, c. 502, § 2, 32 Stat. 101.

ACT JUNE 3, 1902, c. 984.

An Act To Establish an Additional Life-Saving Station on Monomoy Island, Massachusetts. (32 Stat. 285.)

Station on Monomoy Island, Mass.

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized to establish an additional life-saving station on Monomoy Island, Massachusetts, at such point as the General Superintendent of the Life-Saving Service may recommend.

Act June 3, 1902, c. 984, 32 Stat. 285.

ACT JUNE 28, 1902, c. 1303.

An Act To Fix the Compensation of District Superintendents in the Life-Saving Service. (32 Stat. 484.)

Compensation of district superintendents; clerk hire.

Be it enacted, &c., That from and after the passage of this Act the compensation of district superintendents in the Life-Saving Service shall be as follows: For the superintendents of the first, second, fourth, fifth, sixth, seventh, tenth, eleventh, twelfth, and thirteenth districts, two thousand dollars per annum each; for the superintendents of the third and ninth districts, eighteen hundred dollars per annum each; for the superintendent of the eighth district, one thousand seven hundred dollars: Provided, however, That in case the Secretary of the Treasury deems it necessary for any superintendent to employ a clerk, he may allow a sum not exceeding five hundred dollars per annum for the compensation of such clerk in addition to the salary paid the superintendent.

Act June 28, 1902, c. 1303, § 1, 32 Stat. 484.

Previous provisions fixing the compensation of the district superintendents of the Life-Saving Service were contained in Act June 6, 1900, c. 791, § 1, Comp. St. 1901, p. 2028. The compensation fixed by this act is increased by Act March 26, 1908, c. 99, § 1, set forth below.

Appropriations for the Life-Saving Service for the fiscal year 1912 include compensation of twelve clerks to district superintendents, by a provision of Act March 4, 1911, c. 285, set forth below.

Repeal.

Sec. 2. That all Acts or parts of Acts inconsistent herewith are hereby repealed.

Act June 28, 1902, c. 1303, § 2, 32 Stat. 484.

See note under preceding section of this act.

ACT JULY 1, 1902, c. 1351.

Traveling expenses of officers of Revenue-Cutter Service detailed for duty in Life-Saving Service.

That officers of the Revenue-Cutter Service detailed for duty in the Life-Saving Service shall not be entitled to mileage when traveling on duty connected with said Life-Saving Service, but shall receive actual necessary traveling expenses.

Act July 1, 1902, c. 1351, 32 Stat. 558.

This is a provision of the deficiency appropriation act for the fiscal year ending June 30, 1902, and prior years, cited above.

ACT MARCH 3, 1903, c. 993.

An Act to Establish a Life-Saving Station at the mouth of Black River, at or near the City of Lorain, in the State of Ohio. (32 Stat. 982.)

Station at mouth of Black River, Ohio.

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized to establish a life-saving station at the mouth of

Black River, at or near the City of Lorain, Ohio, at such point as the General Superintendent of the Life-Saving Service may recommend.

Act March 3, 1903, c. 993, 32 Stat. 982.

ACT APRIL 22, 1904, c. 1413. [H. R. 7634.]

An Act to Establish a Life-Saving Station in Sussex County, State of Delaware. (33 Stat. 242.)

Station on coast of Delaware.

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized to establish a life-saving station on the coast of Delaware between Indian River Inlet and Fenwicks Island life-saving station at such point as the General Superintendent of the Life-Saving Service may recommend.

Act April 22, 1904, c. 1413, 33 Stat. 242.

ACT APRIL 27, 1904, c. 1621. [H. R. 12044.]

An Act to Authorize the Establishment of a Life-Saving Station at or near Eagle Harbor, Keweenaw Point, Michigan. (33 Stat. 324.)

Station at or near Eagle Harbor, Mich.

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized and directed to establish a life-saving station at or near Eagle Harbor, on Keweenaw Point, Michigan, in such locality as the General Superintendent of the Life-Saving Service may recommend.

Act April 27, 1904, c. 1621, 33 Stat. 324.

ACT APRIL 28, 1904, c. 1770. [S. 2698.]

An Act to Establish a Life-Saving Station at or near the Entrance to Tillamook Bay, Oregon. (33 Stat. 522.)

Station at or near entrance to Tillamook Bay on coast of Oregon.

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized to establish a life-saving station at or near the entrance to Tillamook Bay, on the coast of Oregon, at such point as the General Superintendent of the Life-Saving Service may recommend.

Act April 28, 1904, c. 1770, 33 Stat. 522.

ACT MARCH 1, 1905, c. 1293. [S. 2692.]

An Act to Establish a Life-Saving Station at Nome, Alaska. (33 Stat. 819.)

Station at Nome, Alaska.

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized to establish a life-saving station at Nome, Alaska, at such point as the General Superintendent of the Life-Saving Service may recommend, the life-saving boats and apparatus placed there under the authority of the Act making appropriations for the sundry civil expenses of the Government for the fiscal year ending June thirtieth, nineteen hundred and two, to form a part of the equipment of said station.

Act March 1, 1905, c. 1293, § 1, 33 Stat. 819.

Thirteenth life-saving district to include coast of Alaska.

Sec. 2. That the Thirteenth life-saving district is hereby extended to include the coast of Alaska.

Act March 1, 1905, c. 1293, § 2, 33 Stat. 819.

Previous provisions relating to the districts which comprise the various life-saving stations are contained in Act June 6, 1900, c. 791, § 1, set forth in Comp. St. 1901, p. 2928.

ACT APRIL 19, 1906, c. 1640. [S. 5026.]

An Act Providing for the Establishment of a Life-Saving Station at or near Neah Bay, in the State of Washington, and for the Construction of a First-class Ocean-going Tug to be Used in Connection therewith, for Life-saving Purposes in the Vicinity of the North Pacific Coast of the United States, and so forth. (34 Stat. 123.)

Station at or near Neah Bay, Wash.

Be it enacted, &c., That the Secretary of the Treasury be, and is hereby, authorized to establish a life-saving station at or near Neah Bay, in the State of Washington, at such point as the general superintendent of the Life-Saving Service may recommend, said station, in addition to the usual equipment, to be supplied with two self-righting and self-bailing lifeboats, at a cost not to exceed thirty thousand dollars.

Act April 19, 1906, c. 1640, § 1, 34 Stat. 123.

Secs. 2, 3. [Provide for construction and operation of ocean-going tug for Revenue-Cutter Service.]

These two sections authorize the construction of an ocean-going tug for the Revenue-Cutter Service, for saving life and property in the vicinity of the North Pacific coast, to co-operate with the life-saving station authorized by section 1 of this act. They are set forth ante, under Title XXXIV, "Collection of Duties upon Imports," c. 3.

ACT JUNE 19, 1906, c. 3431. [S. 280.]

An Act to Provide a Life-Saving Station at or near Greenhill, on the Coast of South Kingston, in the State of Rhode Island. (34 Stat. 298.)

Station at or near Greenhill, R. I.

Be it enacted, &c., That there be established a life-saving station at or near Greenhill, on the coast of South Kingston, in the State of Rhode Island; and the Secretary of the Treasury is hereby required to provide for such establishment and supply the same with the necessary life-saving crew and furnishings as provided by law in like cases.

Act June 19, 1906, c. 3431, 34 Stat. 298.

ACT JAN. 17, 1907, c. 150. [H. R. 189.]

An Act to Establish a Life-Saving Station at the Isles of Shoals, off Portsmouth, New Hampshire. (34 Stat. 849.)

Station at point on Isles of Shoals, N. H.

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized and directed to establish a life-saving station at such point on the Isles of Shoals, off Portsmouth, New Hampshire, as the General Superintendent of the Life-Saving Service may recommend.

Act Jan. 17, 1907, c. 150, 34 Stat. 849.

ACT MARCH 26, 1908, c. 99. [H. R. 17710.]

An Act to Increase the Efficiency of the Personnel of the Life-Saving Service of the United States. (35 Stat. 46.)

Compensation of district superintendents, keepers of life-saving stations, and number one surfmen.

Be it enacted, &c., That from and after the passage of this Act the compensation of district superintendents in the United States Life-Saving Service shall be as follows: For the superintendents of the first, second, fourth, fifth, sixth, seventh, tenth, eleventh, twelfth, and thirteenth districts, two thousand two hundred dollars per annum each; for the superintendents of the third and ninth districts, two thousand dollars per annum each; for the superintendent of the eighth district, one thousand nine hundred dollars per annum. That the pay of keepers of life-saving stations shall be one thousand dollars per annum each, and that the pay of the number one surfman in each of the crews of the life-saving stations shall be at the rate of seventy dollars per month.

Act March 26, 1908, c. 99, § 1, 35 Stat. 46.

Previous provisions relating to compensation of district superintendents were contained in Act June 28, 1902, c. 1303, set forth above.

Rations for keepers of life-saving stations and surfmen, and commutation thereof.

Sec. 2. That every keeper of a life-saving station and every surfman in the Life-Saving Service of the United States shall be entitled to receive one ration per day or, in the discretion of the Secretary of the Treasury, commutation therefor at the rate of thirty cents per ration.

Act March 26, 1908, c. 99, § 2, 35 Stat. 46.

Amendment of Act May 4, 1882, c. 117, § 8.

Sec. 3. That section eight of the Act of May fourth, eighteen hundred and eighty-two, entitled "An Act to promote the efficiency of the Life-Saving Service and to encourage the saving of life from shipwreck," is hereby amended to read as follows:

Pensions to widows and children and dependent mothers of deceased keepers or members of crews.

"Sec. 8. That if any keeper or member of a crew of a life-saving station shall hereafter die by reason of perilous service or any wound or injury received or disease contracted in the Life-Saving Service in the line of duty, leaving a widow, or a child or children under sixteen years of age, or a dependent mother, such widow and child or children and dependent mother shall be entitled to receive in equal portions, during a period of two years, under such regulations as the Secretary of the Treasury may prescribe, the same amount, payable quarterly as far as practicable, that the husband or father or son would be entitled to receive as pay if he were alive and continued in the Service: Provided, That if the widow shall remarry at any time during the said two years her portion of said amount shall cease to be paid to her from the date of her remarriage, but shall be added to the amount to be paid to the remaining beneficiaries under the provisions of this section, if there be any; and if any child shall arrive at the age of sixteen years during the said two years, the portion of such child shall cease to be paid to such child from the date on which such age shall

be attained, but shall be added to the amount to be paid to the remaining beneficiaries, if there be any."

Act March 26, 1908, c. 99, § 3, 35 Stat. 46.

Act May 4, 1882, c. 117, § 8, amended by this section, is set forth in Comp. St. 1901, p. 2919. The amendment consists chiefly in including a dependent mother as a beneficiary under the section.

Repeal.

Sec. 4. That all Acts or parts of Acts inconsistent herewith are hereby repealed.

Act March 26, 1908, c. 99, § 4, 35 Stat. 47.

ACT MAY 27, 1908, c. 200, § 1. [H. R. 21260.]

Computation of pay of surfmen.

Hereafter the pay of surfmen in the Life-Saving Service shall be computed according to the number of days in each month, respectively, and not as required by section six of the Act of June thirtieth, nineteen hundred and six, making appropriations for the sundry civil expenses of the Government for the fiscal year ending June thirtieth, nineteen hundred and seven.

Act May 27, 1908, c. 200, § 1, 35 Stat. 321.

This is a provision accompanying appropriations for the Life-Saving Service in the sundry civil appropriation act for the fiscal year ending June 30, 1909, cited above.

Act June 30, 1906, c. 3914, § 6, mentioned in this provision, prescribing the mode of computation of annual or monthly compensation, is set forth ante, under Title XIX, "Provisions Applicable to Several Classes of Officers."

ACT MAY 30, 1908, c. 231. [S. 5983.]

An Act Authorizing Certain Life-Saving Apparatus to be Placed at the Farallone Islands, off the Coast of California. (35 Stat. 553.)

Life-saving apparatus at Farallone Islands, Cal.

Be it enacted, &c., That the Secretary of the Treasury is hereby authorized to cause a Lyle gun and the necessary beach apparatus used in connection with it to be placed at the Farallone Islands, off the coast of California, at such point as the General Superintendent of the Life-Saving Service may recommend, and to furnish ammunition for said gun and make repairs to the apparatus from time to time as necessary.

Act May 30, 1908, c. 231, § 1, 35 Stat. 553.

Detail of surfman for instruction in use and care of apparatus.

Sec. 2. That the Secretary of the Treasury is hereby authorized to detail an experienced surfman from one of the life-saving stations on the coast of California for duty at the Farallone Islands for a sufficient time to instruct and drill the inhabitants of the islands as to the proper use and care of the life-saving apparatus.

Act May 30, 1908, c. 231, § 2, 35 Stat. 554.

ACT DEC. 11, 1908, c. 1. [S. 3495.]

An Act to Authorize the Transfer of Books from the Treasury Department Library to Life-Saving Stations of the United States. (35 Stat. 581.)

Transfer of books from Treasury Department Library to life-saving stations.

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized, in his discretion, to transfer, from time to time,

from the Treasury Department library to the life-saving stations of the United States, such books as in his judgment may be no longer needed for use in said library.

Act Dec. 11, 1908, c. 1, 35 Stat. 581.

ACT MARCH 4, 1911, c. 285, § 1. [H. R. 32909.]

Compensation of clerks to district superintendents.

* * compensation of twelve clerks to district superintendents, one to each of the district superintendents except that of the eighth district, at such rate as the Secretary of the Treasury may determine, not to exceed nine hundred dollars each, and persons now serving as clerks to district superintendents may be promoted to a higher rate of pay within the sum named, as the Secretary of the Treasury may direct; * *

Act March 4, 1911, c. 285, § 1, 36 Stat. 1388.

This provision is part of the appropriations for the Life-Saving Service in the sundry civil appropriation act for the fiscal year ending June 30, 1912, cited above.

CHAPTER SIX.

Transportation of Passengers and Merchandise.

Secs. 4252-4277.

ACT AUG. 2, 1882, c. 374, §§ 1, 9.

[Sec. 1. Amended. Act Dec. 19, 1908, § 1.]

Section 1 of Act Aug. 2, 1882, c. 374, set forth in Comp. St. 1901, p. 2931, is amended by Act Dec. 19, 1908, c. 6, § 1, set forth below, to read as there set forth.

Provisions different in some respects from those of said section 1, as to the accommodations for immigrant passengers, were contained in Act Feb. 20, 1907, c. 1134, § 42, 34 Stat. 910, to take effect Jan. 1, 1909; but, before that date, said section 42, and so much of sections 43 and 44 of the same act as provided for the repeal of said section 1 of Act Aug. 2, 1882, c. 374, were repealed by Act Dec. 19, 1908, c. 6, § 2, set forth below.

Provisions regulating immigration, including requirements that lists of passengers, certificates of medical examination, etc., be furnished by masters or other officers of vessels, are contained in other sections of said Act Feb. 20, 1907, c. 1134, set forth ante, under Title XXIX, "Immigration."

Boarding vessel on arrival.

Besides the restrictions on boarding vessels on arrival, contained in Act Aug. 2, 1882, c. 374, § 9, Comp. St. 1901, p. 2937, provisions supplementary thereto and to Rev. St. § 4606, Comp. St. 1901, p. 3118, which imposes a penalty for boarding a vessel before her arrival, are contained in Act March 31, 1900, c. 120, Comp. St. 1901, p. 2940.

Delivery of passenger lists on arrival; contents.

Instead of the requirements prescribed by Act Aug. 2, 1882, c. 374, § 9, Comp. St. 1901, p. 2937, for the list of passengers to be delivered on arrival of a vessel, different provisions regarding such list are made by amendment of said section by Act Feb. 9, 1905, c. 564, set forth below.

ACT FEB. 9, 1905, c. 564. [S. 6489.]

An Act to Amend Section Nine of the Act of August Second, Eighteen hundred and eighty-two, Concerning Lists of Passengers. (33 Stat. 711.)

List of passengers to be submitted for inspection to customs officer, and to be delivered with manifest on entry of vessel.

Be it enacted, &c., That in lieu of the list in duplicate of passengers now prescribed by section nine of the Act approved August second, eighteen hundred and eighty-two, entitled "An Act to regulate the carriage of passengers by sea," the master shall submit for inspection to the officer of customs who first makes demand therefor, and shall subsequently deliver with his manifest of cargo on entry, a correct list, signed and verified on oath by the master, of all passengers taken on board the vessel at any foreign port or place, specifying, in the manner to be prescribed from time to time by the Secretary of Commerce and Labor, the name of each passenger, age (if a child of eight years or under), sex, married or single, location of compartment or space occupied during the voyage (if the passenger be other than a cabin passenger), whether a citizen of the United States, number of pieces of baggage, and if any passenger die on the voyage the list shall specify the name, age, and cause of death of each deceased passenger.

Act Feb. 9, 1905, c. 564, § 1, 33 Stat. 711.

Act Aug. 2, 1882, c. 374, § 9, mentioned in this section, and the provisions of which as to lists of passengers are superseded by those of this section, is set forth in Comp. St. 1901, p. 2937.

Time of taking effect of act.

Sec. 2. That this Act shall take effect on July first, nineteen hundred and five.

Act Feb. 9, 1905, c. 564, § 2, 33 Stat. 711.

ACT DEC. 19, 1908, c. 6. [S. 5083.]

An Act to Amend Section One of the Passenger Act of Eighteen Hundred and Eighty-Two. (35 Stat. 583.)

Amendment of Act Aug. 2, 1882, c. 374, § 1.

Be it enacted, &c., That section one of the passenger Act of eighteen hundred and eighty-two be, and is hereby, amended so as to read:

Accommodations for steerage passengers in vessels from foreign ports; limitation of number of steerage passengers; measurement of space of passenger decks; violations of section punishable; penalties.

"It shall not be lawful for the master of any vessel whereon steerage passengers have been taken at any port or place in the foreign country or dominion (ports and places in foreign territory contiguous to the United States excepted) to bring such vessel and passengers to or take from any port or place in the United States unless the compartments, spaces, and accommodations hereinafter mentioned have been provided, allotted, maintained, and used for and by such passengers during the entire voyage, unobstructed by cargo, stores, or goods. The master of a vessel coming to a port or place in the United States in violation of any of the provisions of this section shall be deemed guilty of a misdemeanor; and if the number of steerage passengers carried or brought in the vessel, or in any compartment, space, poop, or deck house thereof, is greater than the number allowed to be carried or brought therein, respectively, as hereinafter prescribed, the said master shall be fined fifty dollars for each and every such passenger in excess of the proper number, and may also be imprisoned not exceeding six months.

"In computing the number of passengers carried or brought in any vessel, children under one year of age shall not be included, and two children between one and eight years of age shall be counted as one passenger; and any person brought in such vessel who shall have been, during the voyage, taken from any other vessel wrecked or in distress on the high seas, or have been picked up at sea from any boat, raft, or otherwise, shall not be included in such computation.

"Second. The expression 'steerage passenger' means all passengers except cabin passengers, and persons shall not be deemed cabin passengers unless the space allotted to their exclusive use is in the proportion of at least thirty-six clear superficial feet to each passenger.

"Third. The expression 'lowest passenger deck' means the deck next below the water line; and the expression 'passenger deck' includes every deck or portion of a deck which is above the lowest passenger deck, and is appropriated for passengers.

"Fourth. A vessel shall not carry passengers, whether cabin or steerage passengers, on more than one deck below the water line.

"Fifth. The height between that part of any deck on which steerage passengers are carried and the deck immediately above it shall not be less than six feet.

"Sixth. No steerage passengers shall be carried on the lowest passenger deck unless it is efficiently lighted by side scuttles and otherwise to the satisfaction of the inspector.

"Seventh. No greater number of steerage passengers shall be carried on the lowest passenger deck than in the proportion of one steerage passenger to every twenty-one clear superficial feet allotted to their use. If, however, the height between the lowest passenger deck and the deck immediately above it is less than seven feet, and the apertures, exclusive of side scuttles, through which light and air are admitted are less in size than in the proportion of three square feet to every one hundred superficial feet of that deck, no greater number of steerage passengers shall be carried on that deck than in the proportion of one steerage passenger to every thirty clear superficial feet thereof, subject to the allowance for measurement of public rooms, lavatories, and bath rooms, if any, provided for by paragraph ten.

"Eighth. No greater number of steerage passengers may be carried on a passenger deck than in the proportion of one steerage passenger to every eighteen clear superficial feet of deck allotted to their use, subject to the allowance for measurement of public rooms, lavatories, and bath rooms, if any, provided for by paragraph ten. If, however, the height between any passenger deck and the deck immediately above it be less than seven feet, no greater number of steerage passengers may be carried on that deck than in the proportion of one steerage passenger to every twenty-one clear superficial feet thereof, subject to the allowance for measurement of public rooms, lavatories, and bath rooms, if any, provided for by paragraph ten.

"Ninth. A vessel, whatever be the superficial space of the passenger decks and of the lowest passenger deck, shall not carry a greater number of steerage passengers on the whole than in the proportion of one steerage passenger to every five superficial feet of air or promenade space provided on a deck so open as not to be included in the tonnage and approved by the inspector, and this space shall not be counted or

included in the area available for any other passengers, or in other areas for steerage passengers prescribed by this section.

"Tenth. In the measurement of the passenger decks and of the lowest passenger deck, the space occupied by that part of the personal baggage of the steerage passengers which the inspector permits to be carried there shall be included, and also, on whatever deck located, commodious and suitable dining rooms, lounging rooms, smoking rooms, lavatories, toilet rooms, and bath rooms: Provided, That—

"(a) The space in any place appropriated to the use of steerage passengers in which they sleep shall not be less than eighteen superficial feet in the case of the lowest passenger deck and fifteen superficial feet in the case of a passenger deck.

"(b) Each space so included in the measurement must be clearly marked to the satisfaction of the inspector as being exclusively appropriated for the use of the steerage passengers.

"Eleventh. Each separate compartment in which steerage passengers are berthed shall be conspicuously marked, showing the total area of such compartments."

Act Dec. 19, 1908, c. 6, § 1, 35 Stat. 583.

Act Aug. 2, 1882, c. 374, § 1, amended by this section, is set forth in Comp. St. 1901, p. 2931.

Other provisions on the subject of that section, differing therefrom in some respects, were contained in Act Feb. 20, 1907, c. 1134, § 42, 34 Stat. 910, to take effect Jan. 1, 1909; but, before that date, said section 42, and so much of sections 43 and 44 of the same act as provided for the repeal of said section 1 of Act Aug. 2, 1882, c. 374, were repealed by section 2 of this act, set forth below.

Repeal of Act Feb. 20, 1907, c. 1134, § 42, and, in part, of §§ 43 and 44, of said act.

Sec. 2. That section forty-two and so much of sections forty-three and forty-four of the Act approved February twentieth, nineteen hundred and seven, entitled "An Act to regulate the immigration of aliens into the United States," as provides for the repeal of section one of the passenger Act of eighteen hundred and eighty-two are hereby repealed.

Act Dec. 19, 1908, c. 6, § 2, 35 Stat. 584.

Act Feb. 20, 1907, c. 1134, § 42, 34 Stat. 910, repealed by this section, contained provisions, to take effect Jan. 1, 1909, superseding those of Act Aug. 2, 1882, c. 374, § 1, which is amended by section 1 of this act, set forth above. Sections 43 and 44 of said Act Feb. 20, 1907, c. 1134, repealed by this section in so far as they provided for the repeal of said section 1 of Act Aug. 2, 1882, c. 374, are set forth ante, under Title XXIX, "Immigration," subtitle "Regulation and Restriction of Immigration in General."

Time of taking effect of act.

Sec. 3. That this Act shall take effect on January first, nineteen hundred and nine.

Act Dec. 19, 1908, c. 6, § 3, 35 Stat. 584.

TITLE L.

REGULATION OF VESSELS IN DOMESTIC COMMERCE.

Sec. 4314.

[Amended. Act June 24, 1902, c. 1155, § 2.]

This section is amended by Act June 24, 1902, c. 1155, § 2, set forth below.

ACT JUNE 24, 1902, c. 1155, § 2.

Amendment of Rev. St. § 4314.

That section forty-three hundred and fourteen of the Revised Statutes of the United States be, and the same is hereby, amended so as to read as follows:

Oath of president, etc., of corporation [or managing owner or agent].

"Sec. 4314. Previous to granting enrollment and license for any vessel owned by any incorporated company, or by an individual or individuals, the president or secretary of such company, or any other officer or agent thereof, duly authorized by said company in writing, attested by the corporate seal thereof, to act in its behalf, or the managing owner, or his agent duly authorized by power of attorney, when such vessel is owned by an individual or individuals, shall swear to the ownership of such vessel without designating the names of the persons composing such company, when such vessel is owned by a corporation, which oath shall be deemed sufficient without requiring the oath of any other person interested or concerned in such vessel."

Act June 24, 1902, c. 1155, § 2, 32 Stat. 399.

Rev. St. § 4314, amended by this section, is set forth in Comp. St. 1901, p. 2960.

Sec. 4319. [*As amended* 1877.]

Form of enrollment of vessels.

The form of enrollment prescribed by this section, set forth in Comp. St. 1901, p. 2961, and the form of license prescribed by Rev. St. § 4321, set forth in Comp. St. 1901, p. 2963, are to be consolidated, and such consolidated form is to be issued to vessels of the United States in lieu of the separate enrollment and license, by Act April 24, 1906, c. 1865, § 1, set forth below.

ACT APRIL 24, 1906, c. 1865. [H. R. 16133.]

An Act to Simplify the Issue of Enrollments and Licenses of Vessels of the United States. (34 Stat. 136.)

Consolidation of forms of enrollment and of license.

Be it enacted, &c., That under the direction of the Secretary of Commerce and Labor the Commissioner of Navigation is hereby authorized and directed from time to time to consolidate into one document in the case of any vessel of the United States of twenty net

register tons or over, the form of enrollment prescribed by section forty-three hundred and nineteen of the Revised Statutes and the form of license prescribed by section forty-three hundred and twenty-one of the Revised Statutes, and such consolidated form shall hereafter be issued to a vessel of the United States in lieu of the separate enrollment and license, now prescribed by law, and shall be deemed sufficient compliance with the requirements of laws relating to the subject.

Act April 24, 1906, c. 1865, § 1, 34 Stat. 136.

Rev. St. §§ 4319 and 4321, mentioned in this section, are set forth in Comp. St. 1901, pp. 2961, 2963.

[Sec. 2. Amends Rev. St. § 4325.]

Compensation of customs officers for services connected with enrollment and license of vessels not affected.

Sec. 3. That this Act shall not be construed to amend any law now in force concerning the compensation of officers of the customs for service connected with the enrollment and license of vessels.

Act April 24, 1906, c. 1865, § 3, 34 Stat. 136.

Provisions relating to the fees for the services mentioned in this section and other services by customs officers are contained in Act June 19, 1886, c. 421, § 1, set forth in Comp. St. 1901, p. 2991, and in Act March 4, 1907, c. 2918, § 1, set forth post, under Rev. St. § 4382.

Time of taking effect of act.

Sec. 4. That this Act shall take effect on and after January first, nineteen hundred and seven.

Act April 24, 1906, c. 1865, § 4, 34 Stat. 136.

Sec. 4321. [*As amended* 1887.]

Form of license.

The form of license prescribed by this section, set forth in Comp. St. 1901, p. 2963, is consolidated with the form of enrollment prescribed by Rev. St. § 4319, set forth in Comp. St. 1901, p. 2961, and such consolidated form is to be issued to vessels of the United States in lieu of the separate enrollment and license, by Act April 24, 1906, c. 1865, § 1, set forth ante, under Rev. St. § 4319.

Sec. 4325.

[Amended. Act April 24, 1906, c. 1865, § 2.]

This section is amended by Act April 24, 1906, c. 1865, § 2, set forth below.

ACT APRIL 24, 1906, c. 1865, § 2. [H. R. 16133.]

Amendment of Rev. St. § 4325.

That section forty-three hundred and twenty-five of the Revised Statutes is hereby amended to read:

Renewal of license; surrender of license in case of change of build, ownership, district, trade, etc.

"Sec. 4325. The license granted to any vessel shall be presented for renewal by endorsement to the collector of customs of the district in which the vessel then may be within three days after the expiration of the time for which it was granted, or, if she be absent at that time, within three days from her first arrival within a district. In case of change of build, ownership, district, trade, or arrival under temporary papers in the district where she belongs the license shall be surren-

dered. If the master shall fail to deliver the license he shall be liable to a penalty of ten dollars, which shall not be mitigated."

Act April 24, 1906, c. 1865, § 2, 34 Stat. 136.

Rev. St. § 4325, amended by this section, is set forth in Comp. St. 1901, p. 2964.

Sec. 4347.

ACT JUNE 19, 1886, c. 421, § 8. [*As amended* 1898.]

Transportation of passengers in foreign vessels.

Provisions relating to transportation of passengers between ports or places in the Philippine Archipelago, and in foreign vessels between the Philippine Islands and the United States, are contained in Act April 29, 1908, c. 152, set forth below.

ACT FEB. 17, 1898, c. 26, § 1.

Transportation of merchandise in foreign vessels.

Provisions relating to transportation of merchandise between ports or places in the Philippine Archipelago, and in foreign vessels between the Philippine Islands and the United States, are contained in Act April 29, 1908, c. 152, set forth below.

ACT MAY 28, 1906, c. 2566. [H. R. 395.]

An Act Concerning Foreign-Built Dredges. (34 Stat. 204.)

Dredging by foreign-built dredges, unless documented as vessels of United States, prohibited.

Be it enacted, &c., That a foreign-built dredge shall not, under penalty of forfeiture, engage in dredging in the United States unless documented as a vessel of the United States.

Act May 28, 1906, c. 2566, § 1, 34 Stat. 204.

Sec. 2. [Provides for documenting as vessels of United States certain named foreign-built dredges.]

ACT APRIL 29, 1908, c. 152. [S. 5262.]

An Act to Repeal an Act Approved April Thirtieth, Nineteen Hundred and Six, Entitled "An Act to Regulate Shipping in Trade between Ports of the United States and Ports or Places in the Philippine Archipelago, between Ports or Places in the Philippine Archipelago, and for Other Purposes," and for Other Purposes. (35 Stat. 70.)

Government of Philippine Islands authorized temporarily to regulate transportation of merchandise and passengers between ports, etc., in Philippine Archipelago.

Be it enacted, &c., That until Congress shall have authorized the registry as vessels of the United States of vessels owned in the Philippine Islands, the government of the Philippine Islands is hereby authorized to adopt, from time to time, and enforce regulations governing the transportation of merchandise and passengers between ports or places in the Philippine Archipelago.

Act April 29, 1908, c. 152, § 1, 35 Stat. 70.

Tonnage taxes on foreign vessels coming into United States from Philippine Islands.

Sec. 2. That on and after the passage of this Act the same tonnage taxes shall be levied, collected, and paid upon all foreign vessels coming into the United States from the Philippine Islands which are

required by law to be levied, collected, and paid upon vessels coming into the United States from foreign countries.

Act April 29, 1908, c. 152, § 2, 35 Stat. 70.

Restrictions on transportation of passengers and merchandise between ports of United States not applicable to foreign vessels engaging in trade between Philippine Islands and United States.

Sec. 3. That the provisions of law restricting to vessels of the United States the transportation of passengers and merchandise directly or indirectly from one port of the United States to another port of the United States shall not be applicable to foreign vessels engaging in trade between the Philippine Islands and the United States.

Act April 29, 1908, c. 152, § 3, 35 Stat. 70.

Licenses to vessels in lighterage or other harbor business in Philippine Islands.

Sec. 4. That the Philippine Commission shall be authorized and empowered to issue licenses to engage in lighterage or other exclusively harbor business to vessels or other craft actually engaged in such business at the date of the passage of this Act and to vessels or other craft built in the Philippine Islands or in the United States and owned by citizens of the United States or by inhabitants of the Philippine Islands.

Act April 29, 1908, c. 152, § 4, 35 Stat. 70.

Administration by Government of Philippine Islands of navigation laws in regard to vessels arriving in Philippine Islands.

Sec. 5. That such of the navigation laws of the United States as are in force in the Philippine Islands in regard to vessels arriving in the Philippine Islands from the mainland territory and other insular possessions of the United States shall continue to be administered by the proper officials of the government of the Philippine Islands.

Act April 29, 1908, c. 152, § 5, 35 Stat. 70.

Repeal of Act April 30, 1906, c. 2071, and other laws in conflict with this act.

Sec. 6. That the Act entitled "An Act to regulate shipping in trade between ports of the United States and ports or places in the Philippine Islands, between ports or places in the Philippine Islands, and for other purposes," approved April thirtieth, nineteen hundred and six, and all laws and parts of laws in conflict with the provisions of this Act, are hereby repealed.

Act April 29, 1908, c. 152, § 6, 35 Stat. 70.

Act April 30, 1906, c. 2071, 34 Stat. 154, repealed by this section, contained different provisions relating to the same subject, re-enacted from the previous Act April 15, 1904, c. 1314, 33 Stat. 181.

Sec. 4348.

[Amended. Act May 12, 1906, c. 2453.]

This section is amended by Act May 12, 1906, c. 2453, set forth below.

ACT MAY 12, 1906, c. 2453. [S. 5572.]

An Act to Amend Section Forty-three hundred and forty-eight of the Revised Statutes, Establishing Great Coasting Districts of the United States. (34 Stat. 190.)

Amendment of Rev. St. § 4348.

Be it enacted, &c., That section forty-three hundred and forty-eight of the Revised Statutes be, and hereby is, amended to read as follows:

Establishment of great districts.

"Sec. 4348. The seacoasts and navigable rivers of the United States and Porto Rico shall be divided into five great districts: The first to include all the collection districts on the seacoasts and navigable rivers between the northern boundary of the State of Maine and the southern boundary of the State of Texas; the second to consist of the island of Porto Rico; the third to include the collection districts on the seacoasts and navigable rivers between the southern boundary of the State of California and the northern boundary of the State of Washington; the fourth to consist of the Territory of Alaska; the fifth to consist of the Territory of Hawaii."

Act May 12, 1906, c. 2453, § 1, 34 Stat. 190.

Rev. St. § 4348, amended by this act, which established three great coasting districts, is set forth in Comp. St. 1901, p. 2973.

Time of taking effect of act.

Sec. 2. That this Act shall take effect on and after January first, nineteen hundred and seven.

Act May 12, 1906, c. 2453, § 2, 34 Stat. 190.

Sec. 4382.

ACT JUNE 19, 1886, c. 421, § 1.

Certain fees abolished.

Fees to collectors and other customs officers, the payment of which is provided for by this section, set forth in Comp. St. 1901, p. 2991, are to be paid from the appropriation for collecting the revenue from customs, by a provision of Act March 4, 1907, c. 2918, § 1, set forth below.

ACT MARCH 4, 1907, c. 2918, § 1. [H. R. 25745.]

Fees of collectors and other officers to be paid from appropriation for collecting revenue from customs.

That hereafter all payments made to collectors or other officers of the customs on account of fees earned and heretofore paid from the permanent indefinite appropriation provided for by section one of the Act of June nineteenth, eighteen hundred and eighty-six, shall be paid from the appropriation "Expense of collecting the revenue from customs."

Act March 4, 1907, c. 2918, § 1, 34 Stat. 1315.

This is a provision of the sundry civil appropriation act for the fiscal year ending June 30, 1908, cited above.

Act June 19, 1886, c. 421, § 1, mentioned in this provision, which makes a permanent indefinite appropriation for payment of fees, is set forth in Comp. St. 1901, p. 2991.

A permanent appropriation for the expense of collecting the revenue from customs is made by Rev. St. § 3687, Comp. St. 1901, p. 2459, and additional appropriations for that purpose are made in the deficiency appropriation acts for each year.

Secs. 4386–4390.

[Repealed. Act June 29, 1906, c. 3594, § 5.]

Rev. St. §§ 4386–4390, set forth in Comp. St. 1901, pp. 2995–2997, relating to transportation of animals by railroad from one State to another, are expressly repealed by Act June 29, 1906, c. 3594, § 5, set forth post, under Title LVI A, "Regulation of Interstate and Foreign Commerce," c. 2, and more comprehensive provisions relating to the same subject are made by other sections of said act, also set forth under that Title.

TITLE LI.

REGULATION OF FISHERIES.

[THE FISH COMMISSION.]

Sec. 4395. [*As amended* 1888.]

Appointment of Commissioner of Fish and Fisheries.

The Fish Commission, and the Office of Commissioner of Fish and Fisheries, and all that pertains to the same, are placed under the jurisdiction and made a part of the Department of Commerce and Labor, by provisions of the act establishing that department, Act Feb. 14, 1903, c. 552, § 4, ante, under Title XII A, "The Department of Commerce and Labor."

The designation of an officer to perform the duties of the Commissioner of Fisheries during the absence of the Commissioner and Deputy Commissioner is authorized by a provision of Act March 4, 1911, c. 285, § 1, set forth below.

ACT MARCH 4, 1911, c. 285, § 1. [H. R. 32909.]

Designation of acting Commissioner during absence of Commissoner and Deputy Commissioner.

Hereafter in the case of the absence of the Commissioner and Deputy Commissioner of Fisheries the Secretary of Commerce and Labor may designate some officer of said bureau to perform the duties of the Commissioner during their absence.

Act March 4, 1911, c. 285, § 1, 36 Stat. 1436.

This is a provision of the sundry civil appropriation act for the fiscal year ending June 30, 1912, cited above.

[MARINE BIOLOGICAL STATION.]

ACT MARCH 1, 1911, c. 189. [H. R. 10430.]

An Act to Authorize the Establishment of a Marine Biological Station on the Gulf Coast of the State of Florida. (36 Stat. 964.)

Marine biological station on Gulf of Mexico on coast of Florida; land and water rights to be donated by State; cost of structures.

Be it enacted, &c., That the Secretary of Commerce and Labor be, and he is hereby, authorized, empowered, and directed to establish a marine biological station on the Gulf of Mexico at a point on the coast of the State of Florida, to be selected by him in said State: Provided, That the State of Florida donates and transfers, free of cost, to the Government of the United States necessary land and water rights upon which may be erected such buildings, wharves, and other structures as may be necessary for the proper equipment of said station, such biological station, buildings, wharves, and other structures not to cost exceeding fifty thousand dollars.

Act March 1, 1911, c. 189, § 1, 36 Stat. 964.

Admissions to station for pursuit of investigations.

Sec. 2. That the professors, instructors, and students of the several land-grant, agricultural, and mechanical colleges of the United States

shall be admitted to said station to pursue such investigation in fish culture and biology as may be practicable, without cost to the Government, under such rules and regulations as may be from time to time prescribed by the Secretary of Commerce and Labor.

Act March 1, 1911, c. 189, § 2, 36 Stat. 964.

[SPONGES TAKEN BY DIVING FROM WATERS OF GULF OF MEXICO OR STRAITS OF FLORIDA.]

ACT JUNE 20, 1906, c. 3442. [S. 4806.]

An Act to Regulate the Landing, Delivery, Cure, and Sale of Sponges. (34 Stat. 313.)

Landing, delivery, cure, or offer for sale of sponges taken by diving from waters of Gulf of Mexico or Straits of Florida, otherwise than as provided, unlawful.

Be it enacted, &c., That from and after May first, anno Domini nineteen hundred and seven, it shall be unlawful to land, deliver, cure, or offer for sale at any port or place in the United States any sponges taken by means of diving or diving apparatus from the waters of the Gulf of Mexico or Straits of Florida: Provided, That sponges taken or gathered by such process between October first and May first of each year in a greater depth of water than fifty feet shall not be subject to the provisions of this Act: And provided further, That no sponges taken from said waters shall be landed, delivered, cured, or offered for sale at any port or place in the United States of a smaller size than four inches in diameter.

Act June 20, 1906, c. 3442, § 1, 34 Stat. 313.

Penalty for violations of act; liability of vessels.

Sec. 2. That every person guilty of a violation of this Act shall for each offense be liable to a fine of not less than one hundred dollars or more than five hundred dollars, which fine shall be a lien against the vessel on which the offense was committed. And every vessel used or employed in violation of this Act shall be liable to a fine of not less than one hundred dollars or more than five hundred dollars or forfeiture, and shall be seized and proceeded against by process of libel in any court having jurisdiction of the offense.

Act June 20, 1906, c. 3442, § 2, 34 Stat. 313.

Jurisdiction of prosecutions.

Sec. 3. That any violation of this Act shall be prosecuted in the district court of the United States of the district wherein the offense was committed.

Act June 20, 1906, c. 3442, § 3, 34 Stat. 314.

Enforcement of act; employment therefor of vessels of Revenue-Cutter Service and of Navy.

Sec. 4. That it shall be the duty of the Secretary of Commerce and Labor to enforce the provisions of this Act, and upon his request the Secretary of the Treasury and the Secretary of the Navy may employ the vessels of the Revenue-Cutter Service and of the Navy, respectively, to that end.

Act June 20, 1906, c. 3442, § 4, 34 Stat. 314.

[THE FUR-SEAL FISHERY.]

The jurisdiction, supervision, and control previously possessed and exercised by the Department of the Treasury over the fur-seal, salmon, and other fisheries of Alaska are transferred and vested in the Department of Commerce and Labor, by provisions of the act establishing that department, Act Feb. 14, 1903, c. 552, § 7, ante, under Title XII A, "The Department of Commerce and Labor."

Rev. St. §§ 1956, 1959, 1960, 1961, and Act March 3, 1899, c. 429, §§ 173, 176, 177, 178, reenacting said sections of the Revised Statutes, as stated in the note under this subchapter in Comp. St. 1901, p. 3003, are amended by Act April 21, 1910, c. 183, §§ 4, 5, 6, 7, to read as set forth below, and Rev. St. §§ 1962-1972 are repealed by section 10 of said Act, also set forth below.

ACT DEC. 29, 1897, c. 3, § 1.

[Amended. Act April 21, 1910, c. 183, § 8.]

This section, set forth in Comp. St. 1901, p. 3011, is amended by Act April 21, 1910, c. 183, § 8, to read as set forth below.

ACT APRIL 21, 1910, c. 183. [S. 7242.]

An Act to Protect the Seal Fisheries of Alaska, and for Other Purposes. (36 Stat. 326.)

Killing of fur seals on Pribilof Islands; regulations; restricted to officers, etc., of United States and natives of Islands under direction of officers, etc.; limitation of number, etc., to be killed.

Be it enacted, &c., That the Secretary of Commerce and Labor shall have power to authorize the killing of fur seals and the taking of sealskins on the Pribilof Islands, in Alaska, under regulations established by him prescribing the manner in which such killing shall be done and limiting the number of seals to be killed, whenever he shall determine that such killing is necessary or desirable and not inconsistent with the preservation of the seal herd: Provided, however, That under such authority the right of killing fur seals and taking sealskins shall be exercised by officers, agents, or employees of the United States appointed by the Secretary of Commerce and Labor, and by the natives of the Pribilof Islands under the direction and supervision of such officers, agents, or employees, and by no other person: And provided further, That male seals only shall be killed and that not more than ninety-five per centum of three-year-old male seals shall be killed in any one year.

Act April 21, 1910, c. 183, § 1, 36 Stat. 326.

Sales of sealskins; proceeds; directions of section subject to provisions of subsequent treaties.

Sec. 2. That any and all sealskins taken under the authority conferred by the preceding section shall be sold by the Secretary of Commerce and Labor in such market, at such times, and in such manner as he may deem most advantageous; and the proceeds of such sale or sales shall be paid into the Treasury of the United States: Provided, That the directions of this section, relating to the disposition of sealskins and the proceeds thereof, shall be subject to the provisions of any treaty hereafter made by the United States for the protection of seal life.

Act April 21, 1900, c. 183, § 2, 36 Stat. 326.

Natives of Pribilof Islands to be employed in killing seals and curing skins; compensation.

Sec. 3. That whenever seals are killed and sealskins taken on any of the Pribilof Islands the native inhabitants of said islands shall be employed in such killing and in curing the skins taken, and shall receive for their labor fair compensation, to be fixed from time to time by the Secretary of Commerce and Labor, who shall have the authority to prescribe by regulation the manner in which such compensation shall be paid to the said natives or expended or otherwise used in their behalf and for their benefit.

Act April 21, 1910, c. 183, § 3, 36 Stat. 327.

Amendment of Rev. St. § 1956 and Act March 3, 1899, c. 429, § 173.

Sec. 4. That section nineteen hundred and fifty-six of the Revised Statutes of the United States and section one hundred and seventy-three of the Act of March third, eighteen hundred and ninety-nine, be amended to read as follows:

Killing fur seals or other fur-bearing animals in Alaska forbidden; punishment, and forfeiture of vessels, etc., for violation of section; power of Secretary of Commerce and Labor to authorize killing; duty to execute provisions of section.

"No person shall kill any otter, mink, marten, sable, or fur seal, or other fur-bearing animal, within the limits of Alaska Territory or in the waters thereof; and every person guilty thereof shall, for each offense, be fined not less than two hundred nor more than one thousand dollars or imprisoned not more than six months, or both; and all vessels, their tackle, apparel, furniture, and cargo found engaged in violation of this section shall be forfeited; but the Secretary of Commerce and Labor shall have power to authorize the killing of any such mink, marten, sable, fur seal, or other fur-bearing animal under such regulations as he may prescribe; and it shall be the duty of the Secretary of Commerce and Labor to prevent the killing of any fur seal except as authorized by law and to provide for the execution of the provisions of this section until it is otherwise provided by law."

Act April 21, 1910, c. 183, § 4, 36 Stat. 327.

Rev. St. § 1956, amended by this section, was reenacted in Act March 3, 1899, c. 429, § 173, 30 Stat. 1279, also amended thereby.

Amendment of Rev. St. § 1959 and Act March 3, 1899, c. 429, § 176.

Sec. 5. That section nineteen hundred and fifty-nine of the Revised Statutes of the United States and section one hundred and seventy-six of the Act of March third, eighteen hundred and ninety-nine, be amended to read as follows:

Pribilof Islands declared a special reservation; landing, etc., on Islands, unlawful; punishment.

"The Pribilof Islands, including the islands of Saint Paul and Saint George, Walrus and Otter Islands, and Sea Lion Rock, in Alaska, are declared a special reservation for government purposes; and until otherwise provided by law it shall be unlawful for any person to land or remain on any of those islands, except through stress of weather or like unavoidable cause or by the authority of the Secretary of Commerce and Labor; and any person found on any of those islands contrary to the provisions hereof shall be summarily removed and shall

be deemed guilty of a misdemeanor, punishable by fine not exceeding five hundred dollars or by imprisonment not exceeding six months, or by both fine and imprisonment; and it shall be the duty of the Secretary of Commerce and Labor to carry this section into effect."

Act April 24, 1910, c. 183, § 5, 36 Stat. 327.

Rev. St. § 1959, amended by this section, was reenacted in Act March 3, 1899, c. 429, § 176, 30 Stat. 1280, also amended thereby.

Amendment of Rev. St. § 1960 and Act March 3, 1899, c. 429, § 177.

Sec. 6. That section nineteen hundred and sixty of the Revised Statutes of the United States and section one hundred and seventy-seven of the Act of March third, eighteen hundred and ninety-nine be amended to read as follows:

Killing fur seals, except as authorized, and use of firearms, etc., on Pribilof Islands, unlawful; privileges of natives; regulations.

"It shall be unlawful to kill any fur seal upon the Pribilof Islands, or in the waters adjacent thereto, except under the authority of the Secretary of Commerce and Labor, and it shall be unlawful to kill such seals by the use of firearms or by other means tending to drive the seals away from those islands; but the natives of the islands shall have the privilege of killing such young seals as may be necessary for their own food and clothing, and also such old seals as may be required for their own clothing and for the manufacture of boats for their own use; and the killing in such cases shall be limited and controlled by such regulations as may be prescribed by the Secretary of Commerce and Labor."

Act April 21, 1910, c. 183, § 6, 36 Stat. 327.

Rev. St. § 1960, amended by this section, was reenacted in Act March 3, 1899, c. 429, § 177, 30 Stat. 1280, also amended thereby.

Amendment of Rev. St. § 1961 and Act March 3, 1911, c. 429, § 178.

Sec. 7. That section nineteen hundred and sixty-one of the Revised Statutes of the United States and section one hundred and seventy-eight of the Act of March third, eighteen hundred and ninety-nine, be amended to read as follows:

Killing female seal or seal less than one year old, except as provided, or killing seal in waters adjacent to Pribilof Islands or on beaches, cliffs, etc., unlawful; punishment, and forfeiture of vessels, etc., for violation of section.

"It shall be unlawful to kill any female seal or any seal less than one year old at any season of the year, except as above provided; and it shall also be unlawful to kill any seal in the waters adjacent to the Pribilof Islands, or on the beaches, cliffs, or rocks where they haul up from the sea to remain; and every person who violates the provisions of this or the preceding section shall be punished for each offense by a fine of not less than two hundred dollars nor more than one thousand dollars or by imprisonment not more than six months, or by both such fine and imprisonment; and all vessels, their tackle, apparel, and furniture, whose crews are found engaged in the violation of either this or the preceding section shall be forfeited to the United States."

Act April 21, 1910, c. 183, § 7, 36 Stat. 328.

Rev. St. § 1961, amended by this section, was reenacted in Act March 3, 1911, c. 429, § 178, 30 Stat. 1280, also amended thereby.

Amendment of Act Dec. 29, 1897, c. 3, § 1.

Sec. 8. That section one of the Act of December twenty-ninth, eighteen hundred and ninety-seven, be amended to read as follows:

Killing, etc., fur seal in Pacific Ocean, forbidden.

"No citizen of the United States, nor person owing duty of obedience to the laws or the treaties of the United States, nor any person belonging to or on board of a vessel of the United States, shall kill, capture, or hunt, at any time or in any manner whatever, any fur seal in the waters of the Pacific Ocean, including Bering Sea and the sea of Okhotsk, whether in the territorial waters of the United States or in the open sea."

Act April 21, 1910, c. 328, § 8, 36 Stat. 328.

Act Dec. 29, 1897, c. 3, § 1, amended by this section, is set forth in Comp. St. 1901, p. 3011.

Additional officers, agents, etc., to carry out provisions relating to seal fisheries of Alaska; appointment, duties, and compensation; purchase from lessee of right to take seals and property; depots for and transportation of provisions and supplies; food, etc., for natives of Pribilof Islands.

Sec. 9. That the Secretary of Commerce and Labor shall have authority to appoint such additional officers, agents, and employees as may be necessary to carry out the provisions of this Act and the laws of the United States relating to the seal fisheries of Alaska, to prescribe their duties and to fix their compensation; he shall likewise have authority to purchase from the present lessee of the right to take seals on the islands of Saint Paul and Saint George, at a fair valuation to be agreed upon, the warehouses, salt houses, boats, launches, lighters, horses, mules, wagons, and other property of the said lessee on the islands of Saint Paul and Saint George, including the dwellings of the natives of said islands; he shall likewise have authority to establish and maintain depots for provisions and supplies on the Pribilof Islands and to provide for the transportation of such provisions and supplies from the mainland of the United States to the said islands by the charter of private vessels or by the use of public vessels of the United States which may be placed at his disposal by the President; and he shall likewise have authority to furnish food, shelter, fuel, clothing, and other necessaries of life to the native inhabitants of the Pribilof Islands and to provide for their comfort, maintenance, education, and protection.

Act April 21, 1910, c. 183, § 9, 36 Stat. 328.

Repeal of Rev. St. §§ 1962–1972, and other inconsistent acts, etc.; time of taking effect of act; appropriation.

Sec. 10. That sections nineteen hundred and sixty-two, nineteen hundred and sixty-three, nineteen hundred and sixty-four, nineteen hundred and sixty-five, nineteen hundred and sixty-six, nineteen hundred and sixty-seven, nineteen hundred and sixty-eight, nineteen hundred and sixty-nine, nineteen hundred and seventy, nineteen hundred and seventy-one, and nineteen hundred and seventy-two of the Revised Statutes of the United States, and all Acts and parts of Acts inconsistent with this Act are hereby repealed. The provisions of this Act shall take effect from and after the first day of May, nineteen hundred and ten; and there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of one hundred and

fifty thousand dollars for carrying into effect the provisions of this Act.

Act April 21, 1910, c. 183, § 10, 36 Stat. 328.

[FISHERIES IN WATERS OF ALASKA.]

ACT JUNE 14, 1906, c. 3299. [S. 267.]

An Act to Prohibit Aliens from Fishing in the Waters of Alaska. (34 Stat. 263.)

Fishing by aliens in waters of Alaska, except with rod, spear, or gaff, unlawful; sale of fish to aliens, and employment of aliens as laborers, not restricted.

Be it enacted, &c., That it shall be unlawful for any person not a citizen of the United States, or who has declared his intention to become a citizen of the United States, and is not a bona fide resident therein, or for any company, corporation, or association not organized or authorized to transact business under the laws of the United States or under the laws of any State, Territory, or district thereof, or for any person not a native of Alaska, to catch or kill, or attempt to catch or kill, except with rod, spear, or gaff, any fish of any kind or species whatsoever in any of the waters of Alaska under the jurisdiction of the United States: Provided, however, That nothing contained in this Act shall prevent those lawfully taking fish in the said waters from selling the same, fresh or cured, in Alaska or in Alaskan waters, to any alien person, company, or vessel then being lawfully in said waters: And provided further, That nothing contained in this Act shall prevent any person, firm, corporation, or association lawfully entitled to fish in the waters of Alaska from employing as laborers any aliens who can now be lawfully employed under the existing laws of the United States, either at stated wages or by piecework, or both, in connection with Alaskan fisheries, or with the canning, salting or otherwise preserving of fish.

Act June 14, 1906, c. 3299, § 1, 34 Stat. 263.

Penalty for violations of act; liability of vessels, etc.

Sec. 2. That every person, company, corporation, or association found guilty of a violation of any provision of this Act or of any regulation made thereunder shall, for each offense, be fined not less than one hundred dollars nor more than five hundred dollars, which fine shall be a lien against any vessel or other property of the offending party or which was used in the commission of such unlawful act. Every vessel used or employed in violation of any provision of this Act or of any regulation made thereunder shall be liable to a fine of not less than one hundred dollars nor more than five hundred dollars, and may be seized and proceeded against by way of libel in any court having jurisdiction of the offense.

Act June 14, 1906, c. 3299, § 2, 34 Stat. 264.

Jurisdiction of prosecutions.

Sec. 3. That the violation of any provision of this Act or of any regulation made thereunder may be prosecuted in any United States district court of Alaska, California, Oregon, or Washington.

Act June 14, 1906, c. 3299, § 3, 34 Stat. 264.

Searches and seizures of vessels and arrests of persons violating act.

Sec. 4. That the collector of customs of the district of Alaska is hereby authorized to search and seize every foreign vessel and arrest every person violating any provision of this Act or any regulation made thereunder, and the Secretary of Commerce and Labor shall have power to authorize officers of the Navy and of the Revenue-Cutter Service and agents of the Department of Commerce and Labor to likewise make such searches, seizures, and arrests. If any foreign vessel shall be found within the waters to which this Act applies, having on board fresh or cured fish and apparatus or implements suitable for killing or taking fish, it shall be presumed that the vessel and apparatus were used in violation of this Act until it is otherwise sufficiently proved. And every vessel, its tackle, apparatus, or implements so seized shall be given into the custody of the United States marshal of either of the districts mentioned in section three of this Act, and shall be held by him subject to the proceedings provided for in section two of this Act. The facts in connection with such seizure shall be at once reported to the United States district attorney for the district to which the vessel so seized shall be taken, whose duty it shall be to institute the proper proceedings.

Act June 14, 1906, c. 3299, § 4, 34 Stat. 264.

Regulations to carry act into effect; enforcement of provisions; treaties, etc., not affected.

Sec. 5. That the Secretary of Commerce and Labor shall have power to make rules and regulations not inconsistent with law to carry into effect the provisions of this Act. And it shall be the duty of the Secretary of Commerce and Labor to enforce the provisions of this Act and the rules and regulations made thereunder, and for that purpose he may employ, through the Secretary of the Treasury and the Secretary of the Navy, the vessels of the United States Revenue-Cutter Service and of the Navy: Provided, however, That nothing contained in this Act shall be construed as affecting any existing treaty or convention between the United States and any foreign power.

Act June 14, 1906, c. 3299, § 5, 34 Stat. 264.

ACT JUNE 26, 1906, c. 3547. [H. R. 13543.]

An Act for the Protection and Regulation of the Fisheries of Alaska. (34 Stat. 478.)

License taxes on business of canning, curing, etc., fish or manufacturing fish products in Alaska.

Be it enacted, &c., That every person, company, or corporation carrying on the business of canning, curing, or preserving fish or manufacturing fish products within the territory known as Alaska, ceded to the United States by Russia by the treaty of March thirtieth, eighteen hundred and sixty-seven, or in any of the waters of Alaska over which the United States has jurisdiction, shall, in lieu of all other license fees and taxes therefor and thereon, pay license taxes on their said business and output as follows: Canned salmon, four cents per case; pickled salmon, ten cents per barrel; salt salmon in bulk, five cents per one hundred pounds; fish oil, ten cents per barrel; fertilizer, twenty cents per ton. The payment and collection of such license taxes shall be under and in accordance with the provisions of the Act of

March third, eighteen hundred and ninety-nine, entitled "An Act to define and punish crimes in the district of Alaska, and to provide a code of criminal procedure for the district," and amendments thereto.

Act June 26, 1906, c. 3547, § 1, 34 Stat. 478.

Previous provisions similar, to some extent, to the provisions of this act for the protection and regulation of the salmon fisheries of Alaska, were contained in Act March 2, 1889, c. 415, 25 Stat. 1009, amended by Act June 9, 1896, c. 387, 29 Stat. 316, which were superseded by the provisions of Act March 3, 1899, c. 429, §§ 179–183, 30 Stat. 1280. All these previous provisions may be regarded as superseded by those of this act.

Exemption from license fees and taxation of owners of private salmon hatcheries in proportion to fry liberated; inspection and approval of hatcheries; proof and certificates of amount of fry liberated.

Sec. 2. That the catch and pack of salmon made in Alaska by the owners of private salmon hatcheries operated in Alaska shall be exempt from all license fees and taxation of every nature at the rate of ten cases of canned salmon to every one thousand red or king salmon fry liberated, upon the following conditions:

That the Secretary of Commerce and Labor may from time to time, and on the application of the hatchery owner shall, within a reasonable time thereafter, cause such private hatcheries to be inspected for the purpose of determining the character of their operations, efficiency, and productiveness, and if he approve the same shall cause notice of such approval to be filed in the office of the clerk or deputy clerk of the United States district court of the division of the district of Alaska wherein any such hatchery is located, and shall also notify the owners of such hatchery of the action taken by him. The owner, agent, officer, or superintendent of any hatchery the effectiveness and productiveness of which has been approved as above provided shall, between the thirtieth day of June and the thirty-first day of December of each year, make proof of the number of salmon fry liberated during the twelve months immediately preceding the thirtieth day of June, by a written statement under oath. Such proof shall be filed in the office of the clerk or deputy clerk of the United States district court of the division of the district of Alaska wherein such hatchery is located, and when so filed shall entitle the respective hatchery owners to the exemption as herein provided; and a false oath as to the number of salmon fry liberated shall be deemed perjury and subject the offender to all the pains and penalties thereof. Duplicates of such statements shall also be filed with the Secretary of Commerce and Labor. It shall be the duty of such clerk or deputy clerk in whose office the approval and proof heretofore provided for are filed to forthwith issue to the hatchery owner, causing such proofs to be filed, certificates which shall not be transferable and of such denominations as said owner may request (no certificate to cover fewer than one thousand fry), covering in the aggregate the number of fry so proved to have been liberated; and such certificates may be used at any time by the person, company, corporation, or association to whom issued for the payment pro tanto of any license fees or taxes upon or against or on account of any catch or pack of salmon made by them in Alaska; and it shall be the duty of all public officials charged with the duty of collecting or receiving such license fees or taxes to accept such certifi-

cates in lieu of money in payment of all license fees or taxes upon or against the pack of canned salmon at the ratio of one thousand fry for each ten cases of salmon. No hatchery owner shall obtain the rebates from the output of any hatchery to which he might otherwise be entitled under this Act unless the efficiency of said hatchery has first been approved by the Secretary of Commerce and Labor in the manner herein provided for.

Act June 26, 1906, c. 3547, § 2, 34 Stat. 478.

Stationary obstructions in certain waters for capturing salmon, or preventing or impeding their ascent to their spawning grounds, unlawful.

Sec. 3. That it shall be unlawful to erect or maintain any dam, barricade, fence, trap, fish wheel, or other fixed or stationary obstruction, except for purposes of fish culture, in any of the waters of Alaska at any point where the distance from shore to shore is less than five hundred feet, or within five hundred yards of the mouth of any red-salmon stream where the same is less than five hundred feet in width, with the purpose or result of capturing salmon or preventing or impeding their ascent to their spawning grounds, and the Secretary of Commerce and Labor is hereby authorized and directed to have any and all such unlawful obstructions removed or destroyed.

Act June 26, 1906, c. 3547, § 3, 34 Stat. 479.

Laying or setting nets, seines, etc., in certain waters, restricted.

Sec. 4. That it shall be unlawful to lay or set any drift net, seine, set net, pound net, trap, or any other fishing appliance, for any purpose except for purposes of fish culture, across or above the tide waters of any creek, stream, river, estuary, or lagoon, for a distance greater than one-third the width of such creek, stream, river, estuary, or lagoon, or within one hundred yards outside of the mouth of any red-salmon stream where the same is less than five hundred feet in width. It shall be unlawful to lay or set any seine or net of any kind within one hundred yards of any other seine, net, or other fishing appliance which is being or which has been laid or set in any of the waters of Alaska, or to drive or construct any trap or any other fixed fishing appliance within six hundred yards laterally or within one hundred yards endwise of any other trap or fixed fishing appliance.

Act June 26, 1906, c. 3547, § 4, 34 Stat. 479.

Close season for salmon during part of each week and in small streams during every night; stationary and floating traps to be closed and free passage of salmon and other fishes permitted during weekly close season.

Sec. 5. That it shall be unlawful to fish for, take, or kill any salmon of any species in any manner or by any means except by rod, spear, or gaff, in any of the waters of Alaska over which the United States has jurisdiction, except Cook Inlet, the Delta of Copper River, Bering Sea, and the waters tributary thereto, from six o'clock postmeridian of Saturday of each week until six o'clock antemeridian of the Monday following, or to fish for, or catch, or kill in any manner or by any appliances except by rod, spear, or gaff, any salmon in any stream of less than one hundred yards in width in Alaska between the hours of six o'clock in the evening and six o'clock in the morning of the following day of each and every day of the week. Throughout the weekly close season herein prescribed the gate, mouth, or tunnel

of all stationary and floating traps shall be closed, and twenty-five feet of the webbing or net of the "heart" of such traps on each side next to the "pot" shall be lifted or lowered in such manner as to permit the free passage of salmon and other fishes.

Act June 26, 1906, c. 3547, § 5, 34 Stat. 479.

Setting aside streams or lakes as spawning grounds, and limitation or prohibition of fishing or establishing close season therein.

Sec. 6. That the Secretary of Commerce and Labor may, in his discretion, set aside any streams or lakes as preserves for spawning grounds, in which fishing may be limited or entirely prohibited; and when, in his judgment, the results of fishing operations in any stream, or off the mouth thereof, indicate that the number of salmon taken is larger than the natural production of salmon in such stream, he is authorized to establish close seasons or to limit or prohibit fishing entirely for one year or more within such stream or within five hundred yards of the mouth thereof, so as to permit salmon to increase: Provided, however, That such power shall be exercised only after all persons interested shall be given a hearing, of which due notice must be given by publication; and where the interested parties are known to the Department they shall be personally notified by a notice mailed not less than thirty days previous to such hearing. No order made under this section shall be effective before the next calendar year after same is made: And provided further, That such limitations and prohibitions shall not apply to those engaged in catching salmon who keep such streams fully stocked with salmon by artificial propagation.

Act June 26, 1906, c. 3547, § 6, 34 Stat. 480.

Canning or salting salmon for sale for food, more than 48 hours after killing, unlawful.

Sec. 7. That it shall be unlawful to can or salt for sale for food any salmon more than forty-eight hours after it has been killed.

Act June 26, 1906, c. 3547, § 7, 34 Stat. 480.

Wanton waste or destruction of salmon or other food fishes unlawful.

Sec. 8. That it shall be unlawful for any person, company, or corporation wantonly to waste or destroy salmon or other food fishes taken or caught in any of the waters of Alaska.

Act June 26, 1906, c. 3547, § 8, 34 Stat. 480.

False labeling, branding, etc., of packages of fish offered for sale, unlawful; certain terms permitted.

Sec. 9. That it shall be unlawful for any person, company, or corporation canning, salting, or curing fish of any species in Alaska to use any label, brand, or trade-mark which shall tend to misrepresent the contents of any package of fish offered for sale: Provided, That the use of the terms "red," "medium red," "pink," "chum," and so forth, as applied to the various species of Pacific salmon under present trade usages shall not be deemed in conflict with the provisions of this Act when used to designate salmon of those known species.

Act June 26, 1906, c. 3547, § 9, 34 Stat. 480.

Annual reports by persons, companies, etc., engaged in catching, curing, or in utilizing fishery products, or in operating fish hatcheries.

Sec. 10. That every person, company, and corporation engaged in catching, curing, or in any manner utilizing fishery products, or in

operating fish hatcheries in Alaska, shall make detailed annual reports thereof to the Secretary of Commerce and Labor, on blanks furnished by him, covering all such facts as may be required with respect thereto for the information of the Department. Such reports shall be sworn to by the superintendent, manager, or other person having knowledge of the facts, a separate blank form being used for each establishment in cases where more than one cannery, saltery, or other establishment is conducted by a person, company, or corporation, and the same shall be forwarded to the Department at the close of the fishing season and not later than December fifteenth of each year.

Act June 26, 1906, c. 3547, § 10, 34 Stat. 480.

Provisions of act applicable to catching or killing, except with rod, spear, or gaff, fish of any kind; regulations to carry act into effect.

Sec. 11. That the catching or killing, except with rod, spear, or gaff, of any fish of any kind or species whatsoever in any of the waters of Alaska over which the United States has jurisdiction, shall be subject to the provisions of this Act, and the Secretary of Commerce and Labor is hereby authorized to make and establish such rules and regulations not inconsistent with law as may be necessary to carry into effect the provisions of this Act.

Act June 26, 1906, c. 3547, § 11, 34 Stat. 480.

Deputation of officers and employés of Department of Commerce and Labor for enforcement of act; annual estimates of expenses.

Sec. 12. That to enforce the provisions of this Act and such regulations as he may establish in pursuance thereof, the Secretary of Commerce and Labor is authorized and directed to depute, in addition to the agent and assistant agent of salmon fisheries now provided by law, from the officers and employees of the Department of Commerce and Labor, a force adequate to the performance of all work required for the proper investigation, inspection, and regulation of the Alaskan fisheries and hatcheries, and he shall annually submit to Congress estimates to cover the cost of the establishment and maintenance of fish hatcheries in Alaska, the salaries and actual traveling expenses of such officials, and for such other expenditures as may be necessary to carry out the provisions of this Act.

Act June 26, 1906, c. 3547, § 12, 34 Stat. 480.

Annual appropriations for an agent and assistant agent at salmon fisheries in Alaska, mentioned in this section, are made in the recent sundry civil appropriation acts. The provision for the fiscal year ending June 30, 1912, is by Act March 4, 1911, c. 285, § 1, 36 Stat. 1439.

Punishment for violations of act; forfeiture of vessels, etc.

Sec. 13. That any person, company, corporation, or association violating any provision of this Act or any regulation established in pursuance thereof shall, upon conviction thereof, be punished by a fine not exceeding one thousand dollars or imprisonment at hard labor for a term of not more than ninety days, or by both such fine and imprisonment, at the discretion of the court; and in case of the violation of any of the provisions of section four of this Act and conviction thereof a further fine of not more than two hundred and fifty dollars per diem may, at the discretion of the court, be imposed for each day such obstruction is maintained. And every vessel or other apparatus or equipment used or employed in violation of any provision of this Act,

or of any regulation made thereunder, may be seized by order of the Secretary of Commerce and Labor, and shall be held subject to the payment of such fine or fines as may be imposed.

Act June 26, 1906, c. 3547, § 13, 34 Stat. 481.

Jurisdiction of prosecutions; duty of Secretary of Commerce and Labor to enforce act, and of district attorneys to institute proceedings.

Sec. 14. That the violation of any provision of this Act may be prosecuted in any district court of Alaska or any district court of the United States in the States of California, Oregon, or Washington. And it shall be the duty of the Secretary of Commerce and Labor to enforce the provisions of this Act and the rules and regulations made thereunder. And it shall be the duty of the district attorney to whom any violation is reported by any agent or representative of the Department of Commerce and Labor to institute proceedings necessary to carry out the provisions of this Act.

Act June 26, 1906, c. 3547, § 14, 34 Stat. 481.

Repeal.

Sec. 15. That all Acts or parts of Acts inconsistent with the provisions of this Act are, so far as inconsistent, hereby repealed.

Act June 26, 1906, c. 3547, § 15, 34 Stat. 481.

Time of taking effect of act.

Sec. 16. That this Act shall take effect and be in force from and after its passage.

Act June 26, 1906, c. 3547, § 16, 34 Stat. 481.

TITLE LII.

REGULATION OF STEAM-VESSELS.

CHAPTER ONE.

Inspection.

Sec. 4400. [*As amended* 1882, 1895.]

[Amended. Act Feb. 15, 1902, c. 23.]

This section, as amended by Act Aug. 7, 1882, c. 441, § 1, and Act March 1, 1895, c. 146, § 1, is again amended by Act Feb. 15, 1902, c. 23, and is further amended by Act March 17, 1906, c. 955, set forth below.

ACT MARCH 17, 1906, c. 955. [H. R. 13398.]

An Act to Amend Section Forty-four hundred of the Revised Statutes Relating to Inspection of Steam Vessels. (34 Stat. 68.)

Amendment of Rev. St. § 4400.

Be it enacted, &c., That section forty-four hundred of the Revised Statutes be amended so as to read as follows:

What vessels are subject to the provisions of this Title; [reciprocal acceptance of foreign certificates of inspection; fees.]

"Sec. 4400. All steam vessels navigating any waters of the United States which are common highways of commerce or open to general or competitive navigation, excepting public vessels of the United States, vessels of other countries, and boats propelled in whole or in part by steam for navigating canals, shall be subject to the provisions of this title.

"And all foreign private steam vessels carrying passengers from any port of the United States to any other place or country shall be subject to the provisions of sections forty-four hundred and seventeen, forty-four hundred and eighteen, forty-four hundred and twenty-one, forty-four hundred and twenty-two, forty-four hundred and twenty-three, forty-four hundred and twenty-four, forty-four hundred and seventy, forty-four hundred and seventy-one, forty-four hundred and seventy-two, forty-four hundred and seventy-three, forty-four hundred and seventy-nine, forty-four hundred and eighty-two, forty-four hundred and eighty-eight, forty-four hundred and eighty-nine, forty-four hundred and ninety-six, forty-four hundred and ninety-seven, forty-four hundred and ninety-nine, and forty-five hundred of this title, and shall be liable to visitation and inspection by the proper officer, in any of the ports or the United States, respecting any of the provisions of the sections aforesaid: Provided, however, That when such foreign passenger steamers belong to countries having inspection laws approximating those of the United States, and have unexpired certificates of inspection issued by the proper authorities in the respective countries to which they belong, they shall be subject to no other inspection than necessary to satisfy the local inspectors that the con-

dition of the vessel, her boilers, and life-saving equipments are as stated in the current certificate of inspection; but no such certificate of inspection shall be accepted as evidence of lawful inspection except when presented by steam vessels of other countries which have by their laws accorded to the steam vessels of the United States visiting such countries the same privilege accorded herein to the steam vessels of such countries visiting the United States; it being further provided that there shall be collected and paid into the Treasury of the United States the same fees for the inspection of foreign passenger steamers carrying passengers from the United States that any foreign nation shall charge the merchant vessels of the United States trading to the ports of such nationality; it being further provided that the Secretary of Commerce and Labor shall have the power to waive at any time the collection of such fees upon due notice of the proper authorities of any country concerned that the collection of fees for the inspection of American steam merchant vessels has been discontinued.

"It is further provided that the Secretary of Commerce and Labor may, in his discretion, permit any foreign passenger steamer coming within the provisions of this Act whose foreign certificate of inspection shall have expired at sea since last leaving the country to which said vessel belongs, or while said vessel shall have been in a port of the United States, to sail upon her regular route without undergoing any further inspection than would have been required had said foreign certificate of inspection been in force: Provided, however, That such discretion shall be exercised only with respect of vessels operated upon regularly established lines, and in cases where such foreign passenger steamers will be regularly inspected by the authorities of her home government before her next return to a port of the United States."

Act March 17, 1906, c. 955, § 1, 34 Stat. 68.

Rev. St. § 4400, amended by this act, is set forth, as previously amended by Act Aug. 7, 1882, c. 441, § 1, and Act March 1, 1895, c. 146, § 1, in Comp. St. 1901, p. 3015. It was again amended by Act Feb. 15, 1902, c. 23, 32 Stat. 34, by adding thereto the first proviso, as set forth here. The amendment by this act consists principally in the addition of the last proviso.

In the clause preceding the first proviso, in the words "in any of the ports or the United States," the word "or" is obviously inserted by mistake instead of "of," used in the section before this amendment.

Time of taking effect of act.

Sec. 2. That this Act shall take effect from and after its passage and approval.

Act March 17, 1906, c. 955, § 2, 34 Stat. 69.

Sec. 4403.

Duties of supervising inspector-general.

The Steamboat Inspection Service, previously under the jurisdiction of the Department of the Treasury, and all that pertains to the same, is transferred to the Department of Commerce and Labor, by provisions of the act establishing that department, Act Feb. 14, 1903, c. 552, § 4, ante, under Title XII A, "The Department of Commerce and Labor."

Sec. 4404.

Supervising inspectors, qualifications and appointment of.

A provision for the designation of an officer to perform the duties of any supervising inspector absent from his official station, contained in Act March 4, 1911, c. 237, § 1, is set forth below.

ACT MARCH 4, 1911, c. 237, § 1. [H. R. 29360.]

Designation of officer to perform duties of supervising inspector during his absence.

Hereafter in the case of the absence of any supervising inspector of steamboats from his official station the Secretary of Commerce and Labor may designate some officer of the Steamboat-Inspection Service to perform the duties of such officer during his absence.

Act March 4, 1911, c. 237, § 1, 36 Stat. 1229.

This is a provision of the legislative, executive, and judicial appropriation act for the fiscal year ending June 30, 1912, cited above.

Sec. 4405.

[Amended. Act March 3, 1905, c. 1453.]

This section, set forth in Comp. St. 1901, p. 3017, is amended by Act March 3, 1905, c. 1453, and Act Feb. 8, 1907, c. 892, set forth below.

ACT MARCH 3, 1905, c. 1453. [H. R. 18196.]

An Act to Amend Section Forty-four hundred and five of the Revised Statutes of the United States. (33 Stat. 1022.)

Amendment of Rev. St. § 4405.

Be it enacted, &c., That section forty-four hundred and five of the Revised Statutes of the United States be, and it is hereby, amended to read as follows:

Meetings of board; assignment of districts; [executive committee and powers thereof.]

"Sec. 4405. The supervising inspectors and the Supervising Inspector-General shall assemble as a board once in each year, at the city of Washington, District of Columbia, on the third Wednesday in January, and at such other times as the Secretary of Commerce and Labor shall prescribe, for joint consultation, and shall assign to each of the supervising inspectors the limits of territory within which he shall perform his duties. The board shall establish all necessary regulations required to carry out in the most effective manner the provisions of this title, and such regulations, when approved by the Secretary of Commerce and Labor, shall have the force of law. The supervising inspector for the district embracing the Pacific coast shall not be under obligation to attend the meetings of the board oftener than once in two years; but when he does not attend such meeting he shall make his communications thereto, in the way of a report, in such manner as the board shall prescribe: Provided, That the Secretary of Commerce and Labor may at any time call in session, after reasonable public notice, a meeting of an executive committee, to be composed of the Supervising Inspector-General and any two supervising inspectors, which committee, with the approval of the said Secretary, shall have power to alter, amend, add to, or repeal any of the rules and regulations made, with the approval of the Secretary of Commerce and Labor, by the board of supervising inspectors, either by virtue of this section or under any power granted by this title, or any amendments thereof, such alteration, amendment, addition, or repeal, when approved by the said Secretary, to have the force of law, and to continue in effect until thirty days after the adjournment of the next meeting of the board of supervising inspectors. The foregoing powers of such executive committee, acting with the said Secretary, shall also extend to the approval of the instruments, ma-

chines, and equipments referred to in section forty-four hundred and ninety-one of this title."

Act March 3, 1905, c. 1453, § 1, 33 Stat. 1022.

Rev. St. § 4405, amended by this section, is set forth in Comp. St. 1901, p. 3017. The amendment consists in the change of the words "Secretary of the Treasury," in the two places in which they occurred in the original section, to "Secretary of Commerce and Labor," as set forth here, and in the addition, at the end of the original section, which closed with the words "in such manner as the board shall prescribe," of the proviso beginning, "Provided, That the Secretary of Commerce and Labor," etc., to the end of the section as set forth here.

The section is further amended by the amendment of this act by Act Feb. 8, 1907, c. 892, set forth below.

Time of taking effect of act.

Sec. 2. That this act shall take effect and be in force on and after the first day of July, nineteen hundred and five.

Act March 3, 1905, c. 1453, § 2, 33 Stat. 1022.

ACT FEB. 8, 1907, c. 892. [H. R. 17624.]

An Act to Amend an Act Entitled "An Act to Amend Section Forty-four hundred and five of the Revised Statutes of the United States," Approved March Third, Nineteen hundred and five. (34 Stat. 881.)

Amendment of Act March 3, 1905, c. 1453, amending Rev. St. § 4405.

Be it enacted, &c., That an Act entitled "An Act to amend section forty-four hundred and five of the Revised Statutes of the United States," approved March third, nineteen hundred and five, be, and the same is hereby, amended by inserting after the word "title" and before the word "and" the words "including regulations governing the use of whistles as signals by steam vessels and prohibiting useless and unnecessary whistling," so that the same shall read as follows:

Meetings of board; assignment of districts; [executive committee and powers thereof.]

"Sec. 4405. The supervising inspectors and the Supervising Inspector-General shall assemble as a board once in each year at the city of Washington, District of Columbia, on the third Wednesday in January, and at such other times as the Secretary of Commerce and Labor shall prescribe, for joint consultation, and shall assign to each of the supervising inspectors the limits of territory within which he shall perform his duties. The board shall establish all necessary regulations required to carry out in the most effective manner the provisions of this title and also regulations, prohibiting useless and unnecessary whistling, and such regulations, when approved by the Secretary of Commerce and Labor, shall have the force of law. The supervising inspector for the district embracing the Pacific coast shall not be under obligation to attend the meetings of the board oftener than once in two years; but when he does not attend such meeting he shall make his communications thereto, in the way of a report, in such manner as the board shall prescribe: Provided, That the Secretary of Commerce and Labor may at any time call in session, after reasonable public notice, a meeting of an executive committee, to be composed of the Supervising Inspector-General and any two supervising inspectors, which committee, with the approval of the said Secretary, shall have

power to alter, amend, add to, or repeal any of the rules and regulations made, with the approval of the Secretary of Commerce and Labor, by the board of supervising inspectors, either by virtue of this section or under any power granted by this title, or any amendments thereof, such alteration, amendment, addition, or repeal, when approved by the said Secretary, to have the force of law and to continue in effect until thirty days after the adjournment of the next meeting of the board of supervising inspectors. The foregoing powers of such executive committee, acting with the said Secretary, shall also extend to the approval of the instruments, machines, and equipments referred to in section forty-four hundred and ninety-one of this title."

Act Feb. 8, 1907, c. 892, 34 Stat. 881.
Act March 3, 1905, c. 1453, amended by this act, is set forth above.

Sec. 4414. [*As amended* 1887, 1890, 1895, 1897, 1898, 1900.]

[Amended. Act March 3, 1905, c. 1455. Act April 9, 1906, c. 1372.]

This section, set forth, as amended by several successive amendatory acts, in Comp. St. 1901, p. 3020, and again amended by Act March 3, 1905, c. 1455, is further amended by Act April 9, 1906, c. 1372, set forth below, and by Act May 28, 1908, c. 212, § 9, also set forth below.

ACT APRIL 9, 1906, c. 1372. [S. 4300.]

An Act to Amend Section Forty-four hundred and fourteen of the Revised Statutes of the United States, Inspectors of Hulls and Boilers of Steam Vessels. (34 Stat. 106.)

Amendment of Rev. St. § 4414.

Be it enacted, &c., That section forty-four hundred and fourteen of the Revised Statutes of the United States be, and it is hereby, amended so as to read as follows:

Number and salaries of local inspectors; assistant inspectors; clerks; detail of assistant inspectors of one port or district for service in another; traveling expenses.

"Sec. 4414. There shall be in each of the following collection districts, namely, the districts of Philadelphia, Pennsylvania; San Francisco, California; New London, Connecticut; Baltimore, Maryland; Detroit, Michigan; Chicago, Illinois; Bangor, Maine; New Haven, Connecticut; Michigan, Michigan; Milwaukee, Wisconsin; Willamette, Oregon; Puget Sound, Washington; Savannah, Georgia; Pittsburg, Pennsylvania; Oswego, New York; Charleston, South Carolina; Duluth, Minnesota; Superior, Michigan; Apalachicola, Florida; Galveston, Texas; Mobile, Alabama; Providence, Rhode Island, and in each of the following ports: New York, New York; Jacksonville, Florida; Portland, Maine; Boston, Massachusetts; Buffalo, New York; Cleveland, Ohio; Toledo, Ohio; Norfolk, Virginia; Evansville, Indiana; Dubuque, Iowa; Louisville, Kentucky; Albany, New York; Cincinnati, Ohio; Memphis, Tennessee; Nashville, Tennessee; Saint Louis, Missouri; Port Huron, Michigan; New Orleans, Louisiana; Juneau, Alaska; Saint Michael, Alaska; Point Pleasant, West Virginia, and Burlington, Vermont, one inspector of hulls and one inspector of boilers.

"The inspectors of hulls and the inspectors of boilers in the districts and ports enumerated in the preceding paragraph shall be entitled to

the following salaries, to be paid under the direction of the Secretary of Commerce and Labor, namely:

"For the port of New York, New York, at the rate of two thousand five hundred dollars per year for each local inspector.

"For the districts of Philadelphia, Pennsylvania; Baltimore, Maryland; San Francisco, California, and Puget Sound, Washington, and the ports of Boston, Massachusetts; Buffalo, New York, and New Orleans, Louisiana, at the rate of two thousand two hundred and fifty dollars per year for each local inspector.

"For the districts of Michigan, Michigan; Milwaukee, Wisconsin; Duluth, Minnesota; Providence, Rhode Island; Chicago, Illinois, and the ports of Albany, New York; Cleveland, Ohio; Portland, Maine; Juneau, Alaska; Saint Michael, Alaska, and Norfolk, Virginia, at the rate of two thousand dollars per year for each local inspector.

"For the districts of Oswego, New York; Willamette, Oregon; Detroit, Michigan, and Mobile, Alabama, and the ports of Saint Louis, Missouri, and Port Huron, Michigan, at the rate of one thousand eight hundred dollars per year for each local inspector.

"For the districts of Pittsburg, Pennsylvania; New Haven, Connecticut; Savannah, Georgia; Charleston, South Carolina; Galveston, Texas; New London, Connecticut; Superior, Michigan; Bangor, Maine, and Apalachicola, Florida, and the ports of Dubuque, Iowa; Toledo, Ohio; Evansville, Indiana; Memphis, Tennessee; Nashville, Tennessee; Point Pleasant, West Virginia; Burlington, Vermont; Jacksonville, Florida; Louisville, Kentucky, and Cincinnati, Ohio, at the rate of one thousand five hundred dollars per year for each local inspector.

"And in addition the Secretary of Commerce and Labor may appoint, in districts or ports where there are two hundred and twenty-five steamers and upward to be inspected annually, assistant inspectors, at a salary, for the port of New York, of two thousand dollars a year each; for the port of New Orleans, Louisiana; the districts of Philadelphia, Pennsylvania; Baltimore, Maryland; the ports of Boston, Massachusetts; Chicago, Illinois, and the district of San Francisco, California, at one thousand eight hundred dollars per year each, and for all other districts and ports at a salary not exceeding one thousand six hundred dollars a year each; and he may appoint a clerk to any such board at a compensation not exceeding one thousand six hundred dollars a year to each person so appointed. Every inspector provided for in this or the preceding sections of this title shall be paid his actual and reasonable traveling expenses or mileage, at the rate of five cents a mile, incurred in the performance of his duties, together with his actual and reasonable expenses for transportation of instruments, which shall be certified and sworn to under such instructions as shall be given by the Secretary of Commerce and Labor.

"Assistant inspectors, appointed as provided by law, shall perform such duties of actual inspection as may be assigned to them under the direction, supervision, and control of the local inspectors.

"And the Secretary of Commerce and Labor may from time to time detail said assistant inspectors of one port or district for service in any other port or district, as the needs of the Steamboat-Inspection Service may, in his discretion, require, and the actual and reasonable traveling expenses or mileage of assistant inspectors so detailed shall,

subject to such limitations as the said Secretary may in his discretion prescribe, be paid in the same manner as provided in this section for inspectors."

Act April 9, 1906, c. 1372, § 1, 34 Stat. 106.

Rev. St. § 4414, amended by this act, is set forth, as amended by several successive acts, in Comp. St. 1901, p. 3020. It was again amended, before this act, by Act March 3, 1905, c. 1455, 33 Stat. 1026.

The section is further amended by Act May 28, 1908, c. 212, § 9, set forth below.

Time of taking effect of act.

Sec. 2. That this Act shall take effect and be in force on and after the first day of May, nineteen hundred and six.

Act April 9, 1906, c. 1372, § 2, 34 Stat. 107.

ACT MAY 28, 1908, c. 212, § 9. [H. R. 21815.]

Amendment of Rev. St. § 4414; additional local inspectors.

That section forty-four hundred and fourteen of the Revised Statutes of the United States be amended by inserting in the first paragraph thereof, after the words "and Burlington, Vermont," and before the words "one inspector of hulls," the words "Honolulu, Hawaii, and San Juan, Porto Rico;" and that the said section be further amended by inserting in the fifth paragraph thereof, after the words "and Norfolk, Virginia," and before the words "at the rate of two thousand dollars," the words "Honolulu, Hawaii, and San Juan, Porto Rico."

Act May 28, 1908, c. 212, § 9, 35 Stat. 428.

Rev. St. § 4414, amended by this section, is set forth, as previously amended, above.

Sec. 4415. [*As amended* 1877.]

[Amended. Act March 3, 1905, c. 1457, § 1.]

This section, set forth, as amended by Act Feb. 27, 1877, c. 69, § 1, in Comp. St. 1901, p. 3023, is further amended by Act March 3, 1905, c. 1457, § 1, set forth below.

ACT MARCH 3, 1905, c. 1457. [H. R. 18202.]

An Act to Amend Sections Forty-four hundred and fifteen, Forty-four hundred and sixteen, Forty-four hundred and twenty-three, Forty-four hundred and twenty-six, Forty-four hundred and forty-nine, Forty-four hundred and fifty-two, Forty-four hundred and seventy, Forty-four hundred and seventy-two, Forty-four hundred and ninety-eight, and Forty-two hundred and thirty-three of the Revised Statutes of the United States, Relating to Steamboat Inspection. (33 Stat. 1028.)

Amendment of Rev. St. § 4415.

Be it enacted, &c., That section forty-four hundred and fifteen of the Revised Statutes of the United States be, and it is hereby, amended to read as follows:

Qualifications and appointment of local inspectors.

"Sec. 4415. The inspector of hulls shall be a person of good character and suitable qualifications and attainments to perform the services required of an inspector of hulls, who from his practical knowledge of shipbuilding and navigation and the uses of steam in navigation is fully competent to make a reliable estimate of the strength, seaworthi-

ness, and other qualities of the hulls of vessels and their equipment deemed essential to safety of life in their navigation; and the inspector of boilers shall be a person of good character and suitable qualifications and attainments to perform the services required of an inspector of boilers, who from his knowledge and experience of the duties of an engineer employed in navigating vessels by steam, and also of the construction and use of boilers, and machinery and appurtenances therewith connected, is able to form a reliable opinion of the strength, form, workmanship, and suitableness of boilers and machinery to be employed, without hazard to life from imperfection in the material, workmanship, or arrangement of any part of such apparatus for steaming. The inspector of hulls and the inspector of boilers designated by the Secretary of Commerce and Labor shall, from the date of designation, constitute a board of local inspectors."

Act March 3, 1905, c. 1457, § 1, 33 Stat. 1028.

Rev. St. § 4415, amended by this section, is set forth, as previously amended, in Comp. St. 1901, p. 3023.

Sec. 2. [Amends Rev. St. § 4416.]
Sec. 3. [Amends Rev. St. § 4423.]
Sec. 4. [Amends Rev. St. § 4426.]
Sec. 5. [Amends Rev. St. § 4449.]
Sec. 6. [Amends Rev. St. § 4452.]
Sec. 7. [Amends Rev. St. § 4470.]
Sec. 8. [Amends Rev. St. § 4472.]
Sec. 9. [Amends Rev. St. § 4498.]
Sec. 10. [Amends Rev. St. § 4233, rule 1.]

Time of taking effect of act.

Sec. 11. That this Act shall take effect and be in force on and after the first day of July, nineteen hundred and five.

Act March 3, 1905, c. 1457, § 11, 33 Stat. 1032.

Sec. 4416.

[Amended. Act March 3, 1905, c. 1457, § 2.]

This section, set forth in Comp. St. 1901, p. 3023, is amended by Act March 3, 1905, c. 1457, § 2, set forth below.

ACT MARCH 3, 1905, c. 1457, § 2. [H. R. 18202.]

Amendment of Rev. St. § 4416.

Sec. 2. That section forty-four hundred and sixteen of the Revised Statutes of the United States be amended to read as follows:

What persons are not eligible as inspectors [or assistant inspectors.]

"Sec. 4416. No person interested, either directly or indirectly, in any patented article required to be used on any steamer by this title, or who is a member of any association of owners, masters, engineers, or pilots of steamboats, or who is, directly or indirectly, pecuniarily interested in any steam vessel, or who has not the qualifications and acquirements prescribed by this title, or who is intemperate in his habits, shall be eligible to hold the office of either supervising, local, or assistant inspector, or to discharge the duties thereof; and if any such person shall attempt to exercise the functions of the office of either inspector he shall be deemed guilty of a misdemeanor, punish-

able by a fine of five hundred dollars, and shall be dismissed from office."

Act March 3, 1905, c. 1457, § 2, 33 Stat. 1029.

Rev. St. § 4416, amended by this section, is set forth in Comp. St. 1901, p. 3023. The amendment consists in the change of the words contained in the original section, "supervising or local inspector," to the words "supervising, local, or assistant inspector," as set forth here.

Sec. 4417. [*As amended* 1898.]

[Amended. Act March 3, 1905, c. 1454, § 1.]

This section, set forth, as amended by Act Dec. 21, 1898, c. 29, § 4, in Comp. St. 1901, p. 3024, is further amended by Act March 3, 1905, c. 1454, § 1, set forth below.

ACT MARCH 3, 1905, c. 1454. [H. R. 18198.]

An Act to Amend Sections Forty-four hundred and seventeen, Forty-four hundred and fifty-three, Forty-four hundred and eighty-eight, and Forty-four hundred and ninety-nine of the Revised Statutes Relating to the Steamboat-Inspection Service, and Section Fifty-three hundred and forty-four of the Revised Statutes Relating to Misconduct by Officers or Owners of Vessels. (33 Stat. 1023.)

Amendment of Rev. St. § 4417.

Be it enacted, &c., That section forty-four hundred and seventeen of the Revised Statutes of the United States be amended to read as follows:

Inspection of hulls [and equipments;] exemption of vessels while laid up; enforcement of requirements.

"Sec. 4417. The local inspectors shall, once in every year, at least, carefully inspect the hull of each steam vessel within their respective districts, and shall satisfy themselves that every such vessel so submitted to their inspection is of a structure suitable for the service in which she is to be employed, has suitable accommodations for passengers and the crew, and is in a condition to warrant the belief that she may be used in navigation as a steamer, with safety to life, and that all the requirements of law in regard to fires, boats, pumps, hose, life-preservers, floats, anchors, cables, and other things are faithfully complied with; and if they deem it expedient they may direct the vessel to be put in motion, and may adopt any other suitable means to test her sufficiency and that of her equipment. The local inspectors shall, once in every year, at least, carefully inspect the hull of each sail vessel of over seven hundred tons carrying passengers for hire and all other vessels and barges of over one hundred tons burden carrying passengers for hire within their respective districts, and shall satisfy themselves that every such vessel so submitted to their inspection is of a structure suitable for the service in which she is to be employed, has suitable accommodations for the crew, and is in condition to warrant the belief that she may be used in navigation with safety to life: Provided, That vessels while laid up and dismantled and out of commission may, by regulations established by the Board of Supervising Inspectors, with the approval of the Secretary of Commerce and Labor, be exempted from any or all inspection under sections forty-four hundred and seventeen, forty-four hundred and eighteen, forty-four hundred and twenty-six, forty-four hundred and

twenty-seven. Whenever any inspector or assistant inspector shall, in the performance of his duty, find on board any vessel subject to the provisions of this title, as part of the required equipment thereof, any equipment, machinery, apparatus, or appliances not conforming to the requirements of law, he shall require the same to be placed in proper condition by the owner or master of the said vessel, if possible; and if said inspector or assistant inspector shall find on board any such vessel any life-preservers or fire hose so defective as to be incapable of repair, he shall require that the same be destroyed in his presence by such owner or master. And in any of the foregoing cases local inspectors by whom or under whose supervision said vessel is then being inspected shall have power to enforce the foregoing requirements by revoking the certificate of the said vessel, and by refusing to issue a new certificate to the said vessel until the said requirements shall have been fully complied with or until such action of the local inspectors shall have been reversed, modified, or set aside by the supervising inspector of the district on proper appeal by the owner or master of said vessel, which appeal shall be made to the said supervising inspector within ten days after the final action as aforesaid by the local inspectors; and upon such appeal, duly made, the supervising inspector shall have power to affirm, modify, or set aside such action by the local inspectors."

Act March 3, 1905, c. 1454, § 1, 33 Stat. 1023.

Rev. St. § 4417, amended by this section, is set forth, as previously amended, in Comp. St. 1901, p. 3024. The amendment consists, principally, in the omission of clauses of the original section providing for inspection "upon application in writing of the master or owner," and in the addition, at the end of the section as previously amended, of the proviso beginning with the words, "Provided, That vessels while laid up and dismantled," etc., and of the several provisions following said proviso, to the end of the section as set forth here.

Sec. 2. [Amends Rev. St. § 4453.]
Sec. 3. [Amends Rev. St. § 4488.]
Sec. 4. [Amends Rev. St. § 4499.]
Sec. 5. [Amends Rev. St. § 5344.]

Time of taking effect of act.

Sec. 6. That this Act shall take effect and be in force on and after the first day of July, nineteen hundred and five.

Act March 3, 1905, c. 1454, § 6, 33 Stat. 1026.

Sec. 4418. [*As amended* 1886.]

[Amended. Act March 3, 1905, c. 1456.]

This section, set forth, as amended by Act June 19, 1886, c. 421, § 14, in Comp. St. 1901, p. 3024, is further amended by Act March 3, 1905, c. 1456, § 1, set forth below.

ACT MARCH 3, 1905, c. 1456. [H. R. 18201.]

An Act to Amend Sections Forty-four hundred and eighteen, Forty-four hundred and eighty, and Forty-four hundred and eighty-three of the Revised Statutes, and to Repeal Sections Forty-four hundred and thirty-five, Forty-four hundred and thirty-six, and Forty-four hundred and fifty-nine of the Revised Statutes, all Relating to the Steamboat-Inspection Service. (33 Stat. 1027.)

Amendment of Rev. St. § 4418.

Be it enacted, &c., That section forty-four hundred and eighteen of the Revised Statutes of the United States be, and it is hereby, amended to read as follows:

Inspection of boilers [and appurtenances.]

"Sec. 4418. The local inspectors shall also inspect the boilers and their appurtenances in all steam vessels before the same shall be used, and once at least in every year thereafter, and shall subject all boilers to the hydrostatic pressure. All such vessels shall comply with the following requirements, namely: That the boilers are well made, of good and suitable material; that the openings for the passage of water and steam, respectively, and all pipes and tubes exposed to heat, are of proper dimensions and free from obstructions; that the spaces between and around the flues are sufficient; that flues, boilers, furnaces, safety valves, fusible plugs, low-water indicators, feed-water apparatus, gauge cocks, steam gauges, water and steam pipes connecting boilers, means of prevention of sparks and flames from fire doors, low-water gauges, means of removing mud and sediment from boilers, and all other such machinery and appurtenances thereof, are of such construction, shape, condition, arrangement, and material that the same may be safely employed in the service proposed without peril to life; and the local inspectors shall satisfy themselves by thorough examination that said requirements of law and regulations in regard thereto have been fully complied with. All boilers used on steam vessels and constructed of iron or steel plates, inspected under the provisions of section forty-four hundred and thirty, shall be subjected to a hydrostatic test, in the ratio of one hundred and fifty pounds to the square inch to one hundred pounds to the square inch of the working steam power allowed. No boiler or flue pipe, nor any of the connections therewith, shall be approved, which is made, in whole or in part, of bad material, or is unsafe in its form, or dangerous from defective workmanship, age, use, or other cause."

Act March 3, 1905, c. 1456, § 1, 33 Stat. 1027.

Rev. St. § 4418, amended by this section, is set forth, as previously amended, in Comp. St. 1901, p. 3024.

Vessels, while laid up and dismantled and out of commission, may be exempted from inspection under this section, by a proviso of Rev. St. § 4417, as amended by Act March 3, 1905, c. 1454, § 1, set forth above.

Sec. 2. [Amends Rev. St. § 4480.]

Sec. 3. [Amends Rev. St. § 4483.]

Repeal of Rev. St. §§ 4435, 4436, 4459.

Sec. 4. That sections forty-four hundred and thirty-five, forty-four hundred and thirty-six, and forty-four hundred and fifty-nine of the Revised Statutes of the United States be, and they are hereby, repealed.

Act March 3, 1905, c. 1456, § 4, 33 Stat. 1028.

Time of taking effect of act.

Sec. 5. That this Act shall take effect and be in force on and after the first day of July, nineteen hundred and five.

Act March 3, 1905, c. 1456, § 5, 33 Stat. 1028.

Sec. 4420.

ACT MAY 28, 1908, c. 212. [H. R. 21815.]

An Act to Amend the Laws Relating to Navigation, and for Other Purposes. (35 Stat. 424.)

Be it enacted, &c., [Sec. 1 amends Rev. St. § 2792.]

Sec. 2. [Amends Rev. St. § 4438.]

Sec. 3. [Amends Rev. St. § 4467.]

Sec. 4. [Amends Rev. St. § 4468.]

Sec. 5. [Relates to exemption of foreign yachts from charges, tonnage taxes, etc.]

This section contains provisions for reciprocal exemption of foreign yachts from certain charges, tonnage taxes, etc., more comprehensive than those of Rev. St. § 4216, which is repealed by section 6 of this act. It is set forth ante, under Title XLVIII, "Regulation of Commerce and Navigation," c. 2.

Sec. 6. [Repeals Rev. St. § 4216.]

Sec. 7. [Relates to private signals, etc., of vessels.]

This section provides for registry of private signals, etc., for use by vessels. It is set forth ante, under Title XLVIII, "Regulation of Commerce and Navigation," c. 1.

Sec. 8. [Amends Act Aug. 18, 1894, c. 299, § 3.]

This section amends Act Aug. 18, 1894, c. 299, § 3, which amended Act June 29, 1888, c. 496, § 3, to read as set forth in Comp. St. 1901, p. 3534, by making a further amendment of said section last mentioned. It is set forth post, under Title LXIII, "Rivers and Harbors," subtitle "Preservation and Protection of Rivers and Harbors, and of Improvements."

Sec. 9. [Amends Rev. St. § 4414.]

Inspection of seagoing barges; certificates of inspection.

Sec. 10. That on and after January first, nineteen hundred and nine, the local inspectors of steamboats shall at least once in every year inspect the hull and equipment of every seagoing barge of one hundred gross tons or over, and shall satisfy themselves that such barge is of a structure suitable for the service in which she is to be employed, has suitable accommodations for the crew, and is in a condition to warrant the belief that she may be used in navigation with safety to life. They shall then issue a certificate of inspection in the manner and for the purposes prescribed in sections forty-four hundred and twenty-one and forty-four hundred and twenty-three of the Revised Statutes.

Act May 28, 1908, c. 212, § 10, 35 Stat. 428.

Rev. St. §§ 4421, 4423, mentioned in this section, are set forth, as amended by previous provisions, below.

Equipment of seagoing barges with life-saving appliances.

Sec. 11. That every such barge shall be equipped with the following appliances of kinds approved by the Board of Supervising Inspectors: At least one lifeboat, at least one anchor with suitable chain or cable, and at least one life-preserver for each person on board.

Act May 28, 1908, c. 212, § 11, 35 Stat. 428.

Certificates of inspection and equipment of seagoing barge required for registry, enrollment, or license.

Sec. 12. That a register, enrollment, or license shall not be issued or renewed by any collector or other officer of customs to any such

barge unless at the time of issue or renewal such barge has in force the certificates of inspection prescribed by section ten and on board the equipment prescribed by section eleven.

Act May 28, 1908, c. 212, § 12, 35 Stat. 428.

Navigating seagoing barge without certificate of inspection or equipment prescribed; penalty.

Sec. 13. That if any such barge shall be navigated without such certificate of inspection, or without any part of the equipment prescribed by section eleven, the owner shall be liable to a penalty of five hundred dollars for each offense.

Act May 28, 1908, c. 212, § 13, 35 Stat. 428.

Regulations of towage of seagoing barges within inland waters.

Sec. 14. That the chairman of the Light-House Board, the Supervising Inspector-General of the Steamboat-Inspection Service, and the Commissioner of Navigation shall convene as a board at such times as the Secretary of Commerce and Labor shall prescribe to prepare regulations limiting the length of hawsers between towing vessels and seagoing barges in tow and the length of such tows within any of the inland waters of the United States designated and defined from time to time pursuant to section two of the Act approved February nineteenth, eighteen hundred and ninety-five, and such regulations when approved by the Secretary of Commerce and Labor shall have the force of law.

Act May 28, 1908, c. 212, § 14, 35 Stat. 428.

Act Feb. 19, 1895, c. 102, § 2, mentioned in this section, is set forth in Comp. St. 1901, p. 2900.

Violation of regulations by master of towing vessel; penalty.

Sec. 15. That the master of the towing vessel shall be liable to the suspension or revocation of his license for any willful violation of regulations issued pursuant to section fourteen in the manner now prescribed for incompetency, misconduct, or unskillfulness.

Act May 28, 1908, c. 212, § 15, 35 Stat. 429.

Sec. 4421. [*As amended* 1877.]

This section, set forth, as amended by Act Feb. 27, 1877, c. 69, § 1, in Comp. St. 1901, p. 3027, is further amended by Act June 11, 1906, c. 3071, and again by Act June 25, 1910, c. 402, set forth below.

ACT JUNE 25, 1910, c. 402. [H. R. 16877.]

An Act to Amend Section Forty-four hundred and twenty-one of the Revised Statutes of the United States, as Amended by Act of June Eleventh, Nineteen hundred and six. (36 Stat. 831.)

Amendment of Rev. St. § 4421.

Be it enacted, &c., That section forty-four hundred and twenty-one of the Revised Statutes of the United States, as amended by Act of June eleventh, nineteen hundred and six, be, and it is hereby, further amended, so as to read as follows, to wit:

Certificate of inspectors; [temporary certificate; completion of voyage after expiration of certificate.]

"Sec. 4421. When the inspection of a steam vessel is completed and the inspectors approve the vessel and her equipment throughout, they

shall make and subscribe a certificate to the collector or other chief officer of the customs of the district in which such inspection has been made, in accordance with the form and regulations prescribed by the board of supervising inspectors. Such certificate shall be verified by the oaths of inspectors signing it, before the chief officer of the customs of the district, or any other person competent by law to administer oaths. If the inspectors refuse to grant a certificate of approval, they shall make a statement in writing, and sign the same, giving the reasons for their disapproval. Upon such inspection and approval, the inspectors shall also make and subscribe a temporary certificate, which shall set forth substantially the fact of such inspection and approval, and shall deliver the same to the master or owner of the vessel, and shall keep a copy thereof on file in their office. The said temporary certificate shall be carried and exposed by vessels in the same manner as is provided in section forty-four hundred and twenty-three for copies of the regular certificate, and the form thereof and the period during which it is to be in force shall be as prescribed by the board of supervising inspectors, or the executive committee thereof, as provided in section forty-four hundred and five. And such temporary certificate, during such period and prior to the delivery to the master or owner of the copies of the regular certificate, shall take the place of, and be a substitute for, such copies of the regular certificate of inspection as required by sections forty-four hundred and twenty-three, forty-four hundred and twenty-four, and forty-four hundred and twenty-six, and for the purposes of said sections, and shall also, during such period, be a substitute for the regular certificate of inspection as required by section forty-four hundred and ninety-eight and for the purposes of said section until such regular certificate of inspection has been filed with the collector or other chief officer of customs. Such temporary certificate shall also be subject to revocation in the manner and under the conditions provided in section forty-four hundred and fifty-three. No vessel required to be inspected under the provisions of this title shall be navigated without having on board an unexpired regular certificate of inspection or such temporary certificate: Provided, however, That any such vessel, operated upon a regularly established line from a port of the United States to a port of a foreign country not contiguous to the United States, whose certificate of inspection expires at sea, or while said vessel is in a foreign port or a port of the Philippine Islands or Hawaii, may lawfully complete her voyage without the regular certificate of inspection or the temporary certificate required by this section, and no liability for penalties imposed by this title for want of such certificate shall be incurred until her voyage shall have been completed: Provided, That said voyage shall be so completed within thirty days after the expiration of said certificate or temporary certificate: Provided further, That no such vessel whose certificate of inspection shall expire within fifteen days of the date of her sailing shall proceed upon her voyage to such port of a foreign country not contiguous to the United States without first having procured a new certificate of inspection or the temporary certificate required by this section."

Act June 25, 1910, c. 402, 36 Stat. 831.

Rev. St. § 4421, amended by this section, is set forth, as amended by Act Feb. 27, 1877, c. 69, § 1, in Comp. St. 1901, p. 3027. Before this

act, said section was again amended by Act June 11, 1906, c. 3071, by adding, at the end of the section, the provisions for a temporary certificate, beginning with the words "Upon such inspection and approval, the inspectors shall also make," etc., and ending with the words "without having on board an unexpired regular certificate of inspection or such temporary certificate." And the further amendment by this section consists in the addition, after the provisions so previously added, of the three provisos relating to completion of a voyage after expiration of the certificate, beginning with the words "Provided, however, that any such vessel, operated upon a regularly established line," etc., to the end of the section as set forth here.

Rev. St. § 4424, mentioned in said amendment by Act June 11, 1906, c. 3071, is set forth in Comp. St. 1901, p. 3028, and Rev. St. §§ 4423, 4426, 4453, and 4498, also mentioned therein, are set forth, as amended by various other acts, post, under this Title.

Sec. 4422.

License by inspectors to carry gunpowder.

This section was not repealed by Act May 30, 1908, c. 234, 35 Stat. 554, relating to transportation in interstate commerce of explosives, etc., by a provision of section 6 thereof. That act is incorporated in the act to codify, etc., the penal laws, Act March 4, 1909, c. 321, in chapter 9, §§ 233-236, thereof, and is expressly repealed by chapter 15, § 341, of said act, taking effect January 1, 1910. Said act is set forth post, under Title LXIX A, "The Criminal Code."

Sec. 4423.

[Amended. Act March 3, 1905, c. 1457, § 3.]

This section, set forth in Comp. St. 1901, p. 3028, is amended by Act March 3, 1905, c. 1457, § 3, set forth below.

ACT MARCH 3, 1905, c. 1457, § 3. [H. R. 18202.]

Amendment of Rev. St. § 4423.

Sec. 3. That section forty-four hundred and twenty-three of the Revised Statutes of the United States be, and it is hereby, amended to read as follows:

Disposal of certificates of inspection.

"Sec. 4423. Every collector or other chief officer of the customs shall retain on file all original certificates of the inspectors required to be delivered to him, and shall give to the master or owner of the vessel therein named three certified copies thereof, two of which shall be placed by such master or owner in conspicuous places in the vessel where they will be most likely to be observed by passengers and others, and there kept at all times, framed under glass, and the other shall be retained by such master or owner as evidence of the authority thereby conferred: Provided, however, That where it is not practicable to so expose said copies they shall be carried in the vessel in such manner as shall be prescribed by the regulations established by the board of supervising inspectors with the approval of the Secretary of Commerce and Labor."

Act March 3, 1905, c. 1457, § 3, 33 Stat. 1029.

Rev. St. § 4423, amended by this section, is set forth in Comp. St. 1901, p. 3028. The amendment consists in the addition, at the end of the section as originally enacted, of the proviso beginning with the words, "Provided, however, That where it is not practicable," etc., to the end of the section as set forth here.

Sec. 4426. [*As amended* 1890.]

[Amended. Act March 3, 1905, c. 1457, § 4.]

This section, set forth, as amended by Act Dec. 22, 1890, c. 26, in Comp. St. 1901, p. 3029, is further amended by Act March 3, 1905, c. 1457, § 4, and Act May 16, 1906, c. 2460, set forth below.

ACT MARCH 3, 1905, c. 1457, § 4. [H. R. 18202.]

Amendment of Rev. St. § 4426.

Sec. 4. That section forty-four hundred and twenty-six of the Revised Statutes of the United States, as amended by Act of January eighteenth, eighteen hundred and ninety-seven, be, and it is hereby, further amended to read as follows:

Ferry boats, canal boats, yachts, etc.; [steam launches; motor boats.]

"Sec. 4426. The hull and boilers of every ferryboat, canal boat, yacht, or other small craft of like character propelled by steam, shall be inspected under the provisions of this title. Such other provisions of law for the better security of life as may be applicable to such vessels shall, by the regulations of the board of supervising inspectors, also be required to be complied with before a certificate of inspection shall be granted, and no such vessel shall be navigated without a licensed engineer and a licensed pilot: Provided, however, That in open steam launches of ten tons burden and under, one person, if duly qualified, may serve in the double capacity of pilot and engineer. All vessels of above fifteen tons burden carrying freight or passengers for hire, propelled by gas, fluid, naphtha, or electric motors, shall be, and are hereby, made subject to all the provisions of section forty-four hundred and twenty-six of the Revised Statutes of the United States relating to the inspection of hulls and boilers and requiring engineers and pilots, and for any violation of the provisions of this title applicable to such vessels, or of rules or regulations lawfully established thereunder, and to the extent to which such provisions of law and regulations are so applicable, the said vessels, their masters, officers, and owners shall be subject to the provisions of sections forty-four hundred and ninety-six, forty-four hundred and ninety-seven, forty-four hundred and ninety-eight, forty-four hundred and ninety-nine, and forty-five hundred, relating to the imposition and enforcement of penalties and the enforcement of law."

Act March 3, 1905, c. 1457, § 4, 33 Stat. 1029.

Rev. St. § 4426, amended by this section, is set forth, as previously amended, in Comp. St. 1901, p. 3029. The amendment consists in the addition, after the proviso added by the previous amendment to the section as originally enacted, of the provisions beginning with the words, "All vessels of above fifteen tons burden," etc., to the end of the section as set forth here.

The first clause of the provisions so added by amendment re-enacts, in the same language, a part of Act Jan. 18, 1887, c. 61, set forth in Comp. St. 1901, p. 3029.

The section is further amended by Act May 16, 1906, c. 2460, set forth below.

ACT MAY 16, 1906, c. 2460. [S. 4094.]

An Act to Amend Section Forty-four hundred and twenty-six of the Revised Statutes of the United States; Regulation of Motor Boats. (34 Stat. 193.)

Amendment of Rev. St. § 4426.

Be it enacted, &c., That section forty-four hundred and twenty-six of the Revised Statutes of the United States be, and it is hereby, amended by striking out, after the words "launches of ten," and before the words "and under," the words "tons burden," and inserting in lieu thereof the words "gross tons," and by striking out, after the words "above fifteen," and before the words "carrying freight," the words "tons burden," and inserting in lieu thereof the words "gross tons;" and also that said section be, and it is hereby, further amended by adding at the end thereof the following: "All vessels of fifteen gross tons or less propelled in whole or in part by gas, gasoline, petroleum, naphtha, fluid, or electricity, and carrying passengers for hire, shall carry one life-preserver, of the sort prescribed by the regulations of the board of supervising inspectors, for every passenger carried, and no such boat while so carrying passengers shall be operated or navigated except in charge of a person duly licensed for such service by the local board of inspectors. No examination shall be required as a condition of the obtaining of such a license, and any such license shall be revoked or suspended by the local board of inspectors for misconduct, gross negligence, recklessness in navigation, intemperance, or violation of law on the part of the holder, and if revoked, the person holding such license shall be incapable of obtaining another such license for one year from the date of revocation," so that said section, when amended, shall read as follows:

Ferry boats, canal boats, yachts, etc.; [steam launches; motor boats.]

"Sec. 4426. The hull and boilers of every ferryboat, canal boat, yacht, or other small craft of like character propelled by steam, shall be inspected under the provisions of this title. Such other provisions of law for the better security of life as may be applicable to such vessels shall, by the regulations of the board of supervising inspectors, also be required to be complied with before a certificate of inspection shall be granted, and no such vessel shall be navigated without a licensed engineer and a licensed pilot: Provided, however, That in open steam launches of ten gross tons and under, one person, if duly qualified, may serve in the double capacity of pilot and engineer. All vessels of above fifteen gross tons carrying freight or passengers for hire, but not engaged in fishing as a regular business, propelled by gas, fluid, naphtha, or electric motors, shall be, and are hereby, made subject to all the provisions of section forty-four hundred and twenty-six of the Revised Statutes of the United States relating to the inspection of hulls and boilers and requiring engineers and pilots, and for any violation of the provisions of this title applicable to such vessels, or of rules or regulations lawfully established thereunder, and to the extent to which such provisions of law and regulations are so applicable, the said vessels, their masters, officers, and owners shall be subject to the provisions of sections forty-four hundred and ninety-six, forty-four hundred and ninety-seven, forty-four hundred and ninety-eight, forty-four hundred and ninety-nine, or forty-five hundred, relating to the imposition and enforcement of penalties and the enforcement of law.

"All vessels of fifteen gross tons or less propelled in whole or in part by gas, gasoline, petroleum, naphtha, fluid, or electricity, and

carrying passengers for hire, shall carry one life-preserver, of the sort prescribed by the regulations of the board of supervising inspectors, for every passenger carried, and no such boat while so carrying passengers shall be operated or navigated except in charge of a person duly licensed for such service by the local board of inspectors. No examination shall be required as a condition of the obtaining of such a license, and any such license shall be revoked or suspended by the local board of inspectors for misconduct, gross negligence, recklessness in navigation, intemperance, or violation of law on the part of the holder, and if revoked, the person holding such license shall be incapable of obtaining another such license for one year from the date of revocation."

Act May 16, 1906, c. 2460, 34 Stat. 193.

Rev. St. § 4426, as amended before this act by Act March 3, 1905, c. 1457, § 4, is set forth above.

Vessels, while laid up and dismantled and out of commission, may be exempted from inspection under this section, by a proviso of Rev. St. § 4417, as amended by Act March 3, 1905, c. 1454, § 1, set forth above.

Certain Indians, residents of Metlakahtla, Alaska, although not citizens of the United States, may receive licenses as operators of motor boats and other craft, and may be owners of such motor boats or other craft, subject to the provisions of this act, by Act March 4, 1907, c. 2929, set forth below.

Subsequent provisions relating to motor boats, prescribing the lights, etc., to be carried by them, sound signals, and equipment with life preservers, etc., are contained in Act June 9, 1910, c. 268, set forth post, under Title LII A, "Regulation of Motor Boats."

ACT JAN. 18, 1897, c. 61.

Regulations as to certain vessels propelled by gas, fluid, naphtha, or electric motors.

The first clause of Act Jan. 18, 1897, c. 61, set forth in Comp. St. 1901, p. 3029, is re-enacted in the amendment of Rev. St. § 4426, by Act March 3, 1905, c. 1457, § 4, set forth above, with additional provisions relating to violations of the provisions of law applicable to the vessels described, or of rules or regulations thereunder.

See note under said Rev. St. § 4426, as further amended by Act May 16, 1906, c. 2460, set forth above.

ACT MARCH 4, 1907, c. 2929. [S. 8299.]

An Act to Confer Certain Civic Rights on the Metlakahtla Indians of Alaska. (34 Stat. 1411.)

Indians residents of Metlakahtla, Alaska, entitled to licenses as masters, pilots, and engineers, and as operators of motor boats, etc., and to be owners of motor boats, etc., although not citizens.

Be it enacted, &c., That all Indians of the Tsimpsean or Haida tribe of the full or mixed blood who emigrated from British Columbia and settled at Metlakahtla on Annette Island, in southeastern Alaska, in the year eighteen hundred and eighty-seven and subsequent years, as well as all descendants of such Indians, and all other Indians who have since become and remained bona fide residents of said Metlakahtla, Alaska, shall, if otherwise qualified, be entitled to receive and obtain licenses as masters, pilots, and engineers, as the case may be, of any and all steamboats and other craft, and also licenses as operators of motor boats and other craft, subject to the provisions of the Act of Congress approved May sixteenth, nineteen hundred and six, entitled

"An Act to amend section forty-four hundred and twenty-six of the Revised Statutes of the United States, regulation of motor boats," with the same force and effect as if they had been citizens of the United States; any such Indian may be the owner of any such motor boat or other craft, subject to the provisions of the said Act of May sixteenth, nineteen hundred and six, although such Indian be not a citizen of the United States, without depriving said motor boat or other craft of the benefits and privileges of a vessel of the United States.

Act March 4, 1907, c. 2929, § 1, 34 Stat. 1411.
Act May 16, 1906, c. 2460, mentioned in this section, is set forth above.

Certificate of eligibility for license under preceding section.

Sec. 2. That a certificate under the hand of any officer of the customs in Alaska, to the effect that the applicant for one of the different licenses mentioned in the foregoing section comes within one of the provisions of said first section of this Act, shall, together with the affidavit of the applicant to that effect, be sufficient evidence of the fact that said applicant is entitled to the privileges conferred upon said Indians by the first section of this Act.

Act March 4, 1907, c. 2929, § 2, 34 Stat. 1412.

Time of taking effect of act.

Sec. 3. That this Act shall take effect and be in force from and after its passage.

Act March 4, 1907, c. 2929, § 3, 34 Stat. 1412.

Sec. 4427.

Tug-boats, freight-boats, etc.

Vessels, while laid up and dismantled and out of commission, may be exempted from inspection under this section, by a proviso of Rev. St. § 4417, as amended by Act March 3, 1905, c. 1454, § 1, set forth above.

Sec. 4434. [*As amended* 1885, 1895.]

[Amended. Act March 2, 1909, c. 244, § 1.]

This section, set forth, as previously amended, in Comp. St. 1901, p. 3033, is further amended by Act March 2, 1909, c. 244, set forth below.

ACT MARCH 2, 1909, c. 244. [H. R. 28175.]

An Act to Amend Section Forty-Four Hundred and Thirty-Four of the Revised Statutes of the United States, and for Other Purposes. (35 Stat. 686.)

Amendment of Rev. St. § 4434.

Be it enacted, &c., That section forty-four hundred and thirty-four, Revised Statutes of the United States, as amended by the Act of Congress approved February twenty-eighth, eighteen hundred and ninety-five, be amended by inserting a hyphen and the word "eight" after the word "thirty" in the second line of the section, and by inserting after the word "diameter" in the ninth line of the section a comma and the words "the measurements to be taken from the center of the length of the tapered section of said flues," and by striking out, in the fifteenth and sixteenth lines of the section, the words "Secretary of the Treasury" and inserting in lieu thereof the words "Super-

vising Inspector-General," and by inserting after the word "thirty," in the twentieth line of the section, a hyphen and the word "eight," and after the word "the," in the twenty-third line of the section, the word "approved," so that the section as amended shall read as follows:

Thickness of boiler plate, and space between flues.

"Sec. 4434. No externally fired boiler having its shell constructed of iron or steel plates, exceeding an average thickness of thirty-eight one-hundredths of an inch, shall be employed on any steam vessel navigating the Red River of the North or rivers flowing into the Gulf of Mexico or their tributaries; and no externally fired boiler employed on any such steam vessel shall have less than three inches space between its shell and any of its internal flues, and not less than three inches space between such flues when any such flues are more than five inches in diameter, the measurements to be taken from the center of the length of the tapered section of said flues; and every such externally fired boiler employed on any such steam vessel shall be provided with a manhole in the lower part of the front head thereof, of such dimensions as may be prescribed by the Board of Supervising Inspectors, in all cases where the distance between its internal flues is less than three inches. Externally fired boilers having shells constructed of iron or steel plates not exceeding an average thickness of fifty one-hundredths of an inch may, in the discretion of the Supervising Inspector-General, be authorized and employed on steam vessels navigating the Atlantic and Pacific oceans, or salt-water bays, or sounds, or the Great Lakes, or any of them, and waters flowing to and from the same, or any of them: Provided, That on inspection, no plate that is by this Act limited to a thickness of thirty-eight one-hundredths of an inch and no plate that is by this Act limited to a thickness of fifty one-hundredths of an inch shall be rejected for use if found to exceed those dimensions, respectively, if the approved average thickness thereof does not exceed the limits therein specified, and the amount of steam pressure that will be permitted to be carried in boilers constructed in accordance with the requirements of this Act shall be determined from measurements showing the least thickness of the plates."

Act March 2, 1909, c. 244, § 1, 35 Stat. 687.

Rev. St. § 4434, amended by this section, is set forth, as previously amended, in Comp. St. 1901, p. 3033. The amendment by this section consists, principally, in an increase in the limit of thickness of boiler-plate allowed on steam vessels navigating certain rivers. A further provision, relating to boilers previously in use, is contained in section 2 of this act, set forth below.

Space between flues in boilers in use prior to this act.

Sec. 2. That all externally fired boilers, constructed of iron or steel, prior to the passage of this Act, and now in use on any such vessels, wherein the space between the shell and any of its internal flues or between such flues is less than three inches, they shall be deemed lawfully constructed.

Act March 2, 1909, c. 244, § 2, 35 Stat. 687.

Repeal.

Sec. 3. That all laws or parts of laws conflicting with this Act are hereby repealed.

Act March 2, 1909, c. 244, § 3, 35 Stat. 687.

Sec. 4435.

[Repealed. Act March 3, 1905, c. 1456, § 4.]

This section, set forth in Comp. St. 1901, p. 3034, is expressly repealed by Act March 3, 1905, c. 1456, § 4, set forth ante, under Rev. St. § 4418.

Sec. 4436.

[Repealed. Act March 3, 1905, c. 1456, § 4.]

This section, set forth in Comp. St. 1901, p. 3034, is expressly repealed by Act March 3, 1905, c. 1456, § 4, set forth ante, under Rev. St. § 4418.

Sec. 4438. [*As amended* 1898.]

[Amended. Act Jan. 25, 1907, c. 398.]

This section, set forth, as amended by Act Dec. 21, 1898, c. 29, § 1, in Comp. St. 1901, p. 3034, is further amended by Act Jan. 25, 1907, c. 398, and Act May 28, 1908, c. 212, § 2, set forth below.

ACT MAY 28, 1908, c. 212, § 2.

Amendment of Rev. St. § 4438.

That section forty-four hundred and thirty-eight of the Revised Statutes is hereby amended to read as follows sixty days after the passage of this Act:

Licenses of officers by inspectors.

"Sec. 4438. The boards of local inspectors shall license and classify the masters, chief mates, and second and third mates, if in charge of a watch, engineers, and pilots of all steam vessels, and the masters of sail vessels of over seven hundred gross tons, and all other vessels of over one hundred gross tons carrying passengers for hire. It shall be unlawful to employ any person or for any person to serve as a master, chief mate, engineer, or pilot of any steamer or as master of any sail vessel of over seven hundred gross tons or of any other vessel of over one hundred gross tons carrying passengers for hire who is not licensed by the inspectors; and anyone violating this section shall be liable to a penalty of one hundred dollars for each offense."

Act Jan. 25, 1907, c. 398, 34 Stat. 864. Act May 28, 1908, c. 212, § 2, 35 Stat. 425.

Rev. St. § 4438, amended by this section, is set forth, as previously amended by Act Dec. 21, 1898, c. 29, § 2, in Comp. St. 1901, p. 3034.

The further amendment by Act Jan. 25, 1907, c. 398, cited above, consisted in the omission from the section of words including chief mates as well as masters of sail vessels; in the change of the word "tons" and the words "tons burden," wherever they occurred, to "gross tons;" and in the insertion, after the word "engineer," of the words, "in charge of a watch," and after the words "any sail vessel of over seven hundred gross tons," of the words "or of any other vessel of over one hundred gross tons carrying passengers for hire."

And the further amendment by Act May 28, 1908, c. 212, § 2, cited above, consisted in the omission, after the word "engineer," of the words "in charge of a watch," inserted by the preceding amendment.

Sec. 4446.

[Amended. Act Feb. 19, 1907, c. 991.]

This section, set forth in Comp. St. 1901, p. 3038, is amended by Act Feb. 19, 1907, c. 991, set forth below.

ACT FEB. 19, 1907, c. 991. [H. R. 21204.]

An Act to Amend Section Forty-four hundred and forty-six of the Revised Statutes, Relating to Licensed Masters, Mates, Engineers, and Pilots. (34 Stat. 897.)

Amendment of Rev. St. § 4446.

Be it enacted, &c., That section forty-four hundred and forty-six of the Revised Statutes, as the same is now in force and effect, be, and the same is hereby, amended so as to read as follows:

Licenses to be exhibited.

"Sec. 4446. Every master, mate, engineer, and pilot who shall receive a license shall, when employed upon any vessel, within forty-eight hours after going on duty, place his certificate of license, which shall be framed under glass, in some conspicuous place in such vessel, where it can be seen by passengers and others at all times: Provided, That in case of emergency such officer may be transferred to another vessel of the same owners for a period not exceeding forty-eight hours without the transfer of his license to such other vessel; and for every neglect to comply with this provision by any such master, mate, engineer, or pilot, he shall be subject to a fine of one hundred dollars, or to the revocation of his license."

Act Feb. 19, 1907, c. 991. 34 Stat. 897.

Rev. St. § 4446, amended by this act, is set forth in Comp. St. 1901, p. 3038. The amendment consists in the insertion, after the words of the section as originally enacted, "when employed upon any vessel," of the words "within forty-eight hours after going on duty;" and after the clause ending "where it can be seen by passengers and others at all times," of the proviso "Provided. That in case of emergency such officer may be transferred to another vessel of the same owners for a period not exceeding forty-eight hours without the transfer of his license to such other vessel."

Sec. 4449.

[Amended. Act March 3, 1905, c. 1457, § 5.]

This section, set forth in Comp. St. 1901, p. 3039, is amended by Act March 3, 1905, c. 1457, § 5, set forth below.

ACT MARCH 3, 1905, c. 1457, § 5. [H. R. 18202.]

Amendment of Rev. St. § 4449.

Sec. 5. That section forty-four hundred and forty-nine of the Revised Statutes of the United States be, and it is hereby, amended to read as follows:

Revocation [or suspension] of officer's license for refusal to serve, etc.

"Sec. 4449. If any licensed officer shall, to the hindrance of commerce, wrongfully or unreasonably refuse to serve in his official capacity on any vessel as authorized by the terms of his certificate of license, or shall fail to deliver to the applicant for such service at the time of such refusal, if the same shall be demanded, a statement in writing assigning good and sufficient reasons therefor, or if any pilot or engineer shall refuse to admit into the pilot house or engine room any person whom the master or owner of the vessel may desire to place there for the purpose of learning the profession, his license shall be revoked

or suspended upon the same proceedings as are provided in other cases of revocation or suspension of such licenses."

Act March 3, 1905, c. 1457, § 5, 33 Stat. 1030.

Rev. St. § 4449, amended by this section, is set forth in Comp. St. 1901, p. 3039. The amendment consists in the change, in the clause of the section as originally enacted, "refuse to serve in his official capacity on any steamer," of the word "steamer," to "vessel," and in the insertion, after the words near the end of the section, "his license shall be revoked," of the words, "or suspended." and after the subsequent words, "in other cases of revocation," of the words, "or suspension," as set forth here.

Sec. 4452.

[Amended. Act March 3, 1905, c. 1457, § 6.]

This section, set forth in Comp. St. 1901, p. 3040, is amended by Act March 3, 1905, c. 1457, § 6, set forth below.

ACT MARCH 3, 1905, c. 1457, § 6. [H. R. 18202.]

Amendment of Rev. St. § 4452.

Sec. 6. That section forty-four hundred and fifty-two of the Revised Statutes of the United States be, and it is hereby, amended to read as follows:

Appeal to supervising inspector [and to Supervising Inspector-General.]

"Sec. 4452. Whenever any board of local inspectors refuses to grant a license to any person applying for the same, or suspends or revokes the license of any master, mate, engineer, or pilot, any person deeming himself wronged by such refusal, suspension, or revocation. may, within thirty days thereof, on application to the supervising inspector of the district, have his case examined anew by such supervising inspector; and the local board shall furnish to the supervising inspector, in writing, the reasons for its doings in the premises; and such supervising inspector shall examine the case anew, and he shall have the same powers to summon witnesses and compel their attendance and to administer oaths that are conferred on local inspectors; and such witnesses and the marshal shall be paid in the same manner as provided for by the preceding section; and such supervising inspector may revoke, change, or modify the decision of such local board; and like proceedings may be had by any master or owner of any steam vessel in relation to the inspection of such vessel, or her boilers or machinery, by any such local board; and in case of repairs, and in any investigation or inspection, where there shall be a disagreement between the local inspectors, the supervising inspector, when so requested, shall investigate and decide the case. In cases of trials for the revocation or suspension of an officer's license, where either the license has been revoked or suspension for more than six months has been made, and such action has been affirmed by the supervising inspector, the officer whose license is in question may have the case examined anew by the Supervising Inspector-General, who shall have the same powers to summon witnesses, to compel their attendance, and to administer oaths as are conferred on local inspectors, and the Supervising Inspector-General may revoke, change, or modify said decisions. Application for such re-examination of the case shall be

made to the Supervising Inspector-General within thirty days after final decision by the supervising inspector."

Act March 3, 1905, c. 1457, § 6, 33 Stat. 1030.

Rev. St. § 4452, amended by this section, is set forth in Comp. St. 1901, p. 3040. The amendment consists in the addition, after the words, "shall investigate and decide the case," at the end of the section as originally enacted, of the provisions for re-examination, by the Supervising Inspector-General, of cases of revocation or suspension of an officer's license, beginning with the words, "In cases of trials for the revocation or suspension," etc., to the end of the section as set forth here.

Sec. 4453.

[Amended. Act March 3, 1905, c. 1454, § 2.]

This section, set forth in Comp. St. 1901, p. 3040, is amended by Act March 3, 1905, c. 1454, § 2, set forth below.

ACT MARCH 3, 1905, c. 1454, § 2. [H. R. 18198.]

Amendment of Rev. St. § 4453.

Sec. 2. That section forty-four hundred and fifty-three of the Revised Statutes of the United States be, and it is hereby, amended to read as follows:

Re-inspections and notice for repairs; [enforcement of requirements.]

"Sec. 4453. In addition to the annual inspection, the local inspectors shall examine, at proper times, steamers arriving and departing to and from their respective ports, so often as to enable them to detect any neglect to comply with the requirements of law, and also any defects or imperfections becoming apparent after the inspection aforesaid, and tending to render the navigation of the vessels unsafe; and if they shall discover any omission to comply with the law, or that repairs have become necessary to make the vessel safe, the inspectors shall at once notify the master, in writing, stating in the notice what is required; and if the master deems the requirements unreasonable or unnecessary, he may apply for a re-examination of the case to the supervising inspector, as provided in the preceding section. All inspections and orders for repairs shall be promptly made by the inspectors, and, when it can be safely done in their judgment, they shall permit repairs to be made where those interested can most conveniently do them. And whenever any local inspector or supervising inspector ascertains to his satisfaction that any vessel, subject to the provisions of this title, has been or is being navigated or operated without complying with the terms of the vessel's certificate of inspection regarding the number and class of licensed officers and crew, or without complying with the provisions of law and her said certificate as to the number or kind of life-saving or fire-fighting apparatus, or without maintaining in good and efficient condition her lifeboats, fire pumps, fire hose, and life-preservers, or that for any other reason said vessel can not be operated with safety to life, the said local or supervising inspector shall order the owner or master of said vessel to correct such unlawful conditions, and may require that the vessel at once cease navigating and be submitted to reinspection; and in case the said orders of such inspector shall not at once be complied with, the said inspector shall revoke the said vessel's certificate of inspection and shall immediately give to the owner, master, or agent of said vessel notice, in writing, of such revocation; and no new

certificate of inspection shall be again issued to her until the provisions of this title have been complied with. Any vessel subject to the provisions of this title operating or navigating or attempting to operate or navigate after the revocation of her certificate of inspection and before the issuance of a new certificate, shall, upon application by the inspector to any district court of the United States having jurisdiction, and by proper order or action of said court in the premises, be seized summarily by way of libel and held without privilege of release by bail or bond until a proper certificate of inspection shall have been issued to said vessel: Provided, That the master or owner of any vessel whose certificate shall have been so revoked may within thirty days after receiving notice of such revocation appeal to the Secretary of Commerce and Labor for a re-examination of the case, and upon such appeal the said Secretary shall have power to revise, modify, or set aside such action of the local or supervising inspector and direct the issuance to such vessel of her original certificate or of a new certificate of inspection; and in case the said Secretary shall so direct the issuance of a certificate, all judicial process against said vessel based on this section shall thereupon be of no further force or effect, and the vessel shall thereupon be released."

Act March 3, 1905, c. 1454, § 2, 33 Stat. 1023.

Rev. St. § 4453, amended by this section, is set forth in Comp. St. 1901, p. 3040. The amendment consists in the addition, after the words, "where those interested can most conveniently do them," at the end of the section as originally enacted, of the provisions for enforcement of compliance with the terms of the certificate of inspection and the provisions of law, beginning with the words, "And whenever any local inspector or supervising inspector ascertains," etc., to the end of the section as set forth here.

Sec. 4459.

[Repealed. Act March 3, 1905, c. 1456, § 4.]

This section, set forth in Comp. St. 1901, p. 3043, is expressly repealed by Act March 3, 1905, c. 1456, § 4, set forth ante, under Rev. St. § 4418.

CHAPTER TWO.

Transportation of Passengers and Merchandise.

Sec. 4463.

[Amended. Act April 2, 1908, c. 123.]

This section, set forth in Comp. St. 1901, p. 3045, is amended by Act April 2, 1908, c. 123, set forth below.

ACT APRIL 2, 1908, c. 123. [H. R. 225.]

An Act to Amend Section Forty-Four Hundred and Sixty-Three of the Revised Statutes, Relating to the Complement of Crews of Vessels, and for the Better Protection of Life. (35 Stat. 55.)

Amendment of Rev. St. § 4463.

Be it enacted, &c., That section forty-four hundred and sixty-three of the Revised Statutes of the United States be amended so as to read:

Officers and crew of vessel subject to provisions of this Title, or to inspection laws; entry of complement in certificate of inspection, and change by indorsement thereon; deficiency; penalties.

"Sec. 4463. Any vessel of the United States subject to the provisions of this title or to the inspection laws of the United States shall not be navigated unless she shall have in her service and on board such complement of licensed officers and crew as may, in the judgment of the local inspectors who inspect the vessel, be necessary for her safe navigation. The local inspectors shall make in the certificate of inspection of the vessel an entry of such complement of officers and crew, which may be changed from time to time by indorsement on such certificate by local inspectors by reason of change of conditions or employment. Such entry or indorsement shall be subject to a right of appeal, under regulations to be made by the Secretary of Commerce and Labor, to the supervising inspector and from him to the supervising inspector-general, who shall have the power to revise, set aside, or affirm the said determination of the local inspectors.

"If any such vessel is deprived of the services of any member of the crew without the consent, fault, or collusion of the master, owner, or any person interested in the vessel, the vessel may proceed on her voyage, if in the judgment of the master she is sufficiently manned for such voyage.

"If the master shall fail to explain in writing such deficiency in the crew to the local inspectors within twelve hours of the time of the arrival of the vessel at her destination, he shall be liable to a penalty of fifty dollars. If the vessel shall have been insufficiently manned in the judgment of the local inspectors, the master shall be liable to a penalty of one hundred dollars, or in case of an insufficient number of licensed officers to a penalty of five hundred dollars."

Act April 2, 1908, c. 123, § 1, 35 Stat. 55.

Rev. St. § 4463, amended by this section, is set forth in Comp. St. 1901, p. 3045.

Time of taking effect of act.

Sec. 2. That this Act shall take effect on July first, nineteen hundred and eight.

Act April 2, 1908, c. 123, § 2, 35 Stat. 56.

Sec. 4466.

ACT MAY 19, 1896, c. 199.

[Repealed. Act April 28, 1908, c. 151, § 5.]

This act, set forth in Comp. St. 1901, p. 3047, is expressly repealed by Act April 28, 1908, c. 151, § 5, set forth below; other provisions for the same purpose having been enacted by the preceding sections of Act April 28, 1908, c. 151, also set forth below.

ACT APRIL 28, 1908, c. 151. [S. 6028.]

An Act to Provide for Safety of Life on Navigable Waters during Regattas or Marine Parades. (35 Stat. 69.)

Regulations to promote safety of life on navigable waters during regattas or marine parades; authority of Secretary of Commerce and Labor.

Be it enacted, &c., That the Secretary of Commerce and Labor is hereby authorized and empowered in his discretion to issue from time

to time regulations, not contrary to law, to promote the safety of life on navigable waters during regattas or marine parades.

Act April 28, 1908, c. 151, § 1, 35 Stat. 69.

Enforcement of regulations; use of public or private vessels.

Sec. 2. That to enforce such regulations the Secretary of Commerce and Labor may detail any public vessel in the service of that Department and make use of any private vessel tendered gratuitously for the purpose, or upon the request of the Secretary of Commerce and Labor the head of any other Department may enforce the regulations issued under this Act by means of any public vessel of such Department and of any private vessel tendered gratuitously for the purpose.

Act April 28, 1908, c. 151, § 2, 35 Stat. 69.

Transfer of authority under preceding sections to head of other Department.

Sec. 3. That the authority and power bestowed upon the Secretary of Commerce and Labor by sections one and two may be transferred for any special occasion to the head of another Department by the President whenever in his judgment such transfer is desirable.

Act April 28, 1908, c. 151, § 3, 35 Stat. 69.

Violations of regulations; penalties; remission thereof.

Sec. 4. That for any violation of regulations issued pursuant to this Act the following penalties shall be incurred:

(a) A licensed officer shall be liable to suspension or revocation of license in the manner now prescribed by law for incompetency or misconduct.

(b) Any person in charge of the navigation of a vessel other than a licensed officer shall be liable to a penalty of five hundred dollars.

(c) The owner of a vessel (including any corporate officer of a corporation owning the vessel) actually on board shall be liable to a penalty of five hundred dollars, unless the violation of regulations shall have occurred without his knowledge.

(d) Any other person shall be liable to a penalty of two hundred and fifty dollars.

The Secretary of Commerce and Labor is hereby authorized and empowered to mitigate or remit any penalty herein provided for in the manner prescribed by law for the mitigation or remission of penalties for violation of the navigation laws.

Act April 28, 1908, c. 151, § 4, 35 Stat. 69.

Repeal of Act May 19, 1896, c. 199.

Sec. 5. That the Act approved May nineteenth, eighteen hundred and ninety-six, entitled "An Act to provide for the safety of passengers on excursion steamers," is hereby repealed.

Act April 28, 1908, c. 151, § 5, 35 Stat. 69.

Act May 19, 1896, repealed by this section, is set forth in Comp. St. 1901, p. 3047.

Time of taking effect of act.

Sec. 6. That this Act shall take effect on April tenth, nineteen hundred and eight.

Act April 28, 1908, c. 151, § 6, 35 Stat. 69.

Sec. 4467. [*As amended* 1877.]

[Amended. Act May 28, 1908, c. 212, § 3.]

This section, set forth in Comp. St. 1901, p. 3048, is amended by Act May 28, 1908, c. 212, § 3, set forth below.

ACT MAY 28, 1908, c. 212, § 3. [H. R. 21815.]

Amendment of Rev. St. § 4467.

That section forty-four hundred and sixty-seven of the Revised Statutes is hereby amended to read as follows:

Count or list of passengers.

"Sec. 4467. The master of every passenger steamer shall keep a correct count of all the passengers received and delivered from day to day, which count shall be open to the inspection of the inspectors and officers of the customs at all times, and the aggregate number of passengers shall be furnished to inspectors as often as called for: Provided, however, That a correct list of passengers received and delivered from day to day shall be kept, instead of a correct count, by the masters of seagoing passenger steamers in the coastwise trade and by the masters of passenger steamers on the Great Lakes on routes exceeding three hundred miles: Provided further, That nothing herein shall affect existing laws relative to vessels running between this country and foreign ports."

Act May 28, 1908, c. 212, § 3, 35 Stat. 425.

Rev. St. § 4467, amended by this section, is set forth, as amended by Act Feb. 27, 1877, c. 60, § 1, in Comp. St. 1901, p. 3048. The amendment consists, principally, in requiring, instead of a list of passengers as provided in the section as originally enacted, a count of the passengers, except as otherwise provided in the two provisos annexed to the section as amended.

Sec. 4468.

ACT MAY 28, 1908, c. 212, § 4. [H. R. 21815.]

Amendment of Rev. St. § 4468.

That section forty-four hundred and sixty-eight of the Revised Statutes is hereby amended to read as follows:

Penalty for failure to keep count or list of passengers.

"Sec. 4468. Every master of any passenger steamer who fails, through negligence or design, to keep a count or list of passengers as required by the preceding section shall be liable to a penalty of one hundred dollars."

Act May 28, 1908, c. 212, § 4, 35 Stat. 425.

Rev. St. § 4468, amended by this section, is set forth in Comp. St. 1901, p. 3048. The amendment consists principally, in the insertion, before the word "list," of the words "count or," as set forth here.

Sec. 4470.

[Amended. Act March 3, 1905, c. 1457, § 7.]

This section, set forth in Comp. St. 1905, p. 3049, is amended by Act March 3, 1905, c. 1457, § 7, set forth below.

ACT MARCH 3, 1905, c. 1457, § 7. [H. R. 18202.]

Amendment of Rev. St. § 4470.

Sec. 7. That section forty-four hundred and seventy of the Revised Statutes of the United States be, and it is hereby, amended to read as follows:

Precautions against fire.

"Sec. 4470. Every steamer carrying passengers or freight shall be provided with suitable pipes and valves attached to the boiler to convey steam into the hold and to the different compartments thereof to extinguish fire, or such other suitable apparatus as may be prescribed by the regulations of the board of supervising inspectors, with the approval of the Secretary of Commerce and Labor, for extinguishing fire in the hold and compartments thereof by the introduction through pipes into such hold and compartments of carbonic acid gas or other fire-extinguishing gas or vapor; and every stove used on board of any such vessel shall be well and securely fastened, so as to prevent it from being moved or overthrown, and all woodwork or other ignitible substances about the boilers, chimneys, cook houses, and stovepipes, exposed to ignition shall be thoroughly shielded by some incombustible material in such a manner as to leave the air to circulate freely between such material and woodwork or other ignitible substance; and before granting a certificate of inspection the inspector shall require all other necessary provisions to be made throughout such vessel to guard against loss or danger from fire."

Act March 3, 1905, c. 1457, § 7, 33 Stat. 1031.

Rev. St. § 4470, amended by this section, is set forth in Comp. St. 1901, p. 3049. The amendment consists in the insertion, after the words, "to extinguish fire," at the end of the first clause of the section as originally enacted, of the provisions beginning with the words, "or such other suitable apparatus," and ending with the words, "or other fire-extinguishing gas or vapor," as set forth here.

Sec. 4471.

[Amended. Act June 30, 1906, c. 3919.]

This section, set forth in Comp. St. 1901, p. 3049, is amended by Act June 30, 1906, c. 3919, set forth below.

ACT JUNE 30, 1906, c. 3919. [S. 4298.]

An Act to Amend Section Forty-four hundred and seventy-one of the Revised Statutes of the United States, Regulation of Steam Vessels. (34 Stat. 797.)

Amendment of Rev. St. § 4471.

Be it enacted, &c., That section forty-four hundred and seventy-one of the Revised Statutes of the United States be, and it is hereby, amended by striking out after the words "is afloat," and before the words "Every steamer," the words "and no fire pump thus provided for shall be placed below the lower deck of the vessel," so that said section when amended shall read as follows:

Fire-pumps and hose.

"Sec. 4471. Every steamer permitted by her certificate of inspection to carry as many as fifty passengers, or upward, and every steamer carrying passengers, which also carries cotton, hay, or hemp, shall be provided with a good double-acting steam fire-pump, or other equivalent apparatus for throwing water. Such pump or other apparatus for throwing water shall be kept at all times and at all seasons of the year in good order and ready for immediate use, having at least two pipes of suitable dimensions, one on each side of the vessel, to convey the water to the upper decks, to which pipes there shall be attached, by

means of stop cocks or valves, both between decks and on the upper deck, good and suitable hose of sufficient strength to stand a pressure of not less than one hundred pounds to the square inch, long enough to reach to all parts of the vessel and properly provided with nozzles, and kept in good order and ready for immediate service. Every steamer exceeding two hundred tons burden and carrying passengers shall be provided with two good double-acting fire pumps, to be worked by hand; each chamber of such pumps, except pumps upon steamers in service on the twenty-eighth day of February, eighteen hundred and seventy-one, shall be of sufficient capacity to contain not less than one hundred cubic inches of water; and such pumps shall be placed in the most suitable parts of the vessel for efficient service, having suitable well-fitted hose to each pump of at least one-half the vessel in length, kept at all times in perfect order, and shipped up and ready for immediate use. On every steamer not exceeding two hundred tons, one of such pumps may be dispensed with. Each fire pump thus prescribed shall be supplied with water by means of a suitable pipe connected therewith, and passing through the side of the vessel so low as to be at all times under water when she is afloat. Every steamer shall also be provided with a pump which shall be of sufficient strength and suitably arranged to test the boilers thereof."

Act June 30, 1906, c. 3919, 34 Stat. 797.

Rev. St. § 4471, amended by this act, is set forth in Comp. St. 1901, p. 3049.

Sec. 4472. [*As amended* 1877, 1901.]

[Amended. Act Feb. 18, 1905, c. 586. Act March 3, 1905, c. 1457, § 8.]

This section, set forth, as previously amended, in Comp. St. 1901, p. 3050, is further amended by Act Feb. 18, 1905, c. 586, and again by Act March 3, 1905, c. 1457, § 8, and by Act May 28, 1906, c. 2565, set forth below.

ACT MARCH 3, 1905, c. 1457, § 8. [H. R. 18202.]

Amendment of Rev. St. § 4472.

Sec. 8. That section forty-four hundred and seventy-two of the Revised Statutes of the United States be, and it is hereby, amended to read as follows:

Dangerous articles not to be carried on passenger steamers; [gasoline, etc., in automobiles.]

"Sec. 4472. No loose hay, loose cotton, or loose hemp, camphene, nitroglycerin, naphtha, benzine, benzole, coal oil, crude or refined petroleum, or other like explosive burning fluids, or like dangerous articles, shall be carried as freight or used as stores on any steamer carrying passengers; nor shall baled cotton or hemp be carried on such steamers unless the bales are compactly pressed and thoroughly covered and secured in such manner as shall be prescribed by the regulations established by the board of supervising inspectors with the approval of the Secretary of Commerce and Labor; nor shall gunpowder be carried on any such vessel except under special license; nor shall oil of vitriol, nitric or other chemical acids be carried on such steamers except on the decks or guards thereof or in such other safe part of the vessel as shall be prescribed by the inspectors. Refined petroleum, which will not ignite at a temperature less than

one hundred and ten degrees of Fahrenheit thermometer, may be carried on board such steamers upon routes where there is no other practicable mode of transporting it, and under such regulations as shall be prescribed by the board of supervising inspectors with the approval of the Secretary of Commerce and Labor; and oil or spirits of turpentine may be carried on such steamers when put up in good metallic vessels or casks or barrels well and securely bound with iron and stowed in a secure part of the vessel, and friction matches may be carried on such steamers when securely packed in strong, tight chests or boxes, the covers of which shall be well secured by locks, screws, or other reliable fastenings, and stowed in a safe part of the vessel at a secure distance from any fire or heat. All such other provisions shall be made on every steamer carrying passengers or freight, to guard against and extinguish fire, as shall be prescribed by the board of supervising inspectors and approved by the Secretary of Commerce and Labor. Nothing in the foregoing or following sections of this Act shall prohibit the transportation by steam vessels of gasoline or any of the products of petroleum when carried by motor vehicles (commonly known as automobiles) using the same as a source of motive power: Provided, however, That all fire, if any, in such vehicles or automobiles be extinguished immediately after entering the said vessel, and that the same be not relighted until immediately before said vehicle shall leave the vessel: Provided further, That any owner, master, agent, or other person having charge of passenger steam vessels shall have the right to refuse to transport automobile vehicles the tanks of which contain gasoline, naphtha, or other dangerous burning fluids."

Act March 3, 1905, c. 1457, § 8, 33 Stat. 1031.

Rev. St. § 4472, amended by this section, is set forth, as previously amended by Act Feb. 27, 1877, c. 69, § 1, and Act Feb. 20, 1901, c. 386, in Comp. St. 1901, p. 3050. The amendment added to the section by the act last mentioned was itself amended by Act Feb. 18, 1905, c. 586, 33 Stat. 720; and this amendment, which changed the language of the first proviso only of the section, is incorporated in the same words in the section as amended by Act March 3, 1905, c. 1457, § 8, as set forth here.

The section is again amended, by adding thereto another proviso, by Act May 28, 1906, c. 2565, set forth below.

ACT MAY 28, 1906, c. 2565. [S. 6129.]

An Act to Amend Section Forty-four hundred and seventy-two of the Revised Statutes of the United States Relating to the Carrying of Dangerous Articles on Passenger Steamers. (34 Stat. 204.)

Amendment of Rev. St. § 4472; gasoline, etc., on vessels not carrying passengers, for use for motor boats, etc.

Be it enacted, &c., That section forty-four hundred and seventy-two of the Revised Statutes be, and the same is hereby, amended by adding thereto the following provision:

Provided, however, That nothing in the provisions of this Title shall prohibit the transportation by vessels not carrying passengers for hire, of gasoline or any of the products of petroleum for use as a source of motive power for the motor boats or launches of such vessels.

Act May 28, 1906, c. 2565, 34 Stat. 204.

Rev. St. § 4472, amended by this act, is set forth above, as previously amended by Act March 3, 1905, c. 1457, § 8. See note under that act.

Sec. 4480.

[Amended. Act March 3, 1905, c. 1456, § 2.]

This section, set forth in Comp. St. 1901, p. 3053, is amended by Act March 3, 1905, c. 1456, § 2, set forth below.

ACT MARCH 3, 1905, c. 1456, § 2. [H. R. 18201.]

Amendment of Rev. St. § 4480.

Sec. 2. That section forty-four hundred and eighty of the Revised Statutes of the United States be, and it is hereby, amended to read as follows:

Tiller ropes, [tiller rods or chains,] bell-pulls, [tubes,] etc., for passenger steamers.

"Sec. 4480. Every steamer carrying passengers shall be provided with such tiller ropes, tiller rods, or chains for the purpose of steering and navigating the vessel, and such bell-pulls for signalizing the engineer from the pilot house, and such tubes or other arrangement to repeat back the signal to the pilot house, as may be prescribed by the board of supervising inspectors, with the approval of the Secretary of Commerce and Labor."

Act March 3, 1905, c. 1456, § 2, 33 Stat. 1028.

Rev. St. § 4480, amended by this section, is set forth in Comp. St. 1901, p. 3053.

Sec. 4483.

[Amended. Act March 3, 1905, c. 1456, § 3.]

This section, set forth in Comp. St. 1901, p. 3054, is amended by Act March 3, 1905, c. 1456, § 3, set forth below.

ACT MARCH 3, 1905, c. 1456, § 3. [H. R. 18201.]

Amendment of Rev. St. § 4483.

Sec. 3. That section forty-four hundred and eighty-three of the Revised Statutes of the United States be, and it is hereby, amended to read as follows:

Fire buckets, axes, etc., for river steamers carrying passengers.

"Sec. 4483. Every such steam vessel carrying passengers shall keep such fire buckets, axes, and water barrels as shall be prescribed by the regulations established by the board of supervising inspectors, with the approval of the Secretary of Commerce and Labor. The buckets and barrels shall be kept in convenient places and filled with water, to be in readiness in case of fire, and the axes shall be kept in good order and ready for immediate use. Tanks of suitable dimensions and arrangement, or buckets in sufficient number, may be substituted for barrels."

Act March 3, 1905, c. 1456, § 3, 33 Stat. 1028.

Rev. St. § 4483, amended by this section, is set forth in Comp. St. 1901, p. 3054.

Sec. 4488. [*As amended* 1889.]

[Amended. Act March 3, 1905, c. 1454, § 3.]

This section, set forth, as amended by Act March 2, 1889, c. 418, § 1, in Comp. St. 1901, p. 3055, is further amended by Act March 3, 1905, c. 1454, § 3, set forth below.

ACT MARCH 3, 1905, c. 1454, § 3. [H. R. 18198.]

Amendment of Rev. St. § 4488.

Sec. 3. That section forty-four hundred and eighty-eight of the Revised Statutes of the United States be amended to read as follows:

Lifeboats, etc., [life-preservers, etc.,] on ocean, lake, and sound steamers; [manufacture, sale, etc., of improperly constructed life-preservers, etc., made punishable.]

"Sec. 4488. Every steamer navigating the ocean, or any lake, bay, or sound of the United States, shall be provided with such numbers of lifeboats, floats, rafts, life-preservers, line-carrying projectiles, and the means of propelling them, and drags, as will best secure the safety of all persons on board such vessel in case of disaster; and every seagoing vessel carrying passengers, and every such vessel navigating any of the northern or northwestern lakes, shall have the lifeboats required by law, provided with suitable boat-disengaging apparatus, so arranged as to allow such boats to be safely launched while such vessels are under speed or otherwise, and so as to allow such disengaging apparatus to be operated by one person, disengaging both ends of the boat simultaneously from the tackles by which it may be lowered to the water. And the board of supervising inspectors shall fix and determine, by their rules and regulations, the character of lifeboats, floats, rafts, life-preservers, line-carrying projectiles, and the means of propelling them, and drags that shall be used on such vessels, and also the character and capacity of pumps or other appliances for freeing the steamer from water in case of heavy leakage, the capacity of such pumps or appliances being suited to the navigation in which the steamer is employed. Every vessel subject to the provisions of this title shall, while in operation, carry one life-preserver for each and every person allowed to be carried on said vessel by the certificate of inspection, including each member of the crew: Provided, however, That upon such vessels and under such conditions as are specified in section forty-four hundred and eighty-two floats may be substituted for life-preservers. Any person who willfully and knowingly manufactures or sells, or offers for sale, or has in his possession with intent to sell, life-preservers containing metal or other nonbuoyant material, for the purpose of increasing the weight thereof, or more metal or other such material than is reasonably necessary for the construction thereof, or who shall so manufacture, sell, offer for sale, or possess with intent to sell any other articles commonly used for preservation of life or the prevention of fire on board vessels subject to the provisions of this title, which articles shall be so defective as to be inefficient to accomplish the purposes for which they are respectively intended and designed, shall upon conviction, be fined not more than two thousand dollars, and may, in addition thereto, in the discretion of the court, be imprisoned not exceeding five years."

Act March 3, 1905, c. 1454, § 3, 33 Stat. 1024.

Rev. St. § 4488, amended by this section, is set forth, as previously amended in Comp. St. 1901, p. 3055. The amendment consists in the change, in the provision of the section relating to the powers of the board of supervising inspectors, of the word "kind," in two places in which it occurred in that provision as originally enacted, to the word "character," and in the addition, after the words of said provision, "the navigation in which the steamer is employed," at the end of the section

as originally enacted, of the provisions relating to life-preservers, etc., beginning with the words, "Every vessel subject to the provisions of this title," etc., to the end of the section as set forth here.

Sec. 4489.

ACT APRIL 11, 1892, c. 41.

Line-carrying projectiles not required on steamers on lakes, etc.

The provisions of Act March 2, 1889, c. 418, § 1, amending Rev. St. §§ 4488, 4489, but repealed by Act April 11, 1892, c. 41, set forth in Comp. St. 1901, p. 3057, so far as they related to "the carrying of line-carrying projectiles and the means of propelling them on steamers plying exclusively upon any of the lakes, bays, or sounds of the United States," are again included in Rev. St. § 4488, as amended by Act March 3, 1905, c. 1454, § 3, set forth above, which in express terms includes "every steamer navigating the ocean, or any lake, bay, or sound of the United States."

Sec. 4490.

ACT JUNE 24, 1910, c. 379. [S. 7021.]

An Act to Require Apparatus and Operators for Radio-Communication on Certain Ocean Steamers. (36 Stat. 629.)

Radio-communication apparatus required on ocean-going steamers carrying passengers.

Be it enacted, &c., That from and after the first day of July, nineteen hundred and eleven, it shall be unlawful for any ocean-going steamer of the United States, or of any foreign country, carrying passengers and carrying fifty or more persons, including passengers and crew, to leave or attempt to leave any port of the United States unless such steamer shall be equipped with an efficient apparatus for radio-communication, in good working order, in charge of a person skilled in the use of such apparatus, which apparatus shall be capable of transmitting and receiving messages over a distance of at least one hundred miles, night or day: Provided, That the provisions of this Act shall not apply to steamers plying only between ports less than two hundred miles apart.

Act June 24, 1910, c. 379, § 1, 36 Stat. 629.

Apparatus to be efficient for exchange of messages with stations using other systems.

Sec. 2. That for the purpose of this Act apparatus for radio-communication shall not be deemed to be efficient unless the company installing it shall contract in writing to exchange, and shall, in fact, exchange, as far as may be physically practicable, to be determined by the master of the vessel, messages with shore or ship stations using other systems of radio-communication.

Act June 24, 1910, c. 379, § 2, 36 Stat. 630.

Penalty for violation of act; lien therefor on vessel; separate offenses.

Sec. 3. That the master or other person being in charge of any such vessel which leaves or attempts to leave any port of the United States in violation of any of the provisions of this Act shall, upon conviction, be fined in a sum not more than five thousand dollars, and any such fine shall be a lien upon such vessel, and such vessel may be libeled therefor in any district court of the United States within the

jurisdiction of which such vessel shall arrive or depart, and the leaving or attempting to leave each and every port of the United States shall constitute a separate offense.

Act June 24, 1910, c. 379, § 3, 36 Stat. 630.

Regulations to secure execution of act.

Sec. 4. That the Secretary of Commerce and Labor shall make such regulations as may be necessary to secure the proper execution of this Act by collectors of customs and other officers of the Government.

Act June 24, 1910, c. 379, § 4, 36 Stat. 630.

An appropriation to enable the Secretary of Commerce and Labor to enforce this act was made by Act March 4, 1911, c. 237, § 1, 36 Stat. 1230.

Sec. 4491.

Use of instruments for security of life.

The powers of the executive committee of the board of supervising inspectors, provided for by Rev. St. § 4405, as amended by Act March 3, 1905, c. 1453, § 1, set forth ante, under chapter 1 of this Title, are extended by said section to the approval of the instruments, machines, and equipments referred to in Rev. St. § 4491, set forth in Comp. St. 1901, p. 3058.

Sec. 4498.

[Amended. Act March 3, 1905, c. 1457, § 9.]

This section, set forth in Comp. St. 1901, is amended by Act March 3, 1905, c. 1457, § 9, set forth below.

ACT MARCH 3, 1905, c. 1457, § 9. [H. R. 18202.]

Amendment of Rev. St. § 4498.

Sec. 9. That section forty-four hundred and ninety-eight of the Revised Statutes of the United States be, and it is hereby, amended to read as follows:

Registry, enrollment, etc., denied to vessels not complying with the law.

"Sec. 4498. A register, enrollment, or license shall not be granted or other papers be issued by any collector or other chief officer of customs to any vessel subject by law to inspection under this title until all the provisions of this title applicable to such vessel have been fully complied with and until the certificate of inspection required by this title for such vessel has been filed with said collector."

Act March 3, 1905, c. 1457, § 9, 33 Stat. 1032.

Rev. St. § 4498, amended by this section, is set forth in Comp. St. 1901, p. 3060.

Sec. 4499.

[Amended. Act March 3, 1905, c. 1454, § 4.]

This section, set forth in Comp. St. 1901, p. 3060, is amended by Act March 3, 1905, c. 1454, § 4, set forth below.

ACT MARCH 3, 1905, c. 1454, § 4. [H. R. 18198.]

Amendment of Rev. St. § 4499.

Sec. 4. That section forty-four hundred and ninety-nine of the Revised Statutes of the United States be, and it is hereby, amended to read as follows:

Penalty for failure to comply.

"Sec. 4499. If any vessel propelled in whole or in part by steam be navigated without complying with the terms of this title, the owner shall be liable to the United States in a penalty of five hundred dollars for each offense, one-half for the use of the informer, for which sum the vessel so navigated shall be liable, and may be seized and proceeded against by way of libel in any district court of the United States having jurisdiction of the offense. Persons or corporations chartering or engaging or contracting for the use of vessels subject to this title, under such terms and conditions that they have full and exclusive control of the management and operation of such vessels, shall be subject to the same penalties for violations of the provisions of this title as are now imposed upon owners of vessels thereunder, and in such cases the owners shall not be liable to such penalties for such violations by such charterers or contractors."

Act March 3, 1905, c. 1454, § 4, 33 Stat. 1025.

Rev. St. § 4499, amended by this section, is set forth in Comp. St. 1901, p. 3060. The amendment consists in the addition, after the words "having jurisdiction of the offense," at the end of the section as originally enacted, of the provisions subjecting charterers, etc., of vessels to penalties instead of the owners, beginning with the words, "Persons or corporations chartering," etc., to the end of the section as set forth here.

[TITLE LII A.]

[REGULATION OF MOTOR BOATS.]

ACT JUNE 9, 1910, c. 268. [S. 7359.]

An Act to Amend Laws for Preventing Collisions of Vessels and to Regulate Equipment of Certain Motor Boats on the Navigable Waters of the United States. (36 Stat. 462.)

"Motor boats" defined; inspection of engines, boilers, or other operating machinery.

Be it enacted, &c., That the words "motor boat" where used in this Act shall include every vessel propelled by machinery and not more than sixty-five feet in length except tug boats and tow boats propelled by steam. The length shall be measured from end to end over the deck, excluding sheer: Provided, That the engine, boiler, or other operating machinery shall be subject to inspection by the local inspectors of steam vessels, and to their approval of the design thereof, on all said motor boats, which are more than forty feet in length, and which are propelled by machinery driven by steam.

Act June 9, 1910, c. 268, § 1, 36 Stat. 462.

Classes of motor boats.

Sec. 2. That motor boats subject to the provisions of this Act shall be divided into classes as follows:

Class one. Less than twenty-six feet in length.

Class two. Twenty-six feet or over and less than forty feet in length.

Class three. Forty feet or over and not more than sixty-five feet in length.

Act June 9, 1910, c. 268, § 2, 36 Stat. 462.

Lights.

Sec. 3. That every motor boat in all weathers from sunset to sunrise shall carry the following lights, and during such time no other lights which may be mistaken for those prescribed shall be exhibited.

(a) Every motor boat of class one shall carry the following lights:

First. A white light aft to show all around the horizon.

Second. A combined lantern in the fore part of the vessel and lower than the white light aft showing green to starboard and red to port, so fixed as to throw the light from right ahead to two points abaft the beam on their respective sides.

(b) Every motor boat of classes two and three shall carry the following lights:

First. A bright white light in the fore part of the vessel as near the stem as practicable, so constructed as to show an unbroken light over an arc of the horizon of twenty points of the compass, so fixed as to throw the light ten points on each side of the vessel, namely, from right ahead to two points abaft the beam on either side. The glass or lens shall be of not less than the following dimensions:

Class two. Nineteen square inches.

Class three. Thirty-one square inches.

Second. A white light aft to show all around the horizon.

Third. On the starboard side a green light so constructed as to show an unbroken light over an arc of the horizon of ten points of the compass, so fixed as to throw the light from right ahead to two points abaft the beam on the starboard side. On the port side a red light so constructed as to show an unbroken light over an arc of the horizon of ten points of the compass, so fixed as to throw the light from right ahead to two points abaft the beam on the port side. The glasses or lenses in the said side lights shall be of not less than the following dimensions on motor boats of—

Class two. Sixteen square inches.

Class three. Twenty-five square inches.

On and after July first, nineteen hundred and eleven, all glasses or lenses prescribed by paragraph (b) of section three shall be fresnel or fluted. The said lights shall be fitted with inboard screens of sufficient height and so set as to prevent these lights from being seen across the bow and shall be of not less than the following dimensions on motor boats of—

Class two. Eighteen inches long.

Class three. Twenty-four inches long: Provided, That motor boats as defined in this Act, when propelled by sail and machinery or under sail alone, shall carry the colored lights suitably screened but not the white lights prescribed by this section.

Act June 9, 1910, c. 268, § 3, 36 Stat. 462.

Sound signals.

Sec. 4. (a) Every motor boat under the provisions of this Act shall be provided with a whistle or other sound-producing mechanical appliance capable of producing a blast of two seconds or more in duration, and in the case of such boats so provided a blast of at least two seconds shall be deemed a prolonged blast within the meaning of the law.

(b) Every motor boat of class two or three shall carry an efficient fog horn.

(c) Every motor boat of class two or three shall be provided with an efficient bell, which shall be not less than eight inches across the mouth on board of vessels of class three.

Act June 9, 1910, c. 268, § 4, 36 Stat. 463.

Life preservers; license for person operating or navigating boat carrying passengers for hire; other officers.

Sec. 5. That every motor boat subject to any of the provisions of this Act, and also all vessels propelled by machinery other than by steam more than sixty-five feet in length, shall carry either life-preservers or life belts, or buoyant cushions, or ring buoys or other device, to be prescribed by the Secretary of Commerce and Labor, sufficient to sustain afloat every person on board and so placed as to be readily accessible. All motor boats carrying passengers for hire shall carry one life-preserver of the sort prescribed by the regulations of the board of supervising inspectors for every passenger carried, and no such boat while so carrying passengers for hire shall be operated or navigated except in charge of a person duly licensed for such serv-

ice by the local board of inspectors. No examination shall be required as the condition of obtaining such a license, and any such license shall be revoked or suspended by the local board of inspectors for misconduct, gross negligence, recklessness in navigation, intemperance, or violation of law on the part of the holder, and if revoked the person holding such license shall be incapable of obtaining another such license for one year from the date of revocation: Provided, That motor boats shall not be required to carry licensed officers, except as required in this Act.

Act June 9, 1910, c. 268, § 5, 36 Stat. 463.

Previous provisions applicable to motor boats, etc., similar to those of this section, were contained in Rev. St. § 4426, as amended by Act March 3, 1905, c. 1457, § 4, and Act May 16, 1906, c. 2460, set forth ante, under Title LII, "Regulation of Steam Vessels," c. 1.

Means of extinguishing burning gasoline.

Sec. 6. That every motor boat and also every vessel propelled by machinery other than by steam, more than sixty-five feet in length, shall carry ready for immediate use the means of promptly and effectually extinguishing burning gasoline.

Act June 9, 1910, c. 268, § 6, 36 Stat. 463.

Penalty for violation of act; liability therefor of boat.

Sec. 7. That a fine not exceeding one hundred dollars may be imposed for any violation of this Act. The motor boat shall be liable for the said penalty and may be seized and proceeded against, by way of libel, in the district court of the United States for any district within which such vessel may be found.

Act June 9, 1910, c. 268, § 7, 36 Stat. 463.

Regulations for execution of act; remission of fine, penalty, etc.

Sec. 8. That the Secretary of Commerce and Labor shall make such regulations as may be necessary to secure the proper execution of this Act by collectors of customs and other officers of the Government. And the Secretary of the Department of Commerce and Labor may, upon application therefor, remit or mitigate any fine, penalty, or forfeiture relating to motor boats except for failure to observe the provisions of section six of this Act.

Act June 9, 1910, c. 268, § 8, 36 Stat. 463.

Repeal; international rules for preventing collisions at sea not affected.

Sec. 9. That all laws and parts of laws only in so far as they are in conflict herewith are hereby repealed: Provided, That nothing in this Act shall be deemed to alter or amend Acts of Congress embodying or revising international rules for preventing collisions at sea.

Act June 9, 1910, c. 268, § 9, 36 Stat. 463.

Time of taking effect of act.

Sec. 10. That this Act shall take effect on and after thirty days after its approval.

Act June 9, 1910, c. 268, § 10, 36 Stat. 463.

TITLE LIII.

MERCHANT SEAMEN.

CHAPTER ONE.

Shipping-Commissioners.

Sec. 4501. [*As amended* 1884.]

Appointment of shipping commissioners; [accounts; expenditures; compensation; clerks; fees.]

The United States Shipping Commissioners, previously under the jurisdiction of the Secretary of the Treasury, are transferred to the Department of Commerce and Labor by the act establishing that department, Act Feb. 14, 1903, c. 552, § 4, ante, under Title XII A, "The Department of Commerce and Labor." And by section 10 of the same act all duties, power, authority, and jurisdiction, whether supervisory, appellate, or otherwise, imposed or conferred upon the Secretary of the Treasury by acts of Congress relating to the Shipping Commissioners, their officers and employés, are transferred to, and imposed and conferred upon, the Secretary of Commerce and Labor.

Sec. 4502.

[Amended. Act April 26, 1906, c. 1875.]

This section, set forth in Comp. St. 1901, p. 3062, is amended by Act April 26, 1906, c. 1875, set forth below.

ACT APRIL 26, 1906, c. 1875. [S. 4339.]

An Act to Amend Section Forty-five hundred and two of the Revised Statutes of the United States, Relating to Bonds and Oaths of Shipping Commissioners. (34 Stat. 137.)

Amendment of Rev. St. § 4502.

Be it enacted, &c., That section forty-five hundred and two of the Revised Statutes of the United States be, and the same is hereby, amended so as to read as follows:

Bond and oath of commissioner.

"Sec. 4502. Every shipping commissioner so appointed shall give bond to the United States, conditioned for the faithful performance of the duties of his office, for a sum, in the discretion of the Secretary of Commerce and Labor, of not less than five thousand dollars, in such form and with such security as the Secretary of Commerce and Labor shall direct and approve; and shall take and subscribe the oath prescribed by section seventeen hundred and fifty-seven of the Revised Statutes before entering upon the duties of his office: Provided, That nothing in this section shall be construed to affect in any respect the liability of principal or sureties on any bond heretofore given by any shipping commissioner."

Act April 26, 1906, c. 1875, 34 Stat. 137.

Rev. St. § 4502, amended by this act, is set forth in Comp. St. 1901, p. 3062. The amendment consists in providing for approval of

the bond required by the Secretary of Commerce and Labor instead of by the Circuit Judge, as provided by the original section; in a change in the form, etc., of the oath prescribed; and in the addition of the proviso relating to bonds previously given.

Sec. 4504.

ACT AUG. 19, 1890, c. 801. [*As amended* 1895, 1897.]

Shipment by commissioners of crews for vessels in coastwise trade, etc.; shipping agreements; discharge; provisions applicable.

This act, set forth, as amended by Act Feb. 18, 1895, c. 97, and Act March 3, 1897, c. 389, § 8, in Comp. St. 1901, p. 3065, is further amended by the amendment of said amendatory Act Feb. 18, 1895, c. 97, by Act April 11, 1904, c. 1140, set forth below.

ACT APRIL 11, 1904, c. 1140. [S. 3118.]

An Act to Amend the Act Approved February Eighteenth, Eighteen hundred and ninety-five, Entitled "An Act to Amend an Act Entitled 'An Act to Amend the Laws Relative to Shipping Commissioners,' Approved August Nineteenth, Eighteen hundred and ninety, and for Other Purposes." (33 Stat. 168.)

Amendment of Act Feb. 18, 1895, c. 1140; detention of clothing of seaman when demanded punishable.

Be it enacted, &c., That so much of the Act approved February eighteenth, eighteen hundred and ninety-five, entitled "An Act to amend an Act entitled 'An Act to amend the laws relative to shipping commissioners,' approved August nineteenth, eighteen hundred and ninety, and for other purposes," as reads "shall be liable to a penalty of not exceeding one hundred dollars" is hereby amended to read "shall be deemed guilty of a misdemeanor, and shall be imprisoned not more than six months or fined not more than five hundred dollars, or both."

Act April 11, 1904, c. 1140, 33 Stat. 168.

Act Feb. 18, 1895, c. 97, amended by this act, itself amends Act Aug. 19, 1890, c. 801, which is set forth as amended in Comp. St. 1901, p. 3065. The amendment by this act consists in the change of the language of the proviso at the end of the section, which made any person detaining the clothing of a seaman when demanded liable to a penalty of $100, so as to make such detention punishable as a misdemeanor.

CHAPTER TWO.

Shipment.

Sec. 4523.

ACT JUNE 28, 1906, c. 3583. [H. R. 19374.]

An Act to Prohibit Shanghaiing in the United States. (34 Stat. 551.)

Be it enacted, &c. [Secs. 1, 2, and 3 repealed. Act March 2, 1907, c. 2539. Act March 4, 1909, c. 321, § 341.]

The first three sections of this act were amended by section 1 of Act March 2, 1907, c. 2539, 34 Stat. 1233, to read as set forth in that section, and were repealed by section 2 of that act. The provisions of said amendatory act are incorporated in the act to codify, etc., the penal laws, Act March 4, 1909, c. 321, in chapter 4, § 82, thereof, and the act is

expressly repealed by chapter 15, § 341, of said act March 4, 1909, c. 321, taking effect January 1, 1910. Said act is set forth post, under Title LXIX A, "The Criminal Code."

Sec. 4. [Relates to payment, etc., of seamen's wages.]

This section provides that Act Dec. 21, 1898, c. 28, §§ 4, 6, 24, which sections amend various previous provisions relating to payment, etc., of seamen's wages, shall apply to all vessels engaged in taking oysters. It is set forth post, under chapter 3 of this Title.

CHAPTER THREE.

Wages and Effects.

Sec. 4529. [*As amended* 1898.]

Time for payment.

This section, set forth, as amended by Act Dec. 21, 1898, c. 28, § 4, in Comp. St. 1901, p. 3077, applies to vessels engaged in taking oysters, by Act June 28, 1906, c. 3583, § 4, set forth post, under Rev. St. §§ 4531–4534.

Secs. 4531-4534.

ACT JUNE 26, 1884, c. 121, § 10. [*As amended* 1886, 1898.]

Advances and allotments.

This section, set forth, as amended by Act June 19, 1886, c. 421, § 3, and Act Dec. 21, 1898, c. 28, § 24, in Comp. St. 1901, p. 3079, is further amended by the amendment of said amendatory Act Dec. 21, 1898, c. 28, § 24, by Act April 26, 1904, c. 1603, set forth below.

This section applies to vessels engaged in taking oysters, by Act June 28, 1906, c. 3583, § 4, set forth below.

ACT APRIL 26, 1904, c. 1603. [S. 4375.]

An Act to Amend Section Twenty-four of the Act Approved December Twenty-first, Eighteen hundred and ninety-eight, Entitled "An Act to Amend the Laws Relating to American Seamen, for the Protection of such Seamen, and to Promote Commerce." (33 Stat. 308.)

Amendment of Act Dec. 21, 1898, c. 28, § 24, par. (a); receiving remuneration for procuring employment for seaman punishable.

Be it enacted, &c., That so much of paragraph (a) of section twenty-four of the Act approved December twenty-first, eighteen hundred and ninety-eight, entitled "An Act to amend the laws relating to American seamen, for the protection of such seamen, and to promote commerce," as reads "If any person shall demand or receive, either directly or indirectly, from any seaman or other person seeking employment as seaman, or from any person on his behalf, any remuneration whatever for providing him with employment, he shall for every such offense be liable to a penalty of not more than one hundred dollars," is hereby amended to read "If any person shall demand or receive, either directly or indirectly, from any seaman or other person seeking employment as seaman, or from any person on his behalf, any remuneration whatever for providing him with employment, he shall for every such offense be deemed guilty of a misdemeanor and

shall be imprisoned not more than six months or fined not more than five hundred dollars."

Act April 26, 1904, c. 1603, § 1, 33 Stat. 308.

Act Dec. 21, 1898, c. 28, § 24, par. (a), amended by this act, is part of the provisions substituted by said act by amendment for the previous provisions of Act June 26, 1884, c. 121, § 10, which section is set forth, as so amended, in Comp. St. 1901, p. 3079.

Time of taking effect of act.

Sec. 2. That this Act shall take effect on and after July first, nineteen hundred and four.

Act April 26, 1904, c. 1603, § 2, 33 Stat. 308.

ACT JUNE 28, 1906, c. 3583, § 4. [H. R. 19374.]

Provisions relating to payment, etc., of seamen's wages applicable to vessels engaged in taking oysters.

Sec. 4. That sections four, six, and twenty-four of chapter twenty-eight of the Acts of Congress, approved December twenty-first, eighteen hundred and ninety-eight, shall apply to all vessels engaged in the taking of oysters, anything in section twenty-six of said last-mentioned Act to the contrary notwithstanding.

Act June 28, 1906, c. 3583, § 4, 34 Stat. 551.

This section is part of an act to prohibit shanghaiing, the other sections of which, as amended by Act March 2, 1907, c. 2539, are set forth ante, under chapter 2 of this Title.

Act Dec. 21, 1898, c. 28, §§ 4, 6, 24, mentioned in this section, amend Rev. St. §§ 4529, 4547, and Act June 26, 1884, c. 121, § 10. The amendments are incorporated in the sections amended, respectively, as set forth in Comp. St. 1901, pp. 3077, 3079, 3087. Section 26 of said Act Dec. 21, 1898, c. 28, also mentioned in this section, is set forth in Comp. St. 1901, p. 3082.

Sec. 4547. [*As amended* 1898.]

Libel for wages.

This section, set forth, as amended by Act Dec. 21, 1898, c. 28, § 6, in Comp. St. 1901, p. 3087, applies to vessels engaged in taking oysters, by Act June 28, 1906, c. 3583, § 4, set forth ante, under Rev. St. §§ 4531–4534.

CHAPTER SEVEN.

Offenses and Punishments.

Sec. 4606.

Penalty for boarding vessels before arrival.

Besides the imposition of a penalty for boarding a vessel before arrival at her destination, by Rev. St. § 4606, Comp. St. 1901, p. 3118, further restrictions on boarding vessels on arrival are provided by Act Aug. 2, 1882, c. 374, § 9, Comp. St. 1901, p. 2937, and by Act March 31, 1900, c. 120, Comp. St. 1901, p. 2940, supplementary to the previous provisions mentioned.

Sec. 4607.

[Amended. Act April 13, 1904, c. 1252.]

This section, set forth in Comp. St. 1901, p. 3118, is amended by Act April 13, 1904, c. 1252, set forth below.

ACT APRIL 13, 1904, c. 1252. [S. 2261.]

An Act to Amend Section Forty-six hundred and seven of the Revised Statutes, Relating to Soliciting Seamen as Lodgers. (33 Stat. 174.)

Amendment of Rev. St. § 4607; application of section to vessels in foreign trade and foreign vessels.

Be it enacted, &c., That section forty-six hundred and seven is hereby amended by adding thereto the following:

"This section shall apply to vessels of the United States engaged in the foreign trade and to foreign vessels."

Act April 13, 1904, c. 1252, § 1, 33 Stat. 174.

Rev. St. § 4607, amended by this section, is set forth in Comp. St. 1901, p. 3118.

Time of taking effect of act.

Sec. 2. That this Act shall take effect one month after its passage.

Act April 13, 1904, c. 1252, § 2, 33 Stat. 174.

TITLE LV.

LIGHTS AND BUOYS.

Secs. 4653-4660.

[Repealed. Act June 17, 1910, c. 301, § 13.]

Rev. St. §§ 4653–4660, 4663–4667, 4669–4671, set forth in Comp. St. 1901, pp. 3140–3145, relating to the organization of the Light-House Board, its powers and duties and its proceedings, and to the regulation of the Light-House Service, are repealed by Act June 17, 1910, c. 301, § 13, preceding sections of which provide for the establishment of a Bureau of Light-Houses and a Commissioner of Light-Houses in the Department of Commerce and Labor, and transfer to said bureau all employés of the Light-House Board or the Light-House Establishment, and transfers to said commissioner all duties and powers of the Light-House Board under any provision of law not repealed, and gives him charge and control of the Light-House Service and charge and custody of the Light-House Establishment. Said Act June 17, 1910, c. 201, is set forth below.

Before said Act June 17, 1910, c. 301, the Light-House Board, the Light-House Establishment, and all that pertained, which previously had been under the jurisdiction of the Department of the Treasury, were transferred to the Department of Commerce and Labor by the act establishing that department, Act Feb. 14, 1903, c. 552, § 4, ante, under Title XII A, "The Department of Commerce and Labor."

ACT JUNE 17, 1910, c. 301. [H. R. 24877.]

An Act to Authorize Additional Aids to Navigation in the Light-House Establishment, and to Provide for a Bureau of Light-Houses in the Department of Commerce and Labor, and for Other Purposes. (36 Stat. 534.)

Be it enacted, &c. [Sec. 1 provides for various specific aids to navigation in the Light-House Establishment.]

Sec. 2. [Authorizes contracts for the items provided for in section 1.]

Sec. 3. [Repeals provision of Act May 27, 1908, c. 200, § 1.]

This section repeals the provision of Act May 27, 1908, c. 200, § 1, 35 Stat. 331, "Hereafter no light-ship shall be removed from the place designated for its station in the Act authorizing its construction and be stationed elsewhere except upon express authority of Congress."

Sec. 4. [Relates to Bureau of Light-Houses and Commissioner of Light-Houses, etc., in Department of Commerce and Labor.]

This section establishes a Bureau of Light-Houses with a Commissioner of Light-Houses and other officers in the Department of Commerce and Labor. It is set forth ante, under Title XII A, "The Department of Commerce and Labor."

Transfer of employees of Light-House Board or Light-House Establishment to Bureau of Light-Houses.

Sec. 5. That all employees of or in the Light-House Board or the Light-House Establishment are hereby transferred to the bureau of light-houses, excepting, however, army and navy officers.

Act June 17, 1910, c. 301, § 5, 36 Stat. 537.

Transfer of duties, powers, etc., of Light-House Board to Commissioner of Light-Houses.

Sec. 6. That all duties performed and all power and authority now possessed or exercised by the Light-House Board, under any provision of law not hereby repealed, are hereby transferred to and imposed and conferred upon and vested in the commissioner of light-houses, under the direction and control of the Secretary of Commerce and Labor.

Act June 17, 1910, c. 301, § 6, 36 Stat. 538.

Provisions subsequent to those repealed by section 12 of this act, set forth below, relating to powers and duties of the Light-House Board, contained in Act May 14, 1908, c. 168, §§ 4, 7, are set forth post, under Rev. St. §§ 4669–4671.

Establishing or maintaining any lights, etc., as an aid to navigation, similar to any of those maintained under the control and direction of the Light-House Board, without permission from the Board, is declared unlawful by Act June 20, 1906, c. 3447, § 3, set forth post, under Rev. St. §§ 4669–4671.

Commissioner of Light-Houses to have charge and control of Light-House Service and charge and custody of Light-House Establishment.

Sec. 7. That the commissioner of light-houses shall, under the direction and control of the Secretary of Commerce and Labor, have charge and control of the construction, maintenance, repair, illumination, inspection, and superintendence of light-house depots, supply stations, light and signal stations, light-houses, light-vessels, light-house tenders, fog signals, submarine signals, beacons, buoys, day marks, post-lantern lights, and seamarks and their appendages, and generally of the Light-House Service; and the charge and custody of all the archives, books, documents, drawings, models, returns, apparatus, and other things appertaining to the Light-House Establishment.

Act June 17, 1910, c. 301, § 7, 36 Stat. 538.

Contracts for materials; advertisement; bids; security; purchases by private contract or in open market in certain cases.

Sec. 8. That all materials for construction, maintenance, repair, and operation shall be procured by public contracts, under such regulations as may from time to time be prescribed by the commissioner, subject to the approval of the Secretary of Commerce and Labor, and no contract shall be made except after public advertisement for proposals in such form and manner as to secure general notice thereof, and the same shall only be made with the lowest and best bidder therefor, upon security deemed sufficient in the judgment of the commissioner of light-houses, but all bids may at any time be rejected by the commissioner: Provided, however, That the commissioner of light-houses may purchase illuminating oil, wicks, and chimneys for lights, and ground tackle for light-vessels and buoys, and to an amount not exceeding five hundred dollars at any one time, other materials and supplies when immediate delivery is required by an exigency, by private contract or in the open market, if he deems it for the best interests of the service so to do; but such purchases shall be set forth in the annual report of the commissioner with the reasons for purchasing other than upon bids after public advertisement.

Act June 17, 1910, c. 301, § 8, 36 Stat. 538.

Purchase of sites for Light-Houses.

Sec. 9. That the commissioner, under the direction of the Secretary of Commerce and Labor, is authorized, whenever an appropriation is made by Congress for a new light-house, the proper site for which does not belong to the United States, to purchase the necessary land for such site, provided the purchase money be paid from the amount appropriated for such light-house without exceeding the limit of cost, if any, fixed in such case; and the commissioner of light-houses is authorized to employ temporarily draftsmen for the preparation of plans for tenders and light-vessels which may be authorized by Congress, to be paid from the respective appropriations therefor.

Act June 17, 1910, c. 301, § 9, 36 Stat. 538.

The Light-House Board is authorized to lease the necessary ground for light and beacons for temporary use or which cannot be made permanent, by a provision of Act March 4, 1909, c. 299, § 1, set forth post, under Rev. St. §§ 4669–4671.

Regulations for Light-House Service.

Sec. 10. That the commissioner of light-houses, under the direction and control of the Secretary of Commerce and Labor, shall, from time to time, prescribe and distribute such regulations as he may deem proper for securing an efficient, uniform, and economic administration of the Light-House Service.

Act June 17, 1910, c. 301, § 10, 36 Stat. 538.

Light-House districts; Light-House inspectors; temporary assignment of Army and Navy officers in lieu of appointment of inspectors; designation of Army engineer officers to act as inspectors in Mississippi River districts; detail of Army engineer officers for construction, etc., of aids to navigation.

Sec. 11. That the commissioner of light-houses, subject to the approval of the Secretary of Commerce and Labor, as soon as practicable, shall rearrange the ocean, gulf, and lake coasts and the rivers of the United States, Porto Rico, and the naval station in Cuba into not exceeding nineteen light-house districts, and a light-house inspector shall be assigned in charge of each district. The light-house inspectors shall each receive a salary of two thousand four hundred dollars per annum, except the inspector of the third district, whose salary shall be three thousand six hundred dollars per annum. The President may, for a period not exceeding three years from the taking effect of this section, assign army and navy officers to act in lieu of the appointment of civilian light-house inspectors, but such army and navy officers shall not receive any salary or compensation in addition to the salary or compensation they are entitled to as such army or navy officers: Provided, That in the districts which include the Mississippi River and its tributaries the President may designate army engineers to perform the duties of and act as inspectors. The President may detail officers of the Engineer Corps of the United States Army for consultation or to superintend the construction or repair of any aid to navigation authorized by Congress.

Act June 17, 1910, c. 301, § 11, 36 Stat. 538.

A provision that officers of the Army and Navy detailed for service in connection with the Light-House Establishment are to be paid their actual traveling expenses in certain cases, contained in Act Feb. 26, 1907, c. 1638, § 6, is set forth post, under Rev. St. § 4679.

Appropriations made available for expenditures by Bureau of Light-Houses.

Sec. 12. That all unexpended appropriations which shall be available at the time when this Act takes effect, in relation to the Light-House Board, the Light-House Establishment, and the Light-House Service, shall be available from the time that this Act takes effect for expenditures in and by the bureau of light-houses, and shall be treated the same as though the bureau of light-houses had been named directly in the Acts making said appropriations.

Act June 17, 1910, c. 301, § 12, 36 Stat. 539.

Repeal of Rev. St. §§ 4563-4660, 4663-4667, 4669-4671.

Sec. 13. That sections forty-six hundred and fifty-three, forty-six hundred and fifty-four, forty-six hundred and fifty-five, forty-six hundred and fifty-six, forty-six hundred and fifty-seven, forty-six hundred and fifty-eight, forty-six hundred and fifty-nine, forty-six hundred and sixty, forty-six hundred and sixty-three, forty-six hundred and sixty-four, forty-six hundred and sixty-five, forty-six hundred and sixty-six, forty-six hundred and sixty-seven, forty-six hundred and sixty-nine, forty-six hundred and seventy, and forty-six hundred and seventy-one of the Revised Statutes of the United States are hereby repealed.

Act June 17, 1910, c. 301, § 13, 36 Stat. 539.

Time of taking effect of act.

Sec. 14. That sections four to thirteen, inclusive, of this Act, shall take effect on the first day of July next succeeding its passage.

Act June 17, 1910, c. 301, § 14, 36 Stat. 539.

Secs. 4663-4667.

See notes under Rev. St. §§ 4653–4660, above.

Secs. 4669-4671.

See notes under Rev. St. §§ 4653–4660, above.

ACT JUNE 20, 1906, c. 3447, § 3. [H. R. 19432.]

Establishing or maintaining lights, etc., as aids to navigation, without permission of board, unlawful; penalty.

That after the first day of January, nineteen hundred and seven, it shall be unlawful for any person, company, corporation, or municipality not under the control of the Light-House Board, to establish, erect, or maintain in the navigable waters of the United States any light as an aid to navigation, or any other aid to navigation similar to any of those maintained by the United States under the control and direction of the Light-House Board, without first obtaining permission so to do from the Light-House Board, in accordance with rules and regulations to be established by the Secretary of Commerce and Labor; and any person violating the provisions of this section or any of the rules and regulations established by the Secretary of Commerce and Labor in accordance herewith shall be deemed guilty of a misdemeanor and be subject to a fine not exceeding the sum of one

hundred dollars for each offense, and each day during which such violation shall continue shall be considered as a new offense.

Act June 20, 1906, c. 3447, § 3, 34 Stat. 324.

This section is part of an act to authorize additional aids to navigation in the Light-House Establishment, cited above, other sections of which are merely temporary in their nature.

ACT MAY 14, 1908, c. 168, §§ 4-7. [H. R. 20784.]

Maintenance of anchorage buoys in New York Harbor and Philadelphia Harbor.

Sec. 4. That it is hereby made the duty of the Light-House Board to care for and maintain the anchorage buoys in New York Harbor and Philadelphia Harbor heretofore placed there by the United States.

Act May 14, 1908, c. 168, § 4, 35 Stat. 162.

This section and the three sections next following are part of an act to authorize additional aids to navigation in the Light-House Establishment, cited above, other sections of which are merely temporary in their nature.

Failure to maintain lights required by law on bridges, etc., punishable; penalty.

Sec. 5. That any person, firm, company, or corporation required by law to maintain a light or lights upon any bridge or abutments over or in any navigable waters, who shall fail or refuse to maintain such light or lights, or to obey any of the lawful rules and regulations relating to the same, shall be deemed guilty of a misdemeanor and be subject to a fine not exceeding the sum of one hundred dollars for each offense, and each day during which such violation shall continue shall be considered as a new offense.

Act May 14, 1908, c. 168, § 5, 35 Stat. 162.

See note under next preceding section of this act.

Obstructing or interfering with aids to navigation, or anchoring vessel so as to obstruct or interfere with range lights, unlawful; penalty.

Sec. 6. That it shall be unlawful for any person to obstruct or interfere with any aid to navigation established or maintained in the Light-House Establishment under the Light-House Board, or to anchor any vessel in any of the navigable waters of the United States so as to obstruct or interfere with range lights maintained therein, and any person violating the provisions of this section shall be deemed guilty of a misdemeanor and be subject to a fine not exceeding the sum of five hundred dollars for each offense, and each day during which such violation shall continue shall be considered as a new offense.

Act May 14, 1908, c. 168, § 6, 35 Stat. 162.

See note under section 4 of this act, set forth above.

Report of aids to navigation which may be discontinued.

Sec. 7. That the Secretary of Commerce and Labor shall annually cause the Light-House Board to make a report to him for transmission to Congress of all aids to navigation in service which may be discontinued without distinct injury to the interests of navigation.

Act May 14, 1908, c. 168, § 7, 35 Stat. 162.

See note under section 4 of this act, set forth above.

ACT MARCH 4, 1909, c. 299, § 1. [H. R. 28245.]

Lease of ground for lights and beacons not permanent.

Lighting of rivers: * * for establishing, supplying, and maintaining post lights * * the Light-House Board being hereby au-

thorized to lease the necessary ground for all such lights and beacons as are for temporary use or are used to point out changeable channels, and which in consequence can not be made permanent, * *

Act March 4, 1909, c. 299, § 1, 35 Stat. 972.

This is a provision accompanying an appropriation for lighting rivers in the sundry civil appropriation act for the fiscal year ending June 30, 1910, cited above. Provisions in the same language were contained in the similar appropriation acts for preceding years.

Sec. 4673.

Compensation [of keepers of light-houses].

Light-house keepers and assistant light-house keepers are entitled to rations, by Act May 14, 1908, c. 168, § 9, set forth below.

Statements in the annual Book of Estimates, under each item of appropriation under the head of "Light-House Establishment," showing the number of persons employed and the rate of compensation paid to each from each of said appropriations during the preceding fiscal year, are required by a provision of Act June 28, 1902, c. 1301, § 1, ante, under Title XLI, "Appropriations."

ACT MAY 14, 1908, c. 168, § 9. [H. R. 20784.]

Rations for light-house keepers and assistant light-house keepers, and commutation therefor.

That every light-house keeper and assistant light-house keeper in the Light-House Establishment of the United States shall be entitled to receive one ration per day or, in the discretion of the Light-House Board, commutation therefor at the rate of thirty cents per ration.

Act May 14, 1908, c. 168, § 9, 35 Stat. 163.

Sec. 4679.

Restriction upon compensation of officers, etc.

Officers of the Army and Navy detailed for service in connection with the Light-House Establishment are to be paid their actual traveling expenses in certain cases, by Act Feb. 26, 1907, c. 1638, § 6, set forth below.

ACT FEB. 26, 1907, c. 1638, § 6. [H. R. 25242.]

Traveling expenses of officers of Army and Navy detailed for service in connection with Light-House Establishment.

That hereafter officers of the Army and Navy detailed for service in connection with the Light-House Establishment shall be paid their actual traveling expenses when traveling under orders on official duty to and from points which can not be conveniently reached by vessel or railroad.

Act Feb. 26, 1907, c. 1638, § 6, 34 Stat. 997.

This section is part of an act to authorize additional aids to navigation in the Light-House Establishment, other sections of which are merely temporary in their nature.

TITLE LVI.

THE COAST SURVEY.

Sec. 4681.

President may authorize surveys.

The Coast and Geodetic Survey, previously under the jurisdiction of the Department of the Treasury, is transferred to the Department of Commerce and Labor by the act establishing that department, Act Feb. 14, 1903, c. 552, § 4, ante, under Title XII A, "The Department of Commerce and Labor."

Co-operation of officers and employés of the Survey, and of the Bureau of Fisheries, with the North Carolina state fish commissioner, in making a survey of the waters of North Carolina in which the use of fishing appliances is prohibited by law, is provided for by Act March 4, 1909, c. 313, set forth below.

ACT MARCH 4, 1909, c. 313. [H. R. 19607.]

An Act to Authorize the Secretary of Commerce and Labor to Cooperate, through the Bureau of the Coast and Geodetic Survey and the Bureau of Fisheries, with the Fish Commissioner of the State of North Carolina in Making Surveys of the Waters of North Carolina Where Fishing is Prohibited by Law. (35 Stat. 1064.)

Co-operation with North Carolina state fish commissioner in survey of waters in which use of fishing appliances is prohibited by law.

Be it enacted, &c., That the Secretary of Commerce and Labor be, and he is hereby, authorized and directed, upon the request of the governor of the State of North Carolina, to designate such officers, experts, and employees of the Bureau of the Coast and Geodetic Survey and of the Bureau of Fisheries as may be necessary to cooperate with the North Carolina State fish commissioner in making a survey of and marking in a prominent manner all those areas of the waters of the sounds and their tributaries of the State in which the use of any or all fishing appliances are prohibited by law; and the Secretary of Commerce and Labor is hereby authorized and directed to furnish to the officers, experts, and employees of said bureaus so detailed as aforesaid such instruments, appliances, and steam launches as may be necessary to make the survey aforesaid; and the Secretary of Commerce and Labor is hereby authorized to have made in the Bureau of the Coast and Geodetic Survey all the plats necessary to show the results of the aforesaid survey, and to furnish to the fish commissioner of the State of North Carolina such copies as may be necessary for his use, and for this purpose to employ in the District of Columbia and elsewhere such technically qualified persons as may be necessary to carry out the purposes of this Act.

Act March 4, 1909, c. 313, § 1, 35 Stat. 1064.

Points of triangulation to be marked for use in future work of survey.

Sec. 2. That the Secretary of Commerce and Labor is hereby further authorized to have erected or constructed by the officers so detailed as aforesaid, while making said survey, such structures as may

be necessary to mark in a prominent and satisfactory manner the points of triangulation so that the same may be used for such future work of the Coast and Geodetic Survey as the said Bureau may be hereafter required to perform in prosecuting the Government coast survey of the navigable waters of the United States located within the State of North Carolina.

Act March 4, 1909, c. 313, § 2, 35 Stat. 1065.

Time of taking effect of act.

Sec. 3. That this Act shall take effect from the date of its passage.

Act March 4, 1909, c. 313, § 3, 35 Stat. 1065.

Sec. 4685.

Power to use books, etc., and to employ persons.

Appropriations for expenditures for the work of the survey are made in the annual sundry civil appropriation acts. The recent appropriations are accompanied by a restriction "That no part of the money herein appropriated for the Coast and Geodetic Survey shall be available for allowance to civilian or other officers for subsistence while on duty at Washington (except as hereinbefore provided for officers of the field force ordered to Washington for short periods for consultation with the superintendent), except as now provided by law." The provisions for the fiscal year ending June 30, 1912, are by Act March 4, 1911, c. 285, § 1, 36 Stat. 1435.

Assignment of pay by employés of the Survey, outside of the District of Columbia, are authorized by a provision of Act March 4, 1907, c. 2918, § 1, set forth below.

Cumulative leave of absence, accrued during a period of three years, to officers of the field force of the Survey on duty in the Philippine Islands, is authorized by a provision of Act March 4, 1909, c. 299, § 1, set forth below.

ACT MARCH 4, 1907, c. 2918, § 1. [H. R. 25745.]

Assignments of pay by employés.

Scientific and other employees of the United States Coast and Geodetic Survey, while employed outside of the District of Columbia, are hereby authorized to make assignments of their pay, under such regulations as the Secretary of Commerce and Labor may prescribe.

Act March 4, 1907, c. 2918, § 1, 34 Stat. 1322.

This is a provision accompanying appropriations for field expenses of the Survey in the sundry civil appropriation act for the fiscal year ending June 30, 1908, cited above.

ACT MARCH 4, 1909, c. 299, § 1. [H. R. 28245.]

Cumulative leave of absence to officers of field force on duty in Philippine Islands.

The Secretary of Commerce and Labor, at his discretion, may hereafter grant to officers of the field force of the Coast and Geodetic Survey on duty in the Philippine Islands, at one time the whole or any portion of the annual leave accrued and unused during a period of three years.

Act March 4, 1909, c. 299, § 1, 35 Stat. 974.

This is a provision accompanying appropriations for field expenses of the Survey in the sundry civil appropriation act for the fiscal year ending June 30, 1910, cited above.

[TITLE LVI A.]

[REGULATION OF INTERSTATE AND FOREIGN COMMERCE.]

[CHAPTER ONE.]

[Regulation of Common Carriers.]

ACT FEB. 4, 1887, c. 104, §§ 1, 4, 6, 10, 13-16, 16a, 20, 24. [*As amended* 1889, 1891, 1895, 1906, 1910.]

This act, the original Interstate Commerce Act, set forth in Comp. St. 1901, pp. 3154-3171, as amended by Act March 2, 1889, c. 382, Act Feb. 10, 1891, c. 128, and Act Feb. 8, 1895, c. 61, said amendments being incorporated into the several sections amended, is further amended by Act June 29, 1906, c. 3591, by changes in and additions to sections 1, 6, 14, 15, 16, and 20 of the act, and by adding thereto two new sections numbered as sections 16a and 24, and is again amended by Act June 18, 1910, c. 309, §§ 7-14, by changes in additions to sections 1, 4, 6, 10, 13, 15, 16, and 20. Said sections so amended, as they are made to read by the last amendment of each, and said two new sections 16a and 24, are inserted here in their order, as sections of the original act.

Other provisions of said Act June 29, 1906, c. 3591, and Act June 18, 1910, c. 309, not specifically amending Act Feb. 4, 1887, c. 104 or any other act, are set forth below.

Carriers and transportation subject to regulation, including transportation of oil, etc., by pipe lines and telegraph, telephone, and cable companies.

Section 1. That the provisions of this Act shall apply to any corporation or any person or persons engaged in the transportation of oil or other commodity, except water and except natural or artificial gas, by means of pipe lines, or partly by pipe lines and partly by railroad, or partly by pipe lines and partly by water, and to telegraph, telephone, and cable companies (whether wire or wireless) engaged in sending messages from one State, Territory, or District of the United States, to any other State, Territory, or District of the United States, or to any foreign country, who shall be considered and held to be common carriers within the meaning and purpose of this Act, and to any common carrier or carriers engaged in the transportation of passengers or property wholly by railroad (or partly by railroad and partly by water when both are used under a common control, management, or arrangement for a continuous carriage or shipment) from one State or Territory of the United States or the District of Columbia, to any other State or Territory of the United States or the District of Columbia, or from one place in a Territory to another place in the same Territory, or from any place in the United States to an adjacent foreign country, or from any place in the United States through a foreign country to any other place in the United

States, and also to the transportation in like manner of property shipped from any place in the United States to a foreign country and carried from such place to a port of transshipment, or shipped from a foreign country to any place in the United States and carried to such place from a port of entry either in the United States or an adjacent foreign country: Provided, however, That the provisions of this Act shall not apply to the transportation of passengers or property, or to the receiving, delivering, storage, or handling of property wholly within one State and not shipped to or from a foreign country from or to any State or Territory as aforesaid, nor shall they apply to the transmission of messages by telephone, telegraph, or cable wholly within one State and not transmitted to or from a foreign country from or to any State or Territory as aforesaid.

Terms "common carrier," "railroad," and "transportation" defined; duty of carriers to furnish transportation, and to establish through routes and just and reasonable rates and provide facilities for operation thereof and make rules for exchange, etc., of cars, etc.

The term "common carrier" as used in this Act shall include express companies and sleeping car companies. The term "railroad" as used in this Act shall include all bridges and ferries used or operated in connection with any railroad, and also all the road in use by any corporation operating a railroad, whether owned or operated under a contract, agreement, or lease, and shall also include all switches, spurs, tracks, and terminal facilities of every kind used or necessary in the transportation of the persons or property designated herein, and also all freight depots, yards, and grounds used or necessary in the transportation or delivery of any of said property; and the term "transportation" shall include cars and other vehicles and all instrumentalities and facilities of shipment or carriage, irrespective of ownership or of any contract, express or implied, for the use thereof and all services in connection with the receipt, delivery, elevation, and transfer in transit, ventilation, refrigeration or icing, storage, and handling of property transported; and it shall be the duty of every carrier subject to the provisions of this Act to provide and furnish such transportation upon reasonable request therefor, and to establish through routes and just and reasonable rates applicable thereto; and to provide reasonable facilities for operating such through routes and to make reasonable rules and regulations with respect to the exchange, interchange, and return of cars used therein, and for the operation of such through routes, and providing for reasonable compensation to those entitled thereto.

Wherever the word "carrier" occurs in Act June 29, 1906, c. 3591, amending this act, it shall be held to mean "common carrier," by a proviso contained in the amendment of section 6 of this act by section 2 of said amendatory act, which is incorporated in section 2 of this act, set forth below.

Charges to be just and reasonable; unjust and unreasonable charge unlawful; classification of telegraph, etc., messages, and rates therefor; contracts by telegraph, etc., companies with common carriers for exchange of services.

All charges made for any service rendered or to be rendered in the transportation of passengers or property and for the transmission of messages by telegraph, telephone, or cable, as aforesaid, or in con-

nection therewith, shall be just and reasonable; and every unjust and unreasonable charge for such service or any part thereof is prohibited and declared to be unlawful: Provided, That messages by telegraph, telephone, or cable, subject to the provisions of this Act, may be classified into day, night, repeated, unrepeated, letter, commercial, press, Government, and such other classes as are just and reasonable, and different rates may be charged for the different classes of messages: And provided further, That nothing in this Act shall be construed to prevent telephone, telegraph, and cable companies from entering into contracts with common carriers, for the exchange of services.

Classification of property for transportation; regulations and practices affecting transportation of property and matters relating thereto or connected therewith; unjust and unreasonable classification, regulation, or practice with reference to interstate or foreign commerce, prohibited.

And it is hereby made the duty of all common carriers subject to the provisions of this Act to establish, observe, and enforce just and reasonable classifications of property for transportation, with reference to which rates, tariffs, regulations, or practices are or may be made or prescribed, and just and reasonable regulations and practices affecting classifications, rates, or tariffs, the issuance, form, and substance of tickets, receipts, and bills of lading, the manner and method of presenting, marking, packing, and delivering property for transportation, the facilities for transportation, the carrying of personal, sample, and excess baggage, and all other matters relating to or connected with the receiving, handling, transporting, storing, and delivery of property subject to the provisions of this Act which may be necessary or proper to secure the safe and prompt receipt, handling, transportation, and delivery of property subject to the provisions of this Act upon just and reasonable terms, and every such unjust and unreasonable classification, regulation, and practice with reference to commerce between the States and with foreign countries is prohibited and declared to be unlawful.

Free passes or free transportation for passengers prohibited; exceptions and provisos; privilege and interchange of passes and of telegraph, etc., franks, for officers, etc., of common carriers, and of telegraph, etc., lines; persons included in exceptions of "employees" and "families"; violations of provisions punishable; penalty; jurisdiction of offenses.

No common carrier subject to the provisions of this Act, shall, after January first, nineteen hundred and seven, directly or indirectly, issue or give any interstate free ticket, free pass, or free transportation for passengers, except to its employees and their families, its officers, agents, surgeons, physicians, and attorneys at law; to ministers of religion, traveling secretaries of railroad Young Men's Christian Associations, inmates of hospitals and charitable and eleemosynary institutions, and persons exclusively engaged in charitable and eleemosynary work; to indigent, destitute and homeless persons, and to such persons when transported by charitable societies or hospitals, and the necessary agents employed in such transportation; to inmates of the National Homes or State Homes for Disabled Volunteer Soldiers, and of Soldiers' and Sailors' Homes, including those about to enter and those returning home after discharge; to necessary care takers of

live stock, poultry, milk, and fruit; to employees on sleeping cars, express cars, and to linemen of telegraph and telephone companies; to Railway Mail Service employees, post-office inspectors, customs inspectors, and immigration inspectors; to newsboys on trains, baggage agents, witnesses attending any legal investigation in which the common carrier is interested, persons injured in wrecks and physicians and nurses attending such persons: Provided, That this provision shall not be construed to prohibit the interchange of passes for the officers, agents, and employees of common carriers, and their families; nor to prohibit any common carrier from carrying passengers free with the object of providing relief in cases of general epidemic, pestilence, or other calamitous visitation: And provided further, That this provision shall not be construed to prohibit the privilege of passes or franks, or the exchange thereof with each other, for the officers, agents, employees, and their families of such telegraph, telephone and cable lines, and the officers, agents, employees and their families of other common carriers subject to the provisions of this Act: Provided further, That the term "employees" as used in this paragraph shall include furloughed, pensioned, and superannuated employees, persons who have become disabled or infirm in the service of any such common carrier, and the remains of a person killed in the employment of a carrier and ex-employees traveling for the purpose of entering the service of any such common carrier; and the term "families" as used in this paragraph shall include the families of those persons named in this proviso, also the families of persons killed, and the widows during widowhood and minor children during minority of persons who died, while in the service of any such common carrier. Any common carrier violating this provision shall be deemed guilty of a misdemeanor and for each offense, on conviction, shall pay to the United States a penalty of not less than one hundred dollars nor more than two thousand dollars, and any person, other than the persons excepted in this provision, who uses any such interstate free ticket, free pass, or free transportation shall be subject to a like penalty. Jurisdiction of offenses under this provision shall be the same as that provided for offenses in an Act entitled "An Act to further regulate commerce with foreign nations and among the States," approved February nineteenth, nineteen hundred and three, and any amendment thereof.

Act Feb. 19, 1903, c. 708, mentioned in this paragraph, as amended by Act June 29, 1906, c. 3591, is set forth below.

Transportation by railroad company of article or commodity manufactured, mined, or produced by it, or which it owns, or in which it has any interest, unlawful.

From and after May first, nineteen hundred and eight, it shall be unlawful for any railroad company to transport from any State, Territory, or the District of Columbia, to any other State, Territory, or the District of Columbia, or to any foreign country, any article or commodity, other than timber and the manufactured products thereof, manufactured, mined, or produced by it, or under its authority, or which it may own in whole or in part, or in which it may have any interest, direct or indirect, except such articles or commodities as may be necessary and intended for its use in the conduct of its business as a common carrier.

Switch connections and cars to be furnished; enforcement by the Interstate Commerce Commission.

Any common carrier subject to the provisions of this Act, upon application of any lateral, branch line of railroad, or of any shipper tendering interstate traffic for transportation, shall construct, maintain, and operate upon reasonable terms a switch connection with any such lateral, branch line of railroad, or private side track which may be constructed to connect with its railroad, where such connection is reasonably practicable and can be put in with safety and will furnish sufficient business to justify the construction and maintenance of the same; and shall furnish cars for the movement of such traffic to the best of its ability without discrimination in favor of or against any such shipper. If any common carrier shall fail to install and operate any such switch or connection as aforesaid, on application therefor in writing by any shipper or owner of such lateral, branch line of railroad, such shipper or owner of such lateral, branch line of railroad may make complaint to the commission, as provided in section thirteen of this Act, and the commission shall hear and investigate the same and shall determine as to the safety and practicability thereof and justification and reasonable compensation therefor, and the commission may make an order, as provided in section fifteen of this Act, directing the common carrier to comply with the provisions of this section in accordance with such order, and such order shall be enforced as hereinafter provided for the enforcement of all other orders by the commission, other than orders for the payment of money.

Act Feb. 4, 1887, c. 104, § 1, 24 Stat. 379. Act June 29, 1906, c. 3591, § 1, 34 Stat. 584. Act April 13, 1908, c. 143, 35 Stat. 60. Act June 18, 1910, c. 309, § 7, 36 Stat. 544.

Sections 13 and 15 of this act, mentioned in the last paragraph of this section, as amended by Act June 18, 1910, c. 309, §§ 11, 12, are set forth below.

Secs. 2, 3.

Sections 2 and 3 of Act Feb. 4, 1887, c. 104, not specifically amended by any subsequent act, are set forth in Comp. St. 1901, p. 3155.

Besides the prohibition of undue preferences, etc., contained in Act Feb. 4, 1887, c. 104, § 3, set forth in Comp. St. 1901, p. 3155, the offering, granting, or giving, or soliciting, accepting, or receiving, any rebate, concession, or discrimination in respect to the transportation of any property in interstate and foreign commerce by any common carrier subject to this act, whereby any such property shall be transported at a less rate than that named in the tariffs to be filed by such carrier as required by this act, or whereby any other advantage is given or discrimination is practiced, is prohibited, and any person or corporation offering, granting, or giving, or soliciting, accepting, or receiving, any rebates, etc., is guilty of a misdemeanor, and punishable by a fine of not less than $1,000 or more than $20,000, by Act Feb. 19, 1903, c. 708, § 1, as amended by Act June 29, 1906, c. 3591, § 2, to read as set forth below.

Charges for shorter haul not to be greater than for longer haul; charges on through route not to exceed aggregate of intermediate rates; authorization of less charge for longer distances in special cases; temporary continuance of existing rates; increase of rates after reduction by railroads in competition with water routes.

Sec. 4. That it shall be unlawful for any common carrier subject to the provisions of this Act to charge or receive any greater com-

pensation in the aggregate for the transportation of passengers, or of like kind of property, for a shorter than for a longer distance over the same line or route in the same direction, the shorter being included within the longer distance, or to charge any greater compensation as a through route than the aggregate of the intermediate rates subject to the provisions of this Act; but this shall not be construed as authorizing any common carrier within the terms of this Act to charge or receive as great compensation for a shorter as for a longer distance: Provided, however, That upon application to the Interstate Commerce Commission such common carrier may in special cases, after investigation, be authorized by the commission to charge less for longer than for shorter distances for the transportation of passengers or property; and the commission may from time to time prescribe the extent to which such designated common carrier may be relieved from the operation of this section: Provided further, That no rates or charges lawfully existing at the time of the passage of this amendatory Act shall be required to be changed by reason of the provisions of this section prior to the expiration of six months after the passage of this Act, nor in any case where application shall have been filed before the commission, in accordance with the provisions of this section, until a determination of such application by the commission.

Whenever a carrier by railroad shall in competition with a water route or routes reduce the rates on the carriage of any species of freight to or from competitive points, it shall not be permitted to increase such rates unless after hearing by the Interstate Commerce Commission, it shall be found that such proposed increase rests upon changed conditions other than the elimination of water competition.

Act Feb. 4, 1887, c. 104, § 4, 24 Stat. 380. Act June 18, 1910, c. 309 § 8, 36 Stat. 547.

Sec. 5.

Section 5 of Act Feb. 4, 1887, c. 104, not specifically amended by any subsequent act, is set forth in Comp. St. 1901, p. 3156.

Schedules of rates, fares, and charges to be filed and kept open to public; contents; printing and posting; application of section.

Sec. 6. That every common carrier subject to the provisions of this Act shall file with the Commission created by this Act and print and keep open to public inspection schedules showing all the rates, fares, and charges for transportation between different points on its own route and between points on its own route and points on the route of any other carrier by railroad, by pipe line, or by water when a through route and joint rate have been established. If no joint rate over the through route has been established, the several carriers in such through route shall file, print and keep open to public inspection as aforesaid, the separately established rates, fares and charges applied to the through transportation. The schedules printed as aforesaid by any such common carrier shall plainly state the places between which property and passengers will be carried, and shall contain the classification of freight in force, and shall also state separately all terminal charges, storage charges, icing charges, and all other charges which the Commission may require, all privileges or facilities granted or allowed and

any rules or regulations which in any wise change, affect, or determine any part or the aggregate of such aforesaid rates, fares, and charges, or the value of the service rendered to the passenger, shipper, or consignee. Such schedules shall be plainly printed in large type, and copies for the use of the public shall be kept posted in two public and conspicuous places in every depot, station, or office of such carrier where passengers or freight, respectively, are received for transportation, in such form that they shall be accessible to the public and can be conveniently inspected. The provisions of this section shall apply to all traffic, transportation, and facilities defined in this Act.

Schedules of through rates for freight through foreign country; customs duties imposed if through rate not made public.

Any common carrier subject to the provisions of this Act receiving freight in the United States to be carried through a foreign country to any place in the United States shall also in like manner print and keep open to public inspection, at every depot or office where such freight is received for shipment, schedules showing the through rates established and charged by such common carrier to all points in the United States beyond the foreign country to which it accepts freight for shipment; and any freight shipped from the United States through a foreign country into the United States the through rate on which shall not have been made public, as required by this Act, shall, before it is admitted into the United States from said foreign country, be subject to customs duties as if said freight were of foreign production.

Notice of changes in rates, fares, and charges.

No change shall be made in the rates, fares, and charges or joint rates, fares, and charges which have been filed and published by any common carrier in compliance with the requirements of this section, except after thirty days' notice to the Commission and to the public published as aforesaid, which shall plainly state the changes proposed to be made in the schedule then in force and the time when the changed rates, fares, or charges will go into effect; and the proposed changes shall be shown by printing new schedules, or shall be plainly indicated upon the schedules in force at the time and kept open to public inspection: Provided, That the Commission may, in its discretion and for good cause shown, allow changes upon less than the notice herein specified, or modify the requirements of this section in respect to publishing, posting, and filing of tariffs, either in particular instances or by a general order applicable to special or peculiar circumstances or conditions.

Joint tariffs to specify names of parties thereto; concurrence therein or acceptance thereof.

The names of the several carriers which are parties to any joint tariff shall be specified therein, and each of the parties thereto, other than the one filing the same, shall file with the Commission such evidence of concurrence therein or acceptance thereof as may be required or approved by the Commission, and where such evidence of concurrence or acceptance is filed it shall not be necessary for the carriers filing the same to also file copies of the tariffs in which they are named as parties.

Copies of traffic contracts, etc., to be filed.

Every common carrier subject to this Act shall also file with said Commission copies of all contracts, agreements, or arrangements with other common carriers in relation to any traffic affected by the provisions of this Act to which it may be a party.

Forms of schedules may be prescribed by the Commission.

The Commission may determine and prescribe the form in which the schedules required by this section to be kept open to public inspection shall be prepared and arranged and may change the form from time to time as shall be found expedient.

Transportation of passengers or property, unless rates, etc., filed and published as provided, forbidden; compensation other than as specified, rebates, and privileges or facilities except as specified in tariffs, prohibited; word "carrier" in act to mean "common carrier."

No carrier, unless otherwise provided by this Act, shall engage or participate in the transportation of passengers or property, as defined in this Act, unless the rates, fares, and charges upon which the same are transported by said carrier have been filed and published in accordance with the provisions of this Act; nor shall any carrier charge or demand or collect or receive a greater or less or different compensation for such transportation of passengers or property, or for any service in connection therewith, between the points named in such tariffs than the rates, fares, and charges which are specified in the tariff filed and in effect at the time; nor shall any carrier refund or remit in any manner or by any device any portion of the rates, fares, and charges so specified, nor extend to any shipper or person any privileges or facilities in the transportation of passengers or property, except such as are specified in such tariffs: Provided, That wherever the word "carrier" occurs in this Act it shall be held to mean "common carrier."

Preference to military traffic in time of war.

That in time of war or threatened war preference and precedence shall, upon the demand of the President of the United States, be given, over all other traffic, to the transportation of troops and material of war, and carriers shall adopt every means within their control to facilitate and expedite the military traffic.

Schedules not giving notice of effective date may be rejected; use unlawful.

The commission may reject and refuse to file any schedule that is tendered for filing which does not provide and give lawful notice of its effective date, and any schedule so rejected by the commission shall be void and its use shall be unlawful.

Penalty for failure to comply with regulations or orders of Commission.

In case of failure or refusal on the part of any carrier, receiver, or trustee to comply with the terms of any regulation adopted and promulgated or any order made by the commission under the provisions of this section, such carrier, receiver, or trustee shall be liable to a penalty of five hundred dollars for each such offense, and twenty-five dollars for each and every day of the continuance of such offense,

which shall accrue to the United States and may be recovered in a civil action brought by the United States.

Penalty for failure to give written statement of rates, etc., for described shipment, or for misstating rate therefor.

If any common carrier subject to the provisions of this Act after written request made upon the agent of such carrier hereinafter in this section referred to, by any person or company for a written statement of the rate or charge applicable to a described shipment between stated places under the schedules or tariffs to which such carrier is a party, shall refuse or omit to give such written statement within a reasonable time, or shall misstate in writing the applicable rate, and if the person or company making such request suffers damage in consequence of such refusal or omission or in consequence of the misstatement of the rate, either through making the shipment over a line or route for which the proper rate is higher than the rate over another available line or route, or through entering into any sale or other contract whereunder such person or company obligates himself or itself to make such shipment of freight at his or its cost, then the said carrier shall be liable to a penalty of two hundred and fifty dollars, which shall accrue to the United States and may be recovered in a civil action brought by the United States.

Name of resident agent of carrier by railroad to be posted at freight station; request for information as to rates.

It shall be the duty of every carrier by railroad to keep at all times conspicuously posted in every station where freight is received for transportation the name of an agent resident in the city, village, or town where such station is located, to whom application may be made for the information by this section required to be furnished on written request; and in case any carrier shall fail at any time to have such name so posted in any station, it shall be sufficient to address such request in substantially the following form: "The Station Agent of the ———— Company at ———— Station," together with the name of the proper post-office, inserting the name of the carrier company and of the station in the blanks, and to serve the same by depositing the request so addressed, with postage thereon prepaid, in any post-office.

Act Feb. 4, 1887, c. 104, § 6, 24 Stat. 380. Act March 2, 1889, c. 382, § 1, 25 Stat. 855. Act June 29, 1906, c. 3591, § 2, 34 Stat. 586. Act June 18, 1910, c. 309, § 9, 36 Stat. 548.

The willful failure upon the part of any carrier subject to said act to regulate commerce, Act Feb. 4, 1887, c. 104, and the acts amendatory thereof, to file and publish the tariffs and rates and charges required by said acts, or to observe such tariffs or rates and charges until changed according to law, is made a misdemeanor punishable by a fine of not less than $1.000 nor more than $20,000 for each offense, by Act Feb. 19, 1903, c. 708, § 1, as amended by Act June 29, 1906, c. 3591, § 2, to read as set forth below.

Whenever any carrier files or publishes a particular rate under the provisions of said act to regulate commerce, Act Feb. 4, 1887, c. 104, or acts amendatory thereto, or participates in any rates so filed or published, that rate, as against such carrier, its officers or agents, shall, in any prosecution, be conclusively deemed to be the legal rate, and any departure from such rate, or any offer to depart therefrom, is punishable, under Act Feb. 19, 1903, c. 708, § 1, as amended by Act June 29, 1906, c. 3591, § 2, to read as set forth below.

Secs. 7–9.

Sections 7, 8, and 9 of Act Feb. 4, 1887, c. 104, not specifically amended by any subsequent act, are set forth in Comp. St. 1901, p. 3159.

The right to recover damages given by Act Feb. 4, 1887, c. 104, §§ 8, 9, set forth in Comp. St. 1901, p. 3159, or any other action provided by said act and the acts amendatory thereof, is not precluded by Act Feb. 19, 1903, c. 708, set forth below, section 3 of which authorizes the Interstate Commerce Commission to file a complaint against any common carrier who, it is believed, is engaged in the carriage of passengers or freight at less than the published rates on file.

Violation of act by carrier or officer, etc., thereof, for which no penalty otherwise provided, a misdemeanor; punishment; additional punishment for unlawful discrimination in rates, etc.

Sec. 10. That any common carrier subject to the provisions of his Act, or, whenever such common carrier is a corporation, any director or officer thereof, or any receiver, trustee, lessee, agent, or person acting for or employed by such corporation, who, alone or with any other corporation, company, person, or party, shall willfully do or cause to be done, or shall willingly suffer or permit to be done, any act, matter, or thing in this Act prohibited or declared to be unlawful, or who shall aid or abet therein, or shall willfully omit or fail to do any act, matter, or thing in this Act required to be done, or shall cause or willingly suffer or permit any act, matter, or thing so directed or required by this Act to be done not to be so done, or shall aid or abet any such omission or failure, or shall be guilty of any infraction of this Act for which no penalty is otherwise provided, or who shall aid or abet therein, shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof in any district court of the United States within the jurisdiction of which such offense was committed, be subject to a fine of not to exceed five thousand dollars for each offense: Provided, That if the offense for which any person shall be convicted as aforesaid shall be an unlawful discrimination in rates, fares, or charges for the transportation of passengers or property, such person shall, in addition to the fine hereinbefore provided for, be liable to imprisonment in the penitentiary for a term of not exceeding two years, or both such fine and imprisonment, in the discretion of the court.

False billing, classification, etc., by carrier or officer, etc., thereof, for transportation of property at less than regular rates, a misdemeanor; punishment.

Any common carrier subject to the provisions of this Act, or, whenever such common carrier is a corporation, any officer or agent thereof, or any person acting for or employed by such corporation, who, by means of false billing, false classification, false weighing, or false report of weight, or by any other device or means, shall knowingly and willfully assist, or shall willingly suffer or permit, any person or persons to obtain transportation for property at less than the regular rates then established and in force on the line of transportation of such common carrier, shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof in any court of the United States of competent jurisdiction within the district in which such offense was committed, be subject to a fine of not exceeding five thousand dollars, or imprisonment in the penitentiary for a term of not exceeding two years, or both, in the discretion of the court, for each offense.

Obtaining or attempting to obtain transportation for property at less than regular rates, by false billing, classification, etc., or by making false claim for damages, etc., a misdemeanor; punishment.

Any person, corporation, or company, or any agent or officer thereof, who shall deliver property for transportation to any common carrier subject to the provisions of this Act, or for whom, as consignor or consignee, any such carrier shall transport property, who shall knowingly and willfully, directly or indirectly, himself or by employé, agent, officer, or otherwise, by false billing, false classification, false weighing, false representation of the contents of the package or the substance of the property, false report of weight, false statement, or by any other device or means, whether with or without the consent or connivance of the carrier, its agent, or officer, obtain or attempt to obtain transportation for such property at less than the regular rates then established and in force on the line of transportation; or who shall knowingly and willfully, directly or indirectly, himself or by employé, agent, officer, or otherwise, by false statement or representation as to cost, value, nature, or extent of injury, or by the use of any false bill, bill of lading, receipt, voucher, roll, account, claim, certificate, affidavit, or deposition, knowing the same to be false, fictitious, or fraudulent, or to contain any false, fictitious, or fraudulent statement or entry, obtain or attempt to obtain any allowance, refund, or payment for damage or otherwise in connection with or growing out of the transportation of or agreement to transport such property, whether with or without the consent or connivance of the carrier, whereby the compensation of such carrier for such transportation, either before or after payment, shall in fact be made less than the regular rates then established and in force on the line of transportation, shall be deemed guilty of fraud, which is hereby declared to be a misdemeanor, and shall, upon conviction thereof in any court of the United States of competent jurisdiction within the district in which such offense was wholly or in part committed, be subject for each offense to a fine of not exceeding five thousand dollars or imprisonment in the penitentiary for a term of not exceeding two years, or both, in the discretion of the court: Provided, That the penalty of imprisonment shall not apply to artificial persons.

Inducing or attempting to induce, by payment of money, solicitation, etc., carrier or officer, etc., thereof to discriminate unjustly in transportation of property, a misdemeanor; punishment; liability for damages.

If any such person, or any officer or agent of any such corporation or company, shall, by payment of money or other thing of value, solicitation, or otherwise, induce or attempt to induce any common carrier subject to the provisions of this Act, or any of its officers or agents, to discriminate unjustly in his, its, or their favor as against any other consignor or consignee in the transportation of property, or shall aid or abet any common carrier in any such unjust discrimination, such person or such officer or agent of such corporation or company shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof in any court of the United States of competent jurisdiction within the district in which such offense was committed, be subject to a fine of not exceeding five thousand dollars, or imprison-

ment in the penitentiary for a term of not exceeding two years, or both, in the discretion of the court, for each offense; and such person, corporation, or company shall also, together with said common carrier, be liable, jointly or severally, in an action to be brought by any consignor or consignee discriminated against in any court of the United States of competent jurisdiction for all damages caused by or resulting therefrom.

Act Feb. 4, 1887, c. 104, § 10, 24 Stat. 382. Act March 2, 1889, c. 382, § 2, 25 Stat. 857. Act June 18, 1910, c. 309, § 10, 36 Stat. 549.

Besides the provisions of this section, making punishable violations of Act Feb. 4, 1887, c. 104, anything done or omitted to be done by a corporation common carrier subject to the act and acts amendatory thereof, which if done or omitted to be done by any director or officer thereof, or any receiver, trustee, lessee, agent, or person acting for or employed by such corporation, would constitute a misdemeanor under this act, or under the provisions of Act Feb. 19, 1903, c. 708, set forth below, is also made a misdemeanor committed by such corporation, and upon conviction thereof such corporation is made subject to the penalties prescribed with reference to such persons, by provisions of said Act Feb. 19, 1903, c. 708, § 1, as amended by Act June 29, 1906, c. 3591, § 2, to read as set forth below.

Sec. 11.

Section 11 of Act Feb. 4, 1887, c. 104, not specifically amended by any subsequent act, is set forth in Comp. St. 1901, p. 3161.

The Commission, as established by said section, composed of five Commissioners, appointed for terms of six years, is enlarged, so as to consist of seven members, with terms of seven years, by provisions of a new section added to the act, by Act June 29, 1906, c. 3591, § 8, and numbered as section 24 of this act, set forth below.

Sec. 12.

Section 12 of Act Feb. 4, 1887, c. 104, as amended by Act March 2, 1889, c. 382, § 3, and Act Feb. 10, 1891, c. 128, is set forth in Comp. St. 1901, p. 3162.

Besides the provisions contained in this section, relating to the powers and proceedings of the Commission, further provisions, authorizing the Commission, when it shall have reasonable ground for belief that any common carrier is engaged in the carriage of passengers or freight traffic between given points at less than the public rates on file, or is committing any discriminations forbidden by law, to present a petition alleging such facts to the circuit court of the United States, and for inquiry by such court into the circumstances alleged in such petition, for compelling the attendance of witnesses, etc., and requiring the special district attorneys under direction of the Attorney-General to institute and prosecute such proceedings, are contained in Act Feb. 19, 1903, c. 708, § 3, set forth below.

No person can be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he may testify or produce evidence, documentary or otherwise, in any proceeding, suit, or prosecution, under Act Feb. 4, 1887, c. 104, and all acts amendatory thereof and supplementary thereto, by Act Feb. 25, 1903, c. 755, § 1, set forth below. Said act further provides that no person so testifying shall be exempt from prosecution or punishment for perjury committed in so testifying.

All existing laws relating to attendance of witnesses, production of evidence, and compelling of testimony, under this act and all acts amendatory thereof, are to apply to proceedings under the amendatory act of June 29, 1906, c. 3591, by section 9 of said act, set forth below.

The Commissioner of Corporations, the head of the Bureau of Corporations in the Department of Commerce and Labor established by Act Feb. 14, 1903, c. 552, § 6, ante, under Title XII A, "The Department

of Commerce and Labor," is, by that section, to have and exercise, in order to accomplish the purposes declared in the section, in respect to corporations, etc., engaged in commerce among the several States and with foreign nations, excepting common carriers subject to this act, the same power and authority as is conferred on the Interstate Commerce Commission in this act and the amendments thereto in respect to common carriers, so far as the same may be applicable. And by further provisions of said section referred to above, it is made the province and duty of said Bureau of Corporations to gather, compile, etc., useful information concerning corporations doing business within the United States engaged in interstate commerce or in commerce between the United States and any foreign country, including corporations engaged in insurance.

Complaint to Commission of violation of law by carrier; statement thereof to carrier; reparation; investigation by Commission.

Sec. 13. That any person, firm, corporation, company, or association, or any mercantile, agricultural, or manufacturing society or other organization, or any body politic or municipal organization, or any common carrier, complaining of anything done or omitted to be done by any common carrier subject to the provisions of this Act, in contravention of the provisions thereof, may apply to said commission by petition, which shall briefly state the facts; whereupon a statement of the complaint thus made shall be forwarded by the commission to such common carrier, who shall be called upon to satisfy the complaint, or to answer the same in writing, within a reasonable time, to be specified by the commission. If such common carrier within the time specified shall make reparation for the injury alleged to have been done, the common carrier shall be relieved of liability to the complainant only for the particular violation of law thus complained of. If such carrier or carriers shall not satisfy the complaint within the time specified, or there shall appear to be any reasonable ground for investigating said complaint, it shall be the duty of the commission to investigate the matters complained of in such manner and by such means as it shall deem proper.

Complaint to Commission by State Railroad Commission; inquiry by Commission on its own motion, and proceedings and powers of Commission thereon; absence of direct damage to complainant not ground for dismissal.

Said commission shall, in like manner and with the same authority and powers, investigate any complaint forwarded by the railroad commissioner or railroad commission of any State or Territory at the request of such commissioner or commission, and the Interstate Commerce Commission shall have full authority and power at any time to institute an inquiry, on its own motion, in any case and as to any matter or thing concerning which a complaint is authorized to be made, to or before said commission by any provision of this Act, or concerning which any question may arise under any of the provisions of this Act, or relating to the enforcement of any of the provisions of this Act. And the said commission shall have the same powers and authority to proceed with any inquiry instituted on its own motion as though it had been appealed to by complaint or petition under any of the provisions of this Act, including the power to make and enforce any order or orders in the case, or relating to the matter or thing concerning which the inquiry is had excepting orders for

the payment of money. No complaint shall at any time be dismissed because of the absence of direct damage to the complainant.

Act Feb. 4, 1887, c. 104, § 13, 24 Stat. 383. Act June 18, 1910, c. 309, § 11, 36 Stat. 550.

Reports of investigations by the Commission; requisites and contents thereof.

Sec. 14. That whenever an investigation shall be made by said Commission, it shall be its duty to make a report in writing in respect thereto, which shall state the conclusions of the Commission, together with its decision, order, or requirement in the premises; and in case damages are awarded such report shall include the findings of fact on which the award is made.

Record of reports; copies thereof.

All reports of investigations made by the Commission shall be entered of record, and a copy thereof shall be furnished to the party who may have complained, and to any common carrier that may have been complained of.

Publication of reports and decisions; published reports as evidence; printing and distribution of annual reports of the Commission.

The Commission may provide for the publication of its reports and decisions in such form and manner as may be best adapted for public information and use, and such authorized publications shall be competent evidence of the reports and decisions of the Commission therein contained in all courts of the United States and of the several States without any further proof or authentication thereof. The Commission may also cause to be printed for early distribution its annual reports.

Act Feb. 4, 1887, c. 104, § 14, 24 Stat. 384. Act March 2, 1889, c. 382, § 4, 25 Stat. 859. Act June 29, 1906, c. 3591, § 3, 34 Stat. 589.

Commission empowered, after hearing on complaint or on its own initiative, if of opinion that rates, etc., or classifications, etc., are in violation of act, to determine and prescribe rates, etc., as maximum, or classifications, etc.; order to carrier thereon; time of taking effect and of continuance of order; apportionment of joint rates, etc., among carriers.

Sec. 15. That whenever, after full hearing upon a complaint made as provided in section thirteen of this Act, or after full hearing under an order for investigation and hearing made by the commission on its own initiative (either in extension of any pending complaint or without any complaint whatever), the commission shall be of opinion that any individual or joint rates or charges whatsoever demanded, charged, or collected by any common carrier or carriers subject to the provisions of this Act for the transportation of persons or property or for the transmission of messages by telegraph or telephone as defined in the first section of this Act, or that any individual or joint classifications, regulations, or practices whatsoever of such carrier or carriers subject to the provisions of this Act are unjust or unreasonable or unjustly discriminatory, or unduly preferential or prejudicial or otherwise in violation of any of the provisions of this Act, the commission is hereby authorized and empowered to determine and prescribe what will be the just and reasonable individual or joint rate or rates, charge or charges, to be thereafter observed in such case as

the maximum to be charged, and what individual or joint classification, regulation, or practice is just, fair, and reasonable, to be thereafter followed, and to make an order that the carrier or carriers shall cease and desist from such violation to the extent to which the commission finds the same to exist, and shall not thereafter publish, demand, or collect any rate or charge for such transportation or transmission in excess of the maximum rate or charge so prescribed, and shall adopt the classification and shall conform to and observe the regulation or practice so prescribed. All orders of the commission, except orders for the payment of money, shall take effect within such reasonable time, not less than thirty days, and shall continue in force for such period of time, not exceeding two years, as shall be prescribed in the order of the commission, unless the same shall be suspended or modified or set aside by the commission, or be suspended or set aside by a court of competent jurisdiction. Whenever the carrier or carriers, in obedience to such order of the commission or otherwise, in respect to joint rates, fares, or charges, shall fail to agree among themselves upon the apportionment or division thereof the commission may, after hearing, make a supplemental order prescribing the just and reasonable proportion of such joint rate to be received by each carrier party thereto, which order shall take effect as a part of the original order.

Commission authorized, on complaint or on its own initiative, to determine propriety of new rate, classification, etc.; suspension, thereof pending decision; order after hearing; burden of proof on hearing as to rates increased after Jan. 1, 1910; preference of hearing and decision.

Whenever there shall be filed with the commission any schedule stating a new individual or joint rate, fare, or charge, or any new individual or joint classification, or any new individual or joint regulation or practice affecting any rate, fare, or charge, the commission shall have, and it is hereby given, authority, either upon complaint or upon its own initiative without complaint, at once, and if it so orders, without answer or other formal pleading by the interested carrier or carriers, but upon reasonable notice, to enter upon a hearing concerning the propriety of such rate, fare, charge, classification, regulation, or practice; and pending such hearing and the decision thereon the commission upon filing with such schedule and delivering to the carrier or carriers affected thereby a statement in writing of its reasons for such suspension may suspend the operation of such schedule and defer the use of such rate, fare, charge, classification, regulation, or practice, but not for a longer period than one hundred and twenty days beyond the time when such rate, fare, charge, classification, regulation, or practice would otherwise go into effect; and after full hearing, whether completed before or after the rate, fare, charge, classification, regulation, or practice goes into effect, the commission may make such order in reference to such rate, fare, charge, classification, regulation, or practice as would be proper in a proceeding initiated after the rate, fare, charge, classification, regulation, or practice had become effective: Provided, That if any such hearing can not be concluded within the period of suspension, as above stated, the Interstate Commerce Commission may, in its discretion, extend the time of suspension for a further period not exceeding six months.

At any hearing involving a rate increased after January first, nineteen hundred and ten, or of a rate sought to be increased after the passage of this Act, the burden of proof to show that the increased rate or proposed increased rate is just and reasonable shall be upon the common carrier, and the commission shall give to the hearing and decision of such questions preference over all other questions pending before it and decide the same as speedily as possible.

Commission authorized, after hearing on complaint or on its own initiative, to establish through routes and joint classifications, and joint rates as maximum, and prescribe division of rates, etc.; exception of street electric passenger railways not transporting freight, and of transportation wholly by water.

The commission may also, after hearing, on a complaint or upon its own initiative without complaint, establish through routes and joint classifications, and may establish joint rates as the maximum to be charged and may prescribe the division of such rates as hereinbefore provided and the terms and conditions under which such through routes shall be operated, whenever the carriers themselves shall have refused or neglected to establish voluntarily such through routes or joint classifications or joint rates; and this provision shall apply when one of the connecting carriers is a water line. The commission shall not, however, establish any through route, classification, or rate between street electric passenger railways not engaged in the general business of transporting freight in addition to their passenger and express business and railroads of a different character, nor shall the commission have the right to establish any route, classification, rate, fare, or charge when the transportation is wholly by water, and any transportation by water affected by this Act shall be subject to the laws and regulations applicable to transportation by water.

Through route established by Commission to embrace entire length of railroad, unless route thereby made unreasonably long.

And in establishing such through route, the commission shall not require any company, without its consent, to embrace in such route substantially less than the entire length of its railroad and of any intermediate railroad operated in conjunction and under a common management or control therewith which lies between the termini of such proposed through route, unless to do so would make such through route unreasonably long as compared with another practicable through route which could otherwise be established.

Designation by shipper of one of two or more through routes for transportation of property; issue of through bill of lading, and transportation over such route; determination between competing railroads, portions of through line or through route.

In all cases where at the time of delivery of property to any railroad corporation being a common carrier for transportation subject to the provisions of this Act to any point of destination, between which and the point of such delivery for shipment two or more through routes and through rates shall have been established as in this Act provided to which through routes and through rates such carrier is a party, the person, firm, or corporation making such shipment, subject to such reasonable exceptions and regulations as the Interstate Commerce Commission shall from time to time prescribe, shall have the right to designate in writing by which of such through

routes such property shall be transported to destination, and it shall thereupon be the duty of the initial carrier to route said property and issue a through bill of lading therefor as so directed, and to transport said property over its own line or lines and deliver the same to a connecting line or lines according to such through route, and it shall be the duty of each of said connecting carriers to receive said property and transport it over the said line or lines and deliver the same to the next succeeding carrier or consignee according to the routing instructions in said bill of lading: Provided, however, That the shipper shall in all instances have the right to determine, where competing lines of railroad constitute portions of a through line or route, over which of said connecting lines so constituting a portion of said through line or route his freight shall be transported.

Disclosure by carrier or officer, etc., thereof, of information concerning shipments, and soliciting, etc., such information, unlawful; exceptions.

It shall be unlawful for any common carrier subject to the provisions of this Act, or any officer, agent, or employee of such common carrier, or for any other person or corporation lawfully authorized by such common carrier to receive information therefrom, knowingly to disclose to or permit to be acquired by any person or corporation other than the shipper or consignee, without the consent of such shipper or consignee, any information concerning the nature, kind, quantity, destination, consignee, or routing of any property tendered or delivered to such common carrier for interstate transportation, which information may be used to the detriment or prejudice of such shipper or consignee, or which may improperly disclose his business transactions to a competitor; and it shall also be unlawful for any person or corporation to solicit or knowingly receive any such information which may be so used: Provided, That nothing in this Act shall be construed to prevent the giving of such information in response to any legal process issued under the authority of any state or federal court, or to any officer or agent of the Government of the United States, or of any State or Territory, in the exercise of his powers, or to any officer or other duly authorized person seeking such information for the prosecution of persons charged with or suspected of crime; or information given by a common carrier to another carrier or its duly authorized agent, for the purpose of adjusting mutual traffic accounts in the ordinary course of business of such carriers.

Violation of provisions of preceding paragraph, a misdemeanor; penalty.

Any person, corporation, or association violating any of the provisions of the next preceding paragraph of this section shall be deemed guilty of a misdemeanor, and for each offense, on conviction, shall pay to the United States a penalty of not more than one thousand dollars.

Allowance for service rendered or instrumentality furnished by owner of property transported to be no more than is just and reasonable; Commission authorized to determine reasonable charge as maximum.

If the owner of property transported under this Act directly or indirectly renders any service connected with such transportation, or

furnishes any instrumentality used therein, the charge and allowance therefor shall be no more than is just and reasonable, and the Commission may, after hearing on a complaint or on its own initiative, determine what is a reasonable charge as the maximum to be paid by the carrier or carriers for the services so rendered or for the use of the instrumentality so furnished, and fix the same by appropriate order, which order shall have the same force and effect and be enforced in like manner as the orders above provided for under this section.

Other powers of the Commission not excluded by foregoing enumeration.

The foregoing enumeration of powers shall not exclude any power which the Commission would otherwise have in the making of an order under the provisions of this Act.

Act Feb. 4, 1887, c. 104, § 15, 24 Stat. 384. Act June 29, 1906, c. 3591, § 4, 34 Stat. 589. Act June 18, 1910, c. 309, § 12, 36 Stat. 551.

Orders by the Commission for the payment of money as damages.

Sec. 16. That if, after hearing on a complaint made as provided in section thirteen of this Act, the Commission shall determine that any party complainant is entitled to an award of damages under the provisions of this Act for a violation thereof, the Commission shall make an order directing the carrier to pay to the complainant the sum to which he is entitled on or before a day named.

Proceedings in circuit courts for enforcement of orders for payment of money; findings and order as evidence; costs; attorney's fee; limitations of proceedings.

If a carrier does not comply with an order for the payment of money within the time limit in such order, the complainant, or any person for whose benefit such order was made, may file in the circuit court of the United States for the district in which he resides or in which is located the principal operating office of the carrier, or through which the road of the carrier runs, or in any state court of general jurisdiction having jurisdiction of the parties, a petition setting forth briefly the causes for which he claims damages, and the order of the commission in the premises. Such suit in the circuit court of the United States shall proceed in all respects like other civil suits for damages, except that on the trial of such suit the findings and order of the commission shall be prima facie evidence of the facts therein stated, and except that the petitioner shall not be liable for costs in the circuit court nor for costs at any subsequent stage of the proceedings unless they accrue upon his appeal. If the petitioner shall finally prevail he shall be allowed a reasonable attorney's fee, to be taxed and collected as a part of the costs of the suit. All complaints for the recovery of damages shall be filed with the commission within two years from the time the cause of action accrues, and not after, and a petition for the enforcement of an order for the payment of money shall be filed in the circuit court or state court within one year from the date of the order, and not after.

Joinder of parties; service of process; judgment for or against one or more joint parties.

In such suits all parties in whose favor the Commission may have made an award for damages by a single order may be joined as plain-

tiffs, and all of the carriers parties to such order awarding such damages may be joined as defendants, and such suit may be maintained by such joint plaintiffs and against such joint defendants in any district where any one of such joint plaintiffs could maintain such suit against any one of such joint defendants; and service of process against any one of such defendants as may not be found in the district where the suit is brought may be made in any district where such defendant carrier has its principal operating office. In case of such joint suit the recovery, if any, may be by judgment in favor of any one of such plaintiffs, against the defendant found to be liable to such plaintiff.

Service of orders of the Commission.

Every order of the commission shall be forthwith served upon the designated agent of the carrier in the city of Washington or in such other manner as may be provided by law.

Suspension or modification of orders by the Commission.

The Commission shall be authorized to suspend or modify its orders upon such notice and in such manner as it shall deem proper.

Rehearings by the Commission are provided for by the section added to this act, and numbered 16a, set forth below, by Act June 29, 1906, c. 3591, § 6, 34 Stat. 592.

Duty of common carriers, etc., to comply with orders of the Commission.

It shall be the duty of every common carrier, its agents and employees, to observe and comply with such orders so long as the same shall remain in effect.

Failure to obey orders made under section 15 of act; penalty.

Any carrier, any officer, representative, or agent of a carrier, or any receiver, trustee, lessee, or agent of either of them, who knowingly fails or neglects to obey any order made under the provisions of section fifteen of this Act shall forfeit to the United States the sum of five thousand dollars for each offense. Every distinct violation shall be a separate offense, and in case of a continuing violation each day shall be deemed a separate offense.

Recovery of forfeiture by civil action.

The forfeiture provided for in this Act shall be payable into the Treasury of the United States, and shall be recoverable in a civil suit in the name of the United States, brought in the district where the carrier has its principal operating office, or in any district through which the road of the carrier runs.

Duty of district attorneys to prosecute for forfeitures; costs and expenses.

It shall be the duty of the various district attorneys, under the direction of the Attorney-General of the United States, to prosecute for the recovery of forfeitures. The costs and expenses of such prosecution shall be paid out of the appropriation for the expenses of the courts of the United States.

Employment of attorneys by Commission; payment of expenses.

The commission may employ such attorneys as it finds necessary for proper legal aid and service of the commission or its members in the conduct of their work or for proper representation of the public

interests in investigations made by it or cases or proceedings pending before it, whether at the commission's own instance or upon complaint, or to appear for and represent the commission in any case pending in the commerce court; and the expenses of such employment shall be paid out of the appropriation for the commission.

Proceedings in Commerce Court for enforcement of orders other than for payment of money; injunction or other process to enforce obedience.

If any carrier fails or neglects to obey any order of the commission other than for the payment of money, while the same is in effect, the Interstate Commerce Commission or any party injured thereby, or the United States, by its Attorney-General, may apply to the commerce court for the enforcement of such order. If, after hearing, that court determines that the order was regularly made and duly served, and that the carrier is in disobedience of the same, the court shall enforce obedience to such order by a writ of injunction or other proper process, mandatory or otherwise, to restrain such carrier, its officers, agents, or representatives, from further disobedience of such order, or to enjoin upon it or them obedience to the same.

Schedules and tariffs, contracts, etc., filed with the Commission, and reports of carriers to the Commission, to be kept as public records; admissibility as evidence; certified copies and extracts as evidence.

The copies of schedules and classifications and tariffs of rates, fares, and charges, and of all contracts, agreements, and arrangements between common carriers filed with the commission as herein provided, and the statistics, tables, and figures contained in the annual or other reports of carriers made to the commission as required under the provisions of this Act shall be preserved as public records in the custody of the secretary of the commission, and shall be received as prima facie evidence of what they purport to be for the purpose of investigations by the commission and in all judicial proceedings; and copies of and extracts from any of said schedules, classifications, tariffs, contracts, agreements, arrangements, or reports, made public records as aforesaid, certified by the secretary, under the commission's seal, shall be received in evidence with like effect as the originals.

Act Feb. 4, 1887, c. 104, § 16, 24 Stat. 384. Act March 2, 1889, c. 382, § 5, 25 Stat. 859. Act June 29, 1906, c. 3591, § 5, 34 Stat. 590. Act June 18, 1910, c. 309, § 13, 36 Stat. 554.

Suits in equity in any circuit court under the act to regulate commerce, Act Feb. 4, 1887, c. 104, or any other acts having a like purpose afterwards enacted, wherein the United States is complainant, shall, if the Attorney General files with the clerk of such court a certificate that the case is of general public importance, be given precedence over other suits, and shall be assigned for hearing at the earliest practicable date, before not less than three of the circuit judges of the proper circuit, if there are three or more judges, or, if there are not more than two circuit judges, then before them and a district judge, by Act Feb. 11, 1903, c. 544, post, under Title LVI B, "Monopolies and Combinations in Restraint of Trade." Said act also provides that if the judges sitting in such case shall be divided in opinion the case shall be certified to the Supreme Court for review. Said act also makes provisions for appeals from the final decree of the circuit court direct to the Supreme Court.

Rehearings by the Commission; applications therefor not to operate as stay; decisions thereon.

Sec. 16a. That after a decision, order, or requirement has been made by the Commission in any proceeding any party thereto may at any time make application for rehearing of the same, or any matter determined therein, and it shall be lawful for the Commission in its discretion to grant such a rehearing if sufficient reason therefor be made to appear. Applications for rehearing shall be governed by such general rules as the Commission may establish. No such application shall excuse any carrier from complying with or obeying any decision, order, or requirement of the Commission, or operate in any manner to stay or postpone the enforcement thereof, without the special order of the Commission. In case a rehearing is granted the proceedings thereupon shall conform as nearly as may be to the proceedings in an original hearing, except as the Commission may otherwise direct; and if, in its judgment, after such rehearing and the consideration of all facts, including those arising since the former hearing, it shall appear that the original decision, order, or requirement is in any respect unjust or unwarranted, the Commission may reverse, change, or modify the same accordingly. Any decision, order, or requirement made after such rehearing, reversing, changing, or modifying the original determination shall be subject to the same provisions as an original order.

Act June 29, 1906, c. 3591, § 6, 34 Stat. 592.

This section was added to Act Feb. 4, 1887, c. 104, immediately after section 16, by Act June 29, 1906, c. 3591, § 6, cited above.

The suspension or modification of its orders by the Commission is authorized by a provision of section 16 of Act Feb. 4, 1887, c. 104, as amended by Act June 29, 1906, c. 3591, § 5, and Act June 18, 1910, c. 309, § 13, to read as set forth above.

Secs. 17, 18.

Sections 17 and 18 of Act Feb. 4, 1887, c. 104, as amended by Act March 2, 1889, c. 382, §§ 6, 7, are set forth in Comp. St. 1901, p. 3168.

The compensation of the Commissioners, fixed at an annual salary of $7,500 by section 18 of said act, is to be $10,000 annually, by a provision of a new section added to the act by Act June 29, 1906, c. 3591, § 8, and numbered as section 24 of this act, set forth below.

Sec. 19.

Section 19 of Act Feb. 4, 1887, c. 104, not specifically amended by any subsequent act, is set forth in Comp. St. 1901, p. 3169.

Annual reports from common carriers and owners of railroads, and answers by carriers to questions of the Commission; contents of reports; uniform system of accounts.

Sec 20. That the Commission is hereby authorized to require annual reports from all common carriers subject to the provisions of this Act, and from the owners of all railroads engaged in interstate commerce as defined in this Act, to prescribe the manner in which such reports shall be made, and to require from such carriers specific answers to all questions upon which the Commission may need information. Such annual reports shall show in detail the amount of capital stock issued, the amounts paid therefor, and the manner of payment for the same; the dividends paid, the surplus fund, if any, and the number of stockholders; the funded and floating debts and the interest paid thereon; the cost and value of the carrier's property, franchises,

and equipments; the number of employees and the salaries paid each class; the accidents to passengers, employees, and other persons, and the causes thereof; the amounts expended for improvements each year, how expended, and the character of such improvements; the earnings and receipts from each branch of business and from all sources; the operating and other expenses; the balances of profit and loss; and a complete exhibit of the financial operations of the carrier each year, including an annual balance sheet. Such reports shall also contain such information in relation to rates or regulations concerning fares or freights, or agreements, arrangements, or contracts affecting the same as the Commission may require; and the Commission may, in its discretion, for the purpose of enabling it the better to carry out the purposes of this Act, prescribe a period of time within which all common carriers subject to the provisions of this Act shall have, as near as may be, a uniform system of accounts, and the manner in which such accounts shall be kept.

Period to be covered by and time for making reports; penalty for failure to make reports or answer questions; monthly and special reports.

Said detailed reports shall contain all the required statistics for the period of twelve months ending on the thirtieth day of June in each year, or on the thirty-first day of December in each year if the commission by order substitute that period for the year ending June thirtieth, and shall be made out under oath and filed with the commission at its office in Washington within three months after the close of the year for which the report is made, unless additional time be granted in any case by the commission; and if any carrier, person, or corporation subject to the provisions of this Act shall fail to make and file said annual reports within the time above specified, or within the time extended by the commission, for making and filing the same, or shall fail to make specific answer to any question authorized by the provisions of this section within thirty days from the time it is lawfully required so to do, such party shall forfeit to the United States the sum of one hundred dollars for each and every day it shall continue to be in default with respect thereto. The commission shall also have authority by general or special orders to require said carriers, or any of them, to file monthly reports of earnings and expenses, and to file periodical or special, or both periodical and special, reports concerning any matters about which the commission is authorized or required by this or any other law to inquire or to keep itself informed or which it is required to enforce; and such periodical or special reports shall be under oath whenever the commission so requires; and if any such carrier shall fail to make and file any such periodical or special report within the time fixed by the commission, it shall be subject to the forfeitures last above provided.

Recovery of forfeitures.

Said forfeitures shall be recovered in the manner provided for the recovery of forfeitures under the provisions of this Act.

Administration of oath.

The oath required by this section may be taken before any person authorized to administer an oath by the laws of the State in which the same is taken.

Forms of accounts, records, etc., required to be kept; access thereto by the Commission, and examination thereof.

The Commission may, in its discretion, prescribe the forms of any and all accounts, records, and memoranda to be kept by carriers subject to the provisions of this Act, including the accounts, records, and memoranda of the movement of traffic as well as the receipts and expenditures of moneys. The Commission shall at all times have access to all accounts, records, and memoranda kept by carriers subject to this Act, and it shall be unlawful for such carriers to keep any other accounts, records, or memoranda than those prescribed or approved by the Commission, and it may employ special agents or examiners, who shall have authority under the order of the Commission to inspect and examine any and all accounts, records, and memoranda kept by such carriers. This provision shall apply to receivers of carriers and operating trustees.

Penalty for failure to keep accounts, records, etc., as prescribed, or to submit same to inspection.

In case of failure or refusal on the part of any such carrier, receiver, or trustee to keep such accounts, records, and memoranda on the books and in the manner prescribed by the Commission, or to submit such accounts, records, and memoranda as are kept to the inspection of the Commission or any of its authorized agents or examiners, such carrier, receiver, or trustee shall forfeit to the United States the sum of five hundred dollars for each such offense and for each and every day of the continuance of such offense, such forfeitures to be recoverable in the same manner as other forfeitures provided for in this Act.

Making false entries in accounts, records, etc., kept by carrier, or destruction, mutilation, alteration, etc., thereof, or failure to make entries therein, or keeping other accounts, records, etc., than those prescribed, etc., punishable; penalty.

Any person who shall willfully make any false entry in the accounts of any book of accounts or in any record or memoranda kept by a carrier, or who shall willfully destroy, mutilate, alter, or by any other means or device falsify the record of any such account, record, or memoranda, or who shall willfully neglect or fail to make full, true, and correct entries in such accounts, records, or memoranda of all facts and transactions appertaining to the carrier's business, or shall keep any other accounts, records, or memoranda than those prescribed or approved by the Commission, shall be deemed guilty of a misdemeanor and shall be subject, upon conviction in any court of the United States of competent jurisdiction, to a fine of not less than one thousand dollars nor more than five thousand dollars, or imprisonment for a term not less than one year nor more than three years, or both such fine and imprisonment: Provided, That the commission may in its discretion issue orders specifying such operating, accounting, or financial papers, records, books, blanks, tickets, stubs, or documents of carriers which may, after a reasonable time, be destroyed, and prescribing the length of time such books, papers, or documents shall be preserved.

Examiner divulging facts, etc., coming to his knowledge during examination, punishable; penalty.

Any examiner who divulges any fact or information which may come to his knowledge during the course of such examination, except

in so far as he may be directed by the Commission or by a court or judge thereof, shall be subject, upon conviction in any court of the United States of competent jurisdiction, to a fine of not more than five thousand dollars or imprisonment for a term not exceeding two years, or both.

Jurisdiction of courts to compel compliance with provisions of acts by mandamus.

That the circuit and district courts of the United States shall have jurisdiction, upon the application of the Attorney-General of the United States at the request of the Commission, alleging a failure to comply with or a violation of any of the provisions of said Act to regulate commerce or of any Act supplementary thereto or amendatory thereof by any common carrier, to issue a writ or writs of mandamus commanding such common carrier to comply with the provisions of said Acts, or any of them.

Special agents or examiners to carry out provisions of acts.

And to carry out and give effect to the provisions of said Acts, or any of them, the Commission is hereby authorized to employ special agents or examiners who shall have power to administer oaths, examine witnesses, and receive evidence.

Bills of lading to be issued by carrier receiving property for transportation; liability to holder thereof for loss, etc., caused by it or by other carrier, etc., without exemption.

That any common carrier, railroad, or transportation company receiving property for transportation from a point in one State to a point in another State shall issue a receipt or bill of lading therefor and shall be liable to the lawful holder thereof for any loss, damage, or injury to such property caused by it or by any common carrier, railroad, or transportation company to which such property may be delivered or over whose line or lines such property may pass, and no contract, receipt, rule, or regulation shall exempt such common carrier, railroad, or transportation company from the liability hereby imposed: Provided, That nothing in this section shall deprive any holder of such receipt or bill of lading of any remedy or right of action which he has under existing law.

Recovery by carrier, etc., issuing bill of lading, of amount of loss, etc., required to be paid, from carrier, etc., on whose line loss, etc., was sustained.

That the common carrier, railroad, or transportation company issuing such receipt or bill of lading shall be entitled to recover from the common carrier, railroad, or transportation company on whose line the loss, damage, or injury shall have been sustained the amount of such loss, damage, or injury as it may be required to pay to the owners of such property, as may be evidenced by any receipt, judgment, or transcript thereof.

Act Feb. 4, 1887, c. 104, § 20, 24 Stat. 386. Act June 29, 1906, c. 3591, § 7, 34 Stat. 593. Act Feb. 25, 1909, c. 193, 35 Stat. 649. Act June 18, 1910, c. 309, § 14, 36 Stat. 555.

Appropriations to enable the Interstate Commerce Commission to enforce compliance with this section are made in the annual sundry civil appropriation acts. The provision for the fiscal year ending June 30, 1912, is by Act March 4, 1911, c. 285, § 1, 36 Stat. 1396.

Sec. 21.

Section 21 of Act Feb. 4, 1887, c. 104, as amended by Act March 2, 1889, c. 382, § 8, is set forth in Comp. St. 1901, p. 3170.

Sec. 22.

Section 22 of Act Feb. 4, 1887, c. 104, as amended by Act March 2, 1889, c. 382, § 9, and Act Feb. 8, 1895, c. 61, is set forth in Comp. St. 1901, p. 3170.

Sec. 23. [Appropriation.]

Appropriations for expenditures in the execution of the laws to regulate commerce are made in the annual sundry civil appropriation acts. The provision for the fiscal year ending June 30, 1912, is by Act March 4, 1911, c. 285, § 1, 36 Stat. 1396.

Interstate Commerce Commission enlarged; increase of number of members, extension of terms of office, and increase of compensation.

Sec. 24. That the Interstate Commerce Commission is hereby enlarged so as to consist of seven members with terms of seven years, and each shall receive ten thousand dollars compensation annually. The qualifications of the Commissioners and the manner of the payment of their salaries shall be as already provided by law. Such enlargement of the Commission shall be accomplished through appointment by the President, by and with the advice and consent of the Senate, of two additional Interstate Commerce Commissioners, one for a term expiring December thirty-first, nineteen hundred and eleven, one for a term expiring December thirty-first, nineteen hundred and twelve. The terms of the present Commissioners, or of any successor appointed to fill a vacancy caused by the death or resignation of any of the present Commissioners, shall expire as heretofore provided by law. Their successors and the successors of the additional Commissioners herein provided for shall be appointed for the full term of seven years, except that any person appointed to fill a vacancy shall be appointed only for the unexpired term of the Commissioner whom he shall succeed. Not more than four Commissioners shall be appointed from the same political party.

Act June 29, 1906, c. 3591, § 8, 34 Stat. 595.

Section 24 of Act Feb. 4, 1887, c. 104, as originally enacted, prescribed the time of the taking effect of the provisions of that act, and is set forth in Comp. St. 1901, p. 3171. The new section set forth here is "added to said act at the end thereof, to be numbered as section twenty-four," by Act June 20, 1906, c. 3591, § 8, cited above.

The composition of the Interstate Commerce Commission, as originally established, the number of Commissioners, their appointment, qualifications, etc., were provided for by section 11 of Act Feb. 4, 1887, c. 104, set forth in Comp. St. 1901, p. 3161, and the amount and manner of payment of the salaries of the Commissioners were prescribed by section 18 of said act, set forth in Comp. St. 1901, p. 3168.

ACT MARCH 2, 1889, c. 382, § 10.

Mandamus to compel equal facilities to shippers, etc.

Provisions more comprehensive than those of this section, set forth in Comp. St. 1901, p. 3172, for the issue of writs of mandamus, to compel common carriers to comply with provisions of the acts to regulate commerce, are contained in section 20 of Act Feb. 4, 1887, c. 104. as amended by Act June 29, 1906, c. 3591, § 7, to read as set forth above.

ACT FEB. 11, 1893, c. 83.

Self-criminating testimony; protection from prosecution; perjury; refusal to testify; penalty.

All existing laws relating to attendance of witnesses, production of evidence, and compelling of testimony, under the act to regulate commerce, Act Feb. 1, 1887, c. 104, and all acts amendatory thereof, are to apply to proceedings under the amendatory act of June 29, 1906, c. 3591, by section 9 of said act, set forth below.

The immunity provisions of this act extend only to natural persons who, in obedience to a subpœna, give testimony or produce evidence under oath, by Act June 30, 1906, c. 3920, set forth below.

ACT MARCH 2, 1893, c. 196. [*As amended* 1896.]

The provisions of this act, the "Safety Appliance Act" of 1893, set forth, as amended by Act April 1, 1896, c. 87, in Comp. St. 1901, p. 3174, are made applicable to common carriers by railroads in the Territories and the District of Columbia, and to all cases, whether or not the couplers brought together are of the same kind, make, or type, by Act March 2, 1903, c. 976, set forth below. Said act also provides that the provisions of this act shall be held to apply to all trains, locomotives, tenders, cars, and similar vehicles used on any railroad engaged in interstate commerce and in the Territories and in the District of Columbia, and to all other locomotives, tenders, cars, and similar vehicles used in connection therewith, except as to those trains, etc., exempted from the provisions of this act by section 6 thereof, or which are used on street railways. Said act further prescribes the minimum number of cars in a train which need not be equipped with power or train brakes.

Further provisions supplementary to this act, as so amended, and to other safety appliance acts, are contained in Act April 14, 1910, c. 160, set forth below.

Appropriations to enable the Interstate Commerce Commission to keep informed regarding compliance with this act are made in the recent sundry civil appropriation acts. An additional requirement, that inspectors employed for the enforcement of the act shall make examination of mail cars, is contained in a provision of Act May 27, 1908, c. 200, § 1, set forth below.

The Interstate Commerce Commission is authorized to investigate and test appliances to promote safety of railway operation which may be furnished for the purpose, by a further provision of Act May 27, 1908, c. 200, § 1, also set forth below.

Appropriations to enable the Interstate Commerce Commission to investigate such appliances, etc., are made by the recent sundry civil appropriation acts. The provision for the fiscal year ending June 30, 1912, is by Act March 4, 1911, c. 285, § 1, 36 Stat. 1397.

The equipment of locomotives, used in moving interstate or foreign traffic, with safety ash-pans, is required by Act May 30, 1908, c. 225, set forth below.

The use of locomotives in moving interstate or foreign traffic, unless the boilers, etc., are safe, is declared unlawful, and inspection, etc., of such boilers is provided for, by Act Feb. 17, 1911, c. 103, set forth below.

ACT MARCH 3, 1901, c. 866.

[Repealed. Act May 6, 1910, c. 208, § 6.]

This act, set forth in Comp. St. 1901, p. 3176, is repealed by Act May 6, 1910, c. 208, § 6, other sections of which contain provisions of the same nature as those of this act.

ACT FEB. 19, 1903, c. 708. [*As amended* 1906. H. R. 12987.]

An Act To Further Regulate Commerce With Foreign Nations and Among the States. (32 Stat. 847.)

Corporation common carriers liable for violations of acts regulating commerce; failure to file and publish tariff punishable, and penalty therefor; rebates, concessions, and discriminations prohibited, and penalty therefor; imprisonment as penalty; jurisdiction of prosecutions.

Be it enacted, &c., That anything done or omitted to be done by a corporation common carrier, subject to the Act to regulate commerce and the Acts amendatory thereof, which, if done or omitted to be done by any director or officer thereof, or any receiver, trustee, lessee, agent, or person acting for or employed by such corporation, would constitute a misdemeanor under said Acts or under this Act, shall also be held to be a misdemeanor committed by such corporation, and upon conviction thereof it shall be subject to like penalties as are prescribed in said Acts or by this Act with reference to such persons, except as such penalties are herein changed. The willful failure upon the part of any carrier subject to said Acts to file and publish the tariffs or rates and charges as required by said Acts, or strictly to observe such tariffs until changed according to law, shall be a misdemeanor, and upon conviction thereof the corporation offending shall be subject to a fine of not less than one thousand dollars nor more than twenty thousand dollars for each offense; and it shall be unlawful for any person, persons, or corporation to offer, grant, or give, or to solicit, accept, or receive any rebate, concession, or discrimination in respect to the transportation of any property in interstate or foreign commerce by any common carrier subject to said Act to regulate commerce and the Acts amendatory thereof whereby any such property shall by any device whatever be transported at a less rate than that named in the tariffs published and filed by such carrier, as is required by said Act to regulate commerce and the Acts amendatory thereof, or whereby any other advantage is given or discrimination is practiced. Every person or corporation, whether carrier or shipper, who shall, knowingly, offer, grant, or give, or solicit, accept, or receive any such rebates, concession, or discrimination shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not less than one thousand dollars nor more than twenty thousand dollars. Provided, That any person, or any officer or director of any corporation subject to the provisions of this Act, or the Act to regulate commerce and the Acts amendatory thereof, or any receiver, trustee, lessee, agent, or person acting for or employed by any such corporation, who shall be convicted as aforesaid, shall, in addition to the fine herein provided for, be liable to imprisonment in the penitentiary for a term of not exceeding two years, or both such fine and imprisonment, in the discretion of the court. Every violation of this section shall be prosecuted in any court of the United States having jurisdiction of crimes within the district in which such violation was committed, or through which the transportation may have been conducted; and whenever the offense is begun in one jurisdiction and completed in another it may be dealt with, inquired of, tried, determined, and punished in either jurisdiction in the same manner as if the offense had been actually and wholly committed therein.

Liabilities for acts of agents, etc.; departure from published rates an offense under this section.

In construing and enforcing the provisions of this section, the act, omission, or failure of any officer, agent, or other person acting for

or employed by any common carrier, or shipper, acting within the scope of his employment, shall in every case be also deemed to be the act, omission, or failure of such carrier or shipper as well as that of the person. Whenever any carrier files with the Interstate Commerce Commission or publishes a particular rate under the provisions of the Act to regulate commerce or Acts amendatory thereto, or participates in any rates so filed or published, that rate as against such carrier, its officers or agents, in any prosecution begun under this Act shall be conclusively deemed to be the legal rate, and any departure from such rate, or any offer to depart therefrom, shall be deemed to be an offense under this section of this Act.

Receiving rebates from carriers, additional penalty, and recovery thereof by civil action.

Any person, corporation, or company who shall deliver property for interstate transportation to any common carrier, subject to the provisions of this Act, or for whom as consignor or consignee, any such carrier shall transport property from one State, Territory, or the District of Columbia to any other State, Territory, or the District of Columbia, or foreign country, who shall knowingly by employee, agent, officer, or otherwise, directly or indirectly, by or through any means or device whatsoever, receive or accept from such common carrier any sum of money or any other valuable consideration as a rebate or offset against the regular charges for transportation of such property, as fixed by the schedules of rates provided for in this Act, shall in addition to any penalty provided by this Act forfeit to the United States a sum of money three times the amount of money so received or accepted and three times the value of any other consideration so received or accepted, to be ascertained by the trial court; and the Attorney-General of the United States is authorized and directed, whenever he has reasonable grounds to believe that any such person, corporation, or company has knowingly received or accepted from any such common carrier any sum of money or other valuable consideration as a rebate or offset as aforesaid, to institute in any court of the United States of competent jurisdiction, a civil action to collect the said sum or sums so forfeited as aforesaid; and in the trial of said action all such rebates or other considerations so received or accepted for a period of six years prior to the commencement of the action, may be included therein, and the amount recovered shall be three times the total amount of money, or three times the total value of such consideration, so received or accepted, or both, as the case may be.

Act Feb. 19, 1903, c. 708, § 1, 32 Stat. 847. Act June 29, 1906, c. 3591, § 2, 34 Stat. 587.

The act to regulate commerce, mentioned in this section, Act Feb. 4, 1887, c. 104, as amended by Act March 2, 1889, c. 382, Act Feb. 10, 1891, c. 128, Act Feb. 8, 1895, c. 61, Act June 29, 1906, c. 3591, and Act June 18, 1910, c. 309, is set forth above.

Parties to proceedings to enforce interstate commerce acts.

Sec. 2. That in any proceeding for the enforcement of the provisions of the statutes relating to interstate commerce, whether such proceedings be instituted before the Interstate Commerce Commission or be begun originally in any circuit court of the United States, it shall be lawful to include as parties, in addition to the carrier, all persons interested in or affected by the rate, regulation, or practice

under consideration, and inquiries, investigations, orders, and decrees may be made with reference to and against such additional parties in the same manner, to the same extent, and subject to the same provisions as are or shall be authorized by law with respect to carriers.

Act Feb. 19, 1903, c. 708, § 2, 32 Stat. 848.

Proceedings in equity for enforcement of tariffs, prohibition of discriminations, etc.; duties of district attorneys; recovery of damages; compulsory attendance of witnesses, etc.; precedence to be given hearings.

Sec. 3. That whenever the Interstate Commerce Commission shall have reasonable ground for belief that any common carrier is engaged in the carriage of passengers or freight traffic between given points at less than the published rates on file, or is committing any discriminations forbidden by law, a petition may be presented alleging such facts to the circuit court of the United States sitting in equity having jurisdiction; and when the act complained of is alleged to have been committed or as being committed in part in more than one judicial district or State, it may be dealt with, inquired of, tried, and determined in either such judicial district or State, whereupon it shall be the duty of the court summarily to inquire into the circumstances, upon such notice and in such manner as the court shall direct and without the formal pleadings and proceedings applicable to ordinary suits in equity, and to make such other persons or corporations parties thereto as the court may deem necessary, and upon being satisfied of the truth of the allegations of said petition said court shall enforce an observance of the published tariffs or direct and require a discontinuance of such discrimination by proper orders, writs, and process, which said orders, writs, and process may be enforceable as well against the parties interested in the traffic as against the carrier, subject to the right of appeal as now provided by law. It shall be the duty of the several district attorneys of the United States, whenever the Attorney-General shall direct, either of his own motion or upon the request of the Interstate Commerce Commission, to institute and prosecute such proceedings, and the proceedings provided for by this Act shall not preclude the bringing of suit for the recovery of damages by any party injured, or any other action provided by said Act approved February fourth, eighteen hundred and eighty-seven, entitled An Act to regulate commerce and the Acts amendatory thereof. And in proceedings under this Act and the Acts to regulate commerce the said courts shall have the power to compel the attendance of witnesses, both upon the part of the carrier and the shipper, who shall be required to answer on all subjects relating directly or indirectly to the matter in controversy, and to compel the production of all books and papers, both of the carrier and the shipper, which relate directly or indirectly to such transaction; the claim that such testimony or evidence may tend to criminate the person giving such evidence shall not excuse such person from testifying or such corporation producing its books and papers, but no person shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he may testify or produce evidence documentary or otherwise in such proceeding: Provided, That the provisions of an Act entitled "An Act to expedite the hearing and determination of suits in equity pending or hereafter brought under the Act of July second, eighteen hun-

dred and ninety, entitled 'An Act to protect trade and commerce against unlawful restraints and monopolies,' 'An Act to regulate commerce,' approved February fourth, eighteen hundred and eighty-seven, or any other Acts having a like purpose that may be hereafter enacted, approved February eleventh, nineteen hundred and three," shall apply to any case prosecuted under the direction of the Attorney-General in the name of the Interstate Commerce Commission.

Act Feb. 19, 1903, c. 708, § 3, 32 Stat. 848.

The suits for recovery of damages, mentioned in this section, are authorized by Act Feb. 4, 1887, c. 104, § 8, Comp. St. 1901, p. 3159. Section 12 of said act contains provisions relating to the attendance and examination of witnesses, etc.

Act Feb. 11, 1903, c. 544, also mentioned in this section, is set forth post, under Title LVI B, "Monopolies and Combinations in Restraint of Trade."

All existing laws relating to attendance of witnesses, production of evidence, and compelling of testimony, under the act to regulate commerce, Act Feb. 4, 1887, c. 104, and all acts amendatory thereof, are to apply to proceedings under the amendatory act of June 29, 1906, c. 3591, by section 9 of said act, set forth below.

The immunity provisions of this act extend only to natural persons who, in obedience to a subpœna, give testimony or produce evidence under oath, by Act June 30, 1906, c. 3920, set forth below.

Repeal; pending cases not affected.

Sec. 4. That all Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed, but such repeal shall not affect causes now pending nor rights which have already accrued, but such causes shall be prosecuted to a conclusion and such rights enforced in a manner heretofore provided by law and as modified by the provisions of this Act.

Act Feb. 19, 1903, c. 708, § 4, 32 Stat. 849.

Time of taking effect of act.

Sec. 5. That this Act shall take effect from its passage.

Act Feb. 19, 1903, c. 708, § 5, 32 Stat. 849.

ACT FEB. 25, 1903, c. 755, § 1.

Appropriation for enforcement of anti-trust and interstate commerce laws; exemptions from prosecutions of persons giving testimony; prosecutions for perjury in giving testimony.

That for the enforcement of the provisions of the Act entitled "An Act to regulate commerce," approved February fourth, eighteen hundred and eighty-seven, and all Acts amendatory thereof or supplemental thereto, and of the Act entitled "An Act to protect trade and commerce against unlawful restraints and monopolies," approved July second, eighteen hundred and ninety, and all Acts amendatory thereof or supplemental thereto, and sections seventy-three, seventy-four, seventy-five, and seventy-six of the Act entitled "An Act to reduce taxation, to provide revenue for the Government, and other purposes," approved August twenty-seventh, eighteen hundred and ninety-four, the sum of five hundred thousand dollars, to be immediately available, is hereby appropriated, out of any money in the Treasury not heretofore appropriated, to be expended under the direction of the Attorney-General in the employment of special counsel and agents of the Department of Justice to conduct proceedings, suits, and prosecutions under said Acts in the courts of the United States:

Provided, That no person shall be prosecuted or be subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he may testify or produce evidence, documentary or otherwise, in any proceeding, suit, or prosecution under said Acts: Provided further, That no person so testifying shall be exempt from prosecution or punishment for perjury committed in so testifying.

Act Feb. 25, 1903, c. 755, § 1, 32 Stat. 904.

This is a provision of the legislative, executive, and judicial appropriation act for the year ending June 30, 1904, cited above. The acts mentioned in the text are Act Feb. 4, 1887, c. 104, set forth above as specifically amended by subsequent acts; Act July 2, 1890, c. 647, set forth in Comp. St. 1901, pp. 3200-3202; and Act Aug. 27, 1894, c. 349, §§ 73-77, set forth in Comp. St. 1901, pp. 3202, 3203.

The balance of the appropriation made by this act was continued available during subsequent fiscal years, and additional appropriations were made for the same purposes, by the sundry civil appropriation act for each year. The provision for the fiscal year ending June 30, 1912, is by Act March 4, 1911, c. 285, § 1, 36 Stat. 1396.

An appropriation for the Department of Justice, for expenses of representing the Government in all matters arising under the act to regulate commerce of Feb. 4, 1887, as amended, to be expended under the direction of the Attorney General, is made by said Act March 4, 1911, c. 285, § 1, 36 Stat. 1396.

All existing laws relating to attendance of witnesses, production of evidence, and compelling of testimony, under the act to regulate commerce, Act Feb. 4, 1887, c. 104, and all acts amendatory thereof, are to apply to proceedings under the amendatory act of June 29, 1906, c. 3591, by section 9 of said act, set forth below.

The immunity provisions of this act extend only to natural persons who, in obedience to a subpœna, give testimony or produce evidence under oath, by Act June 30, 1906, c. 3920, set forth below.

ACT MARCH 2, 1903, c. 976.

An Act To Amend an Act Entitled "An Act to Promote the Safety of Employees and Travelers Upon Railroads by Compelling Common Carriers Engaged in Interstate Commerce to Equip Their Cars with Automatic Couplers and Continuous Brakes and Their Locomotives with Driving-Wheel Brakes, and for Other Purposes," Approved March Second, Eighteen Hundred and Ninety-Three, and Amended April First, Eighteen Hundred and Ninety-Six. (32 Stat. 943.)

Provisions of act requiring driving-wheel brakes, etc., extended; exceptions.

Be it enacted, &c., That the provisions and requirements of the Act entitled "An Act to promote the safety of employees and travelers upon railroads by compelling common carriers engaged in interstate commerce to equip their cars with automatic couplers and continuous brakes and their locomotives with driving-wheel brakes, and for other purposes," approved March second, eighteen hundred and ninety-three, and amended April first, eighteen hundred and ninety-six, shall be held to apply to common carriers by railroads in the Territories and the District of Columbia and shall apply in all cases, whether or not the couplers brought together are of the same kind, make, or type; and the provisions and requirements hereof and of said Acts relating to train brakes, automatic couplers, grab irons, and the height of drawbars shall be held to apply to all trains, locomotives, tenders, cars, and similar vehicles used on any railroad engaged in interstate

commerce, and in the Territories and the District of Columbia, and to all other locomotives, tenders, cars, and similar vehicles used in connection therewith, excepting those trains, cars, and locomotives exempted by the provisions of section six of said Act of March second, eighteen hundred and ninety-three, as amended by the Act of April first, eighteen hundred and ninety-six, or which are used upon street railways.

Act March 2, 1903, c. 976, § 1, 32 Stat. 943.

This section extends the provisions of Act March 2, 1893, c. 196, as amended by Act April 1, 1896, c. 87, set forth in Comp. St. 1901, pp. 3174–3176, to common carriers by railroads in the Territories and the District of Columbia, and to trains, locomotives, etc., as set forth in the text. Section 6 of said act, mentioned in this section, excepts from the other provisions of the act trains composed of four-wheel cars, trains composed of eight-wheel standard logging cars where the height of such car from the top of rail to center of coupling does not exceed 25 inches, and locomotives used in hauling such trains when such cars or locomotives are exclusively used for the transportation of logs, and is set forth in Comp. St. 1901, p. 3175.

Provisions supplementary to said Act March 2, 1893, c. 196, and other "Safety Appliance Acts," including this act, are contained in Act April 14, 1910, c. 160, set forth below.

Minimum number of cars to be operated by train brakes; increase of number by Interstate-Commerce Commission.

Sec. 2. That whenever, as provided in said Act, any train is operated with power or train brakes, not less than fifty per centum of the cars in such train shall have their brakes used and operated by the engineer of the locomotive drawing such train; and all power-braked cars in such train which are associated together with said fifty per centum shall have their brakes so used and operated; and, to more fully carry into effect the objects of said Act, the Interstate-Commerce Commission may, from time to time, after full hearing, increase the minimum percentage of cars in any train required to be operated with power or train brakes which must have their brakes used and operated as aforesaid; and failure to comply with any such requirement of the said Interstate-Commerce Commission shall be subject to the like penalty as failure to comply with any requirement of this section.

Act March 2, 1903, c. 976, § 2, 32 Stat. 943.

See notes under preceding section of this act.

Time of taking effect of act; act not to relieve from duties and liabilities under previous acts.

Sec. 3. That the provisions of this Act shall not take effect until September first, nineteen hundred and three. Nothing in this Act shall be held or construed to relieve any common carrier, the Interstate-Commerce Commission, or any United States district attorney from any of the provisions, powers, duties, liabilities, or requirements of said Act of March second, eighteen hundred and ninety-three, as amended by the Act of April first, eighteen hundred and ninety-six; and all of the provisions, powers, duties, requirements and liabilities of said Act of March second, eighteen hundred and ninety-three, as amended by the Act of April first, eighteen hundred and ninety-six, shall, except as specifically amended by this Act, apply to this Act.

Act March 2, 1903, c. 976, § 3, 32 Stat. 943.

See notes under section 1 of this act.

ACT FEB. 23, 1905, c. 744. [H. R. 18785.]

An Act to Promote the Security of Travel upon Railroads Engaged in Interstate Commerce, and to Encourage the Saving of Life. (33 Stat. 743.)

Medals of honor for persons endangering their own lives in saving lives on railroads.

Be it enacted, &c., That the President of the United States be, and he is hereby, authorized to cause to be prepared bronze medals of honor, with suitable emblematic devices, which shall be bestowed upon any persons who shall hereafter, by extreme daring, endanger their own lives in saving, or endeavoring to save, lives from any wreck, disaster, or grave accident, or in preventing or endeavoring to prevent such wreck, disaster, or grave accident, upon any railroad within the United States engaged in interstate commerce: Provided, That no award of said medal shall be made to any person until sufficient evidence of his deserving shall have been furnished and placed on file, under such regulations as may be prescribed by the President of the United States.

Act Feb. 23, 1905, c. 744, § 1, 33 Stat. 743.

Rosettes, etc., to be issued to persons to whom medals are awarded.

Sec. 2. That the President of the United States be, and he is hereby, authorized to issue to any person to whom a medal of honor may be awarded under the provisions of this Act a rosette or knot, to be worn in lieu of the medal, and a ribbon to be worn with the medal; said rosette or knot and ribbon to be each of a pattern to be prescribed by the President of the United States: Provided, That whenever a ribbon issued under the provisions of this Act shall have been lost, destroyed, or rendered unfit for use without fault or neglect on the part of the person to whom it was issued, a new ribbon shall be issued to such person without charge therefor.

Act Feb. 23, 1905, c. 744, § 2, 33 Stat. 743.

Appropriations made available.

Sec. 3. That the appropriations for the enforcement and execution of the provisions of the Acts to promote the safety of employees and travelers upon railroads are hereby made available for carrying out the provisions of this Act.

Act Feb. 23, 1905, c. 744, § 3, 33 Stat. 743.

Acts to promote the safety of employés and travelers upon railroads, referred to in this section, are Act March 2, 1893, c. 196, amended by Act April 1, 1896, c. 87, set forth in Comp. St. 1901, pp. 3174–3176, and Act March 2, 1903, c. 976, set forth above.

ACT JUNE 11, 1906, c. 3073. [H. R. 239.]

An Act Relating to Liability of Common Carriers in the District of Columbia and Territories and Common Carriers Engaged in Commerce between the States and between the States and Foreign Nations to their Employees. (34 Stat. 232.)

Common carriers liable for injuries to employés from negligence.

Be it enacted, &c., That every common carrier engaged in trade or commerce in the District of Columbia, or in any Territory of the United States, or between the several States, or between any Territory and another, or between any Territory or Territories and any State

or States, or the District of Columbia, or with foreign nations, or between the District of Columbia and any State or States or foreign nations, shall be liable to any of its employees, or, in the case of his death, to his personal representative for the benefit of his widow and children, if any, if none, then for his parents, if none, then for his next of kin dependent upon him, for all damages which may result from the negligence of any of its officers, agents, or employees, or by reason of any defect or insufficiency due to its negligence in its cars, engines, appliances, machinery, track, roadbed, ways, or works.

Act June 11, 1906, c. 3073, § 1, 34 Stat. 232.

The provisions of this act are superseded, to a great extent, as to their application to carriers by railroad, by the somewhat different provisions relating to the liability of such carriers for injuries to their employés, contained in Act April 22, 1908, c. 149, set forth below. But by section 8 thereof pending proceedings and rights of action under this act are not affected thereby.

Contributory negligence of employé, if slight in comparison to that of employer, no bar to recovery, but damages to be diminished in proportion thereto; questions of negligence and contributory negligence for the jury.

Sec. 2. That in all actions hereafter brought against any common carriers to recover damages for personal injuries to an employee, or where such injuries have resulted in his death, the fact that the employee may have been guilty of contributory negligence shall not bar a recovery where his contributory negligence was slight and that of the employer was gross in comparison, but the damages shall be diminished by the jury in proportion to the amount of negligence attributable to such employee. All questions of negligence and contributory negligence shall be for the jury.

Act June 11, 1906, c. 3073, § 2, 34 Stat. 232.

Contracts of employment, insurance, relief benefit, or indemnity no defense to action for damages for personal injuries to or death of employé, but sums contributed or paid may be set off.

Sec. 3. That no contract of employment, insurance, relief benefit, or indemnity for injury or death entered into by or on behalf of any employee, nor the acceptance of any such insurance, relief benefit, or indemnity by the person entitled thereto, shall constitute any bar or defense to any action brought to recover damages for personal injuries to or death of such employee: Provided, however, That upon the trial of such action against any common carrier the defendant may set off therein any sum it has contributed toward any such insurance, relief benefit, or indemnity that may have been paid to the injured employee, or, in case of his death, to his personal representative.

Act June 11, 1906, c. 3073, § 3, 34 Stat. 232.

Actions under act to be brought within one year.

Sec. 4. That no action shall be maintained under this Act, unless commenced within one year from the time the cause of action accrued.

Act June 11, 1906, c. 3073, § 4, 34 Stat. 232.

Duty of common carriers by railroad and rights of their employés under safety-appliance acts not affected.

Sec. 5. That nothing in this Act shall be held to limit the duty of common carriers by railroads or impair the rights of their employees under the safety-appliance Act of March second, eighteen hundred and

ninety-three, as amended April first, eighteen hundred and ninety-six, and March second, nineteen hundred and three.

Act June 11, 1906, c. 3073, § 5, 34 Stat. 233.

Act March 2, 1893, c. 196, as amended by Act April 1, 1896, c. 87, mentioned in this section, is set forth in Comp. St. 1901, p. 3174. Act March 2, 1903, c. 976, also mentioned in this section, is set forth above.

ACT JUNE 29, 1906, c. 3591. [H. R. 12987.] [*As amended* 1908, 1909.]

An Act to Amend an Act Entitled "An Act to Regulate Commerce," Approved February Fourth, Eighteen hundred and eighty-seven, and all Acts Amendatory Thereof, and to Enlarge the Powers of the Interstate Commerce Commission. (34 Stat. 584.)

Be it enacted, &c. [Sec. 1 amends Act Feb. 4, 1887, c. 104, § 1.]

Act Feb. 4, 1887, c. 104, § 1, as amended by this section and further amended by Act June 18, 1910, c. 309, § 7, is set forth above.

Sec. 2. [Amends Act Feb. 4, 1887, c. 104, § 2, and Act Feb. 19, 1903, c. 708, § 1.]

Act Feb. 4, 1887, c. 104, § 2, as amended by this section and further amended by Act June 18, 1910, c. 309, § 9, is set forth above.

Act Feb. 19, 1903, c. 708, § 1, also amended by this section, as so amended is set forth above.

Sec. 3. [Amends Act Feb. 4, 1887, c. 104, § 14.]

Act Feb. 4, 1887, c. 104, § 14, as amended by this section, is set forth above.

Sec. 4. [Amends Act Feb. 4, 1887, c. 104, § 15.]

Act Feb. 4, 1887, c. 104, § 15, as amended by this section and further amended by Act June 18, 1910, c. 309, § 12, is set forth above.

Sec. 5. [Amends Act Feb. 4, 1887, c. 104, § 16.]

Act Feb. 4, 1887, c. 104, § 16, as amended by this section and further amended by Act June 18, 1910, c. 309, § 13, is set forth above.

Sec. 6. [Amends Act Feb. 4, 1887, c. 104, by adding new section 16a.]

The new section, added to Act Feb. 4, 1887, c. 104a by this section, is inserted in said act, set forth above, as section 16a thereof.

Sec. 7. [Amends Act Feb. 4, 1887, c. 104, § 20.]

Act Feb. 4, 1887, c. 104, § 20, as amended by this section and further amended by Act June 18, 1910, c. 309, § 14, is set forth above.

Sec. 8. [Amends Act Feb. 4, 1887, c. 104, by adding new section 24.]

The new section added to Act Feb. 4, 1887, c. 104, by this section, is inserted in said act, set forth above, at the end thereof, as section 24.

Application of previous laws relating to attendance of witnesses, etc., under acts to regulate commerce, to proceedings, etc., under this act.

Sec. 9. That all existing laws relating to the attendance of witnesses and the production of evidence and the compelling of testimony under the Act to regulate commerce and all Acts amendatory thereof shall apply to any and all proceedings and hearings under this Act.

Act June 29, 1906, c. 3591, § 9, 34 Stat. 595.

Previous provisions relating to attendance of witnesses, production of

evidence, and compelling of testimony under the acts to regulate commerce mentioned in this section, are contained in Act Feb. 4, 1887, c. 104, § 12, Comp. St. 1901, p. 3162, Act Feb. 11, 1893, c. 83, Comp. St. 1901, p. 3173, Act Feb. 19, 1903, c. 708, § 3, set forth above, and Act Feb. 25, 1903, c. 755, § 1, also set forth above.

A subsequent provision limiting the right of immunity of witnesses under those acts to natural persons, is contained in Act June 30, 1906, c. 3920, set forth below.

Repeal; pending cases not affected.

Sec. 10. That all laws and parts of laws in conflict with the provisions of this Act are hereby repealed, but the amendments herein provided for shall not affect causes now pending in courts of the United States, but such causes shall be prosecuted to a conclusion in the manner heretofore provided by law.

Act June 29, 1906, c. 3591, § 10, 34 Stat. 595.

Sec. 11. [Superseded. Res. June 30, 1906, No. 47.]

This section provided "That this Act shall take effect and be in force from and after its passage." It is superseded by the provision of Res. June 30, 1906, No. 47, set forth below, that this act "shall take effect and be in force sixty days after its approval by the President."

ACT JUNE 30, 1906, c. 3920. [S. 5769.]

An Act Defining the Right of Immunity of Witnesses under the Act Entitled "An Act in Relation to Testimony Before the Interstate Commerce Commission," and So Forth, Approved February Eleventh, Eighteen hundred and ninety-three, and an Act Entitled "An Act to Establish the Department of Commerce and Labor," Approved February Fourteenth, Nineteen hundred and three, and an Act Entitled "An Act to Further Regulate Commerce with Foreign Nations and among the States," Approved February Nineteenth, Nineteen hundred and three, and an Act Entitled "An Act Making Appropriations for the Legislative, Executive, and Judicial Expenses of the Government for the Fiscal Year Ending June Thirtieth, Nineteen hundred and four, and for Other Purposes," Approved February Twenty-fifth, Nineteen hundred and three. (34 Stat. 798.)

Immunity to witnesses in proceedings under interstate commerce and anti-trust laws to extend only to natural persons giving testimony or producing evidence, in obedience to subpœna, under oath.

Be it enacted, &c., That under the immunity provisions in the Act entitled "An Act in relation to testimony before the Interstate Commerce Commission," and so forth, approved February eleventh, eighteen hundred and ninety-three, in section six of the Act entitled "An Act to establish the Department of Commerce and Labor," approved February fourteenth, nineteen hundred and three, and in the Act entitled "An Act to further regulate commerce with foreign nations and among the States," approved February nineteenth, nineteen hundred and three, and in the Act entitled "An Act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June thirtieth, nineteen hundred and four, and for other purposes," approved February twenty-fifth, nineteen hundred and three, immunity shall extend only to a natural person

who, in obedience to a subpœna, gives testimony under oath or produces evidence, documentary or otherwise, under oath.

Act June 30, 1906, c. 3920, 34 Stat. 798.

Act Feb. 11, 1893, c. 83, mentioned in this act, is set forth in Comp. St. 1901, p. 3173. Act Feb. 14, 1903, c. 552, § 6, also mentioned in this act, is set forth ante, under Title XII A, "The Department of Commerce and Labor." Act Feb. 19, 1903, c. 708, and Act Feb. 25, 1903, c. 755, § 1, also mentioned in this act, are set forth above.

RES. JUNE 30, 1906, No. 46. [H. J. R. 153.]

Joint Resolution Directing the Interstate Commerce Commission to Investigate and Report on Block Signal Systems, and Appliances for the Automatic Control of Railway Trains. (34 Stat. 838.)

Investigation and report by Interstate Commerce Commission; block signal systems and appliances for automatic control of railway trains; powers of the Commission to procure evidence.

Resolved, &c., That the Interstate Commerce Commission be, and it is hereby, directed to investigate and report on the use of and necessity for block signal systems and appliances for the automatic control of railway trains in the United States. For this purpose the Commission is authorized to employ persons who are familiar with the subject, and may use such of its own employees as are necessary to make a thorough examination into the matter.

In transmitting its report to the Congress the Commission shall recommend such legislation as to the Commission seems advisable.

To carry out and give effect to the provisions of this resolution the Commission shall have power to issue subpœnas, administer oaths, examine witnesses, require the production of books and papers, and receive depositions taken before any proper officer in any State or Territory of the United States.

Res. June 30, 1906, No. 46, 34 Stat. 838.

Subsequent provisions of a more permanent character for investigation of any appliances or systems intended to promote safety of railway operation, contained in Act May 27, 1908, c. 200, § 1, are set forth below.

Appropriations to enable the Commission to make the investigations, etc., provided by this resolution and also by said Act May 27, 1908, c. 200, § 1, are made in the subsequent sundry civil appropriation acts. The provision for the fiscal year ending June 30, 1912, is by Act March 4, 1911, c. 285, § 1, 36 Stat. 1397.

RES. JUNE 30, 1906, No. 47. [S. J. R. 72.]

Joint Resolution Fixing the Date upon Which the Act to Amend an Act Entitled "An Act to Regulate Commerce," Approved February Fourth, Eighteen hundred and eighty-seven, and all Acts Amendatory Thereof, and to Enlarge the Powers of the Interstate Commerce Commission, Approved June Twenty-ninth, Nineteen hundred and six, Shall Go into Effect. (34 Stat. 838.)

Time of taking effect of Act June 29, 1906, c. 3591, amending Interstate Commerce Acts.

Resolved, &c., That the Act entitled "An Act to Amend an Act entitled 'An Act to regulate commerce,' approved February fourth, eighteen hundred and eighty-seven, and all Acts amendatory thereof, and to enlarge the powers of the Interstate Commerce Commission," shall

take effect and be in force sixty days after its approval by the President of the United States.

Res. June 30, 1906, No. 47. 34 Stat. 838.

The act referred to in this resolution is Act June 29, 1906, c. 3591, set forth above. Section 11 thereof, which provided that the act should take effect and be in force from and after its passage, is superseded by this resolution.

ACT MARCH 4, 1907, c. 2939. [S. 5133.]

An Act to Promote the Safety of Employees and Travelers upon Railroads by Limiting the Hours of Service of Employees thereon. (34 Stat. 1415.)

Carriers and transportation subject to provisions of act; terms "railroad" and "employés" defined.

Be it enacted, &c., That the provisions of this Act shall apply to any common carrier or carriers, their officers, agents, and employees, engaged in the transportation of passengers or property by railroad in the District of Columbia or any Territory of the United States, or from one State or Territory of the United States or the District of Columbia to any other State or Territory of the United States or the District of Columbia, or from any place in the United States to an adjacent foreign country, or from any place in the United States through a foreign country to any other place in the United States. The term "railroad" as used in this Act shall include all bridges and ferries used or operated in connection with any railroad, and also all the road in use by any common carrier operating a railroad, whether owned or operated under a contract, agreement, or lease; and the term "employees" as used in this Act shall be held to mean persons actually engaged in or connected with the movement of any train.

Act March 4, 1907, c. 2939, § 1, 34 Stat. 1415.

Hours of service of employés limited.

Sec. 2. That it shall be unlawful for any common carrier, its officers or agents, subject to this Act to require or permit any employee subject to this Act to be or remain on duty for a longer period than sixteen consecutive hours, and whenever any such employee of such common carrier shall have been continuously on duty for sixteen hours he shall be relieved and not required or permitted again to go on duty until he has had at least ten consecutive hours off duty; and no such employee who has been on duty sixteen hours in the aggregate in any twenty-four-hour period shall be required or permitted to continue or again go on duty without having had at least eight consecutive hours off duty: Provided, That no operator, train dispatcher, or other employee who by the use of the telegraph or telephone dispatches, reports, transmits, receives, or delivers orders pertaining to or affecting train movements shall be required or permitted to be or remain on duty for a longer period than nine hours in any twenty-four-hour period in all towers, offices, places, and stations continuously operated night and day, nor for a longer period than thirteen hours in all towers, offices, places, and stations operated only during the daytime, except in case of emergency, when the employees named in this proviso may be permitted to be and remain on duty for four additional hours in a twenty-four-hour period on not exceeding three days in any week: Provided further, The Interstate Commerce Commission

may after full hearing in a particular case and for good cause shown extend the period within which a common carrier shall comply with the provisions of this proviso as to such case.

Act March 4, 1907, c. 2939, § 2, 34 Stat. 1416.

Penalty for violations of act; suits for recovery thereof; provisions of act not applicable in case of casualty, unavoidable accident, etc., or unforeseen delay, nor to crews of wrecking trains.

Sec. 3. That any such common carrier, or any officer or agent thereof, requiring or permitting any employee to go, be, or remain on duty in violation of the second section hereof, shall be liable to a penalty of not to exceed five hundred dollars for each and every violation, to be recovered in a suit or suits to be brought by the United States district attorney in the district court of the United States having jurisdiction in the locality where such violation shall have been committed; and it shall be the duty of such district attorney to bring such suits upon satisfactory information being lodged with him; but no such suit shall be brought after the expiration of one year from the date of such violation; and it shall also be the duty of the Interstate Commerce Commission to lodge with the proper district attorneys information of any such violations as may come to its knowledge. In all prosecutions under this Act the common carrier shall be deemed to have had knowledge of all acts of all its officers and agents: Provided, That the provisions of this Act shall not apply in any case of casualty or unavoidable accident or the act of God; nor where the delay was the result of a cause not known to the carrier or its officer or agent in charge of such employee at the time said employee left a terminal, and which could not have been foreseen: Provided further, That the provisions of this Act shall not apply to the crews of wrecking or relief trains.

Act March 4, 1907, c. 2939, § 3, 34 Stat. 1416.

Enforcement of provisions of act by Interstate Commerce Commission.

Sec. 4. It shall be the duty of the Interstate Commerce Commission to execute and enforce the provisions of this Act, and all powers granted to the Interstate Commerce Commission are hereby extended to it in the execution of this Act.

Act March 4, 1907, c. 2939, § 4, 34 Stat. 1417.

Time of taking effect of act.

Sec. 5. That this Act shall take effect and be in force one year after its passage.

Act March 4, 1907, c. 2939, § 5, 34 Stat. 1417.

ACT APRIL 22, 1908, c. 149. [H. R. 20310.] [*As amended* 1910. H. R. 17263.]

An Act Relating to the Liability of Common Carriers by Railroad to their Employees in Certain Cases. (35 Stat. 65.)

Common carriers by railroad, engaging in interstate or foreign commerce, liable for injuries to employés from negligence.

Be it enacted, &c., That every common carrier by railroad while engaging in commerce between any of the several States or Territories, or between any of the States and Territories, or between the District of Columbia and any of the States or Territories, or between the District of Columbia or any of the States or Territories and any foreign

nation or nations, shall be liable in damages to any person suffering injury while he is employed by such carrier in such commerce, or, in case of the death of such employee, to his or her personal representative, for the benefit of the surviving widow or husband and children of such employee; and, if none, then of such employee's parents; and, if none, then of the next of kin dependent upon such employee, for such injury or death resulting in whole or in part from the negligence of any of the officers, agents, or employees of such carrier, or by reason of any defect or insufficiency, due to its negligence, in its cars, engines, appliances, machinery, track, roadbed, works, boats, wharves, or other equipment.

Act April 22, 1908, c. 149, § 1, 35 Stat. 65.

Previous provisions similar to those of this act, applicable to all common carriers engaged in interstate or foreign commerce, were contained in Act June 11, 1906, c. 3073, set forth above, but are to a great extent superseded as to carriers by railroad by the provisions of this act.

Common carriers by railroad, in Territories, etc., or other possessions of United States, liable for injuries to employés from negligence.

Sec. 2. That every common carrier by railroad in the Territories, the District of Columbia, the Panama Canal Zone, or other possessions of the United States shall be liable in damages to any person suffering injury while he is employed by such carrier in any of said jurisdictions, or, in case of the death of such employee, to his or her personal representative, for the benefit of the surviving widow or husband and children of such employee; and, if none, then of such employee's parents; and, if none, then of the next of kin dependent upon such employee, for such injury or death resulting in whole or in part from the negligence of any of the officers, agents, or employees of such carrier, or by reason of any defect or insufficiency, due to its negligence, in its cars, engines, appliances, machinery, track, roadbed, works, boats, wharves, or other equipment.

Act April 22, 1908, c. 149, § 2, 35 Stat. 65.

See note under preceding section of this act.

Contributory negligence of employé not to bar recovery, but damages to be diminished in proportion thereto; effect on contributory negligence of employé, of violation by carrier of statute, contributing to injury or death of employé.

Sec. 3. That in all actions hereafter brought against any such common carrier by railroad under or by virtue of any of the provisions of this Act to recover damages for personal injuries to an employee, or where such injuries have resulted in his death, the fact that the employee may have been guilty of contributory negligence shall not bar a recovery, but the damages shall be diminished by the jury in proportion to the amount of negligence attributable to such employee: Provided, That no such employee who may be injured or killed shall be held to have been guilty of contributory negligence in any case where the violation by such common carrier of any statute enacted for the safety of employees contributed to the injury or death of such employee.

Act April 22, 1908, c. 149, § 3, 35 Stat. 66.

Effect, on assumption by employé of risks of employment, of violation by carrier of statute contributing to injury or death of employé.

Sec. 4. That in any action brought against any common carrier under or by virtue of any of the provisions of this Act to recover damages for injuries to, or the death of, any of its employees, such em-

ployee shall not be held to have assumed the risks of his employment in any case where the violation by such common carrier of any statute enacted for the safety of employees contributed to the injury or death of such employee.

Act April 22, 1908, c. 149, § 4, 35 Stat. 66.

Contract, regulation, etc., exempting carrier from liability under act, void to that extent; set off of sums contributed or paid to insurance, relief benefit, or indemnity to injured employé, etc.

Sec. 5. That any contract, rule, regulation, or device whatsoever, the purpose or intent of which shall be to enable any common carrier to exempt itself from any liability created by this Act, shall to that extent be void: Provided, That in any action brought against any such common carrier under or by virtue of any of the provisions of this Act, such common carrier may set off therein any sum it has contributed or paid to any insurance, relief benefit, or indemnity that may have been paid to the injured employee or the person entitled thereto on account of the injury or death for which said action was brought.

Act April 22, 1908, c. 149, § 5, 35 Stat. 66.

Actions under act; limitation; concurrent jurisdiction of courts of United States and of States; case in State court not to be removed to United States court.

Sec. 6. That no action shall be maintained under this Act unless commenced within two years from the day the cause of action accrued.

Under this Act an action may be brought in a circuit court of the United States, in the district of the residence of the defendant, or in which the cause of action arose, or in which the defendant shall be doing business at the time of commencing such action. The jurisdiction of the courts of the United States under this Act shall be concurrent with that of the courts of the several States, and no case arising under this Act and brought in any state court of competent jurisdiction shall be removed to any court of the United States.

Act April 22, 1908, c. 149, § 6, 35 Stat. 66. Act April 5, 1910, c. 143, § 1, 36 Stat. 291.

The amendment of this section by Act April 5, 1910, c. 143, § 1, cited above, consists in the addition to the section, as originally enacted, of the second paragraph thereof, as set forth here.

Term "common carrier" as used in act to include receivers, etc.

Sec. 7. That the term "common carrier" as used in this Act shall include the receiver or receivers or other persons or corporations charged with the duty of the management and operation of the business of a common carrier.

Act April 22, 1908, c. 149, § 7, 35 Stat. 66.

Duty or liability of common carriers and rights of their employés under other acts not impaired; pending proceedings and rights of action under Act June 11, 1906, c. 3073, not affected.

Sec. 8. That nothing in this Act shall be held to limit the duty or liability of common carriers or to impair the rights of their employees under any other Act or Acts of Congress, or to affect the prosecution of any pending proceeding or right of action under the Act of Congress entitled "An Act relating to liability of common carriers in the District of Columbia and Territories, and to common carriers engaged in commerce between the States and between the States and foreign

nations to their employees," approved June eleventh, nineteen hundred and six.

Act April 22, 1908, c. 149, § 8, 35 Stat. 66.

Survival of right of action of person injured.

Sec. 9. That any right of action given by this Act to a person suffering injury shall survive to his or her personal representative, for the benefit of the surviving widow or husband and children of such employee, and, if none, then of such employee's parents; and, if none, then of the next of kin dependent upon such employee, but in such cases there shall be only one recovery for the same injury.

Act April 5, 1910, c. 143, § 2, 36 Stat. 291.

This section was added to the act, as section 9 thereof, by amendment by Act April 5, 1910, c. 143, § 2, cited above.

ACT MAY 27, 1908, c. 200, § 1. [H. R. 21260.]

Enforcement of safety appliance act, Act March 2, 1893, c. 196; inspection of mail cars.

To enable the Interstate Commerce Commission to keep informed regarding compliance with the "Act to promote the safety of employees and travelers upon railroads," approved March second, eighteen hundred and ninety-three, and to execute and enforce the requirements of the said Act, including the employment of inspectors, one hundred thousand dollars. Hereafter all inspectors employed for the enforcement of said Act shall also be required to make examination of the construction, adaptability, design, and condition of all mail cars used on any railroad in the United States and make report thereon, a copy of which report shall be transmitted to the Postmaster-General.

Act May 27, 1908, c. 200, § 1, 35 Stat. 324.

This is a provision of the sundry civil appropriation act for the fiscal year ending June 30, 1909, cited above. It is repeated, with an increase of the sum appropriated, in the similar act for the next fiscal year, Act March 4, 1909, c. 290, § 1, 35 Stat. 965. Thereafter appropriations are made including other acts to promote the safety of employés and travelers upon railroads. The provision for the fiscal year ending June 30, 1912, is by Act March 4, 1911, c. 285, § 1, 36 Stat. 1397.

Investigation and testing by Interstate Commerce Commission of appliances or systems to promote safety of railway operation.

Hereafter the Interstate Commerce Commission shall be, and is, hereby authorized, at its discretion, to investigate, test experimentally, and report on the use and need of any appliances or systems intended to promote the safety of railway operation which may be furnished in completed shape to such Commission for such investigation and test entirely free of cost to the Government. For this purpose the Commission is authorized to employ persons familiar with the subject to be investigated and tested, and may also make use of its regular employees for such purposes.

Act May 27, 1908, c. 200, § 1, 35 Stat. 325.

This is a further provision of the sundry civil appropriation act for the fiscal year ending June 30, 1909, cited above.

Previous provisions for similar investigations were contained in Res. June 30, 1906, No. 46, set forth above.

Appropriations for the investigations authorized by these provisions are made in the sundry civil appropriation act for each year. The provision for the fiscal year ending June 30, 1912, is by Act March 4, 1911, c. 285, § 1, 36 Stat. 1397.

ACT MAY 30, 1908, c. 225. [H. R. 19795.]

An Act to Promote the Safety of Employees on Railroads. (35 Stat. 476.)

Use by common carrier by railroad, engaged in interstate or foreign commerce, of locomotive not equipped with safety ash pan, unlawful.

Be it enacted, &c., That on and after the first day of January, nineteen hundred and ten, it shall be unlawful for any common carrier engaged in interstate or foreign commerce by railroad to use any locomotive in moving interstate or foreign traffic, not equipped with an ash pan, which can be dumped or emptied and cleaned without the necessity of any employee going under such locomotive.

Act May 30, 1908, c. 225, § 1, 35 Stat. 476.

Use, by common carrier by railroad, in Territories or District of Columbia, of locomotive not equipped with safety ash pan, unlawful.

Sec. 2. That on and after the first day of January, nineteen hundred and ten, it shall be unlawful for any common carrier by railroad in any Territory of the United States or the District of Columbia to use any locomotive not equipped with an ash pan, which can be dumped or emptied and cleaned without the necessity of any employee going under such locomotive.

Act May 30, 1908, c. 225, § 2, 35 Stat. 476.

Penalty for violation of act, and actions therefor; duties of district attorneys and of Interstate Commerce Commission.

Sec. 3. That any such common carrier using any locomotive in violation of any of the provisions of this Act shall be liable to a penalty of two hundred dollars for each and every such violation, to be recovered in a suit or suits to be brought by the United States district attorney in the district court of the United States having jurisdiction in the locality where such violation shall have been committed; and it shall be the duty of such district attorney to bring such suits upon duly verified information being lodged with him of such violation having occurred; and it shall also be the duty of the Interstate Commerce Commission to lodge with the proper district attorneys information of any such violations as may come to its knowledge.

Act May 30, 1908, c. 225, § 3, 35 Stat. 476.

Enforcement of act by Interstate Commerce Commission.

Sec. 4. That it shall be the duty of the Interstate Commerce Commission to enforce the provisions of this Act, and all powers heretofore granted to said Commission are hereby extended to it for the purpose of the enforcement of this Act.

Act May 30, 1908, c. 225, § 4, 35 Stat. 476.

Term "common carrier" as used in act to include receivers, etc.

Sec. 5. That the term "common carrier" as used in this Act shall include the receiver or receivers or other persons or corporations charged with the duty of the management and operation of the business of a common carrier.

Act May 30, 1908, c. 225, § 5, 35 Stat. 476.

Act not to apply to locomotives on which ash pan not necessary.

Sec. 6. That nothing in this Act contained shall apply to any locomotive upon which, by reason of the use of oil, electricity, or other such agency, an ash pan is not necessary.

Act May 30, 1908, c. 225, § 6, 35 Stat. 476.

ACT APRIL 14, 1910, c. 160. [H. R. 5702.]

An Act to Supplement "An Act to Promote the Safety of Employees and Travelers upon Railroads by Compelling Common Carriers Engaged in Interstate Commerce to Equip their Cars with Automatic Couplers and Continuous Brakes and Their Locomotives with Driving Wheel Brakes and for Other Purposes," and Other Safety Appliance Acts, and for Other Purposes. (36 Stat. 298.)

Application of provisions of act to common carriers and vehicles subject to "Safety Appliance Acts."

Be it enacted, &c., That the provisions of this Act shall apply to every common carrier and every vehicle subject to the Act of March second, eighteen hundred and ninety-three, as amended April first, eighteen hundred and ninety-six, and March second, nineteen hundred and three, commonly known as the "Safety Appliance Acts."

Act April 14, 1910, c. 160, § 1, 36 Stat. 298.

Act March 2, 1893, c. 196, as amended by Act April 1, 1896, c. 87, mentioned in this section, is set forth in Comp. St. 1901, p. 3174.

Act March 2, 1903, c. 976, also mentioned in this section, is set forth above.

Use of cars not equipped with safety appliances as provided, unlawful; omission of hand brakes on cars combined for loading long commodities.

Sec. 2. That on and after July first, nineteen hundred and eleven, it shall be unlawful for any common carrier subject to the provisions of this Act to haul, or permit to be hauled or used on its line any car subject to the provisions of this Act not equipped with appliances provided for in this Act, to wit: All cars must be equipped with secure sill steps and efficient hand brakes; all cars requiring secure ladders and secure running boards shall be equipped with such ladders and running boards, and all cars having ladders shall also be equipped with secure hand holds or grab irons on their roofs at the tops of such ladders: Provided, That in the loading and hauling of long commodities, requiring more than one car, the hand brakes may be omitted on all save one of the cars while they are thus combined for such purpose.

Act April 14, 1910, c. 160, § 2, 36 Stat. 298.

Safety appliances, as designated by Commission, to be standards of equipment to be used on cars subject to act; penalty for failure to comply with requirement; extension of period for compliance as to cars in service at passage of act; modification of standard height of drawbars.

Sec. 3. That within six months from the passage of this Act the Interstate Commerce Commission, after hearing, shall designate the number, dimensions, location, and manner of application of the appliances provided for by section two of this Act and section four of the Act of March second, eighteen hundred and ninety-three, and shall give notice of such designation to all common carriers subject to the provisions of this Act by such means as the commission may

deem proper, and thereafter said number, location, dimensions, and manner of application as designated by said commission shall remain as the standards of equipment to be used on all cars subject to the provisions of this Act, unless changed by an order of said Interstate Commerce Commission, to be made after full hearing and for good cause shown; and failure to comply with any such requirement of the Interstate Commerce Commission shall be subject to a like penalty as failure to comply with any requirement of this Act: Provided, That the Interstate Commerce Commission may, upon full hearing and for good cause, extend the period within which any common carrier shall comply with the provisions of this section with respect to the equipment of cars actually in service upon the date of the passage of this Act. Said commission is hereby given authority, after hearing, to modify or change, and to prescribe the standard height of draw bars and to fix the time within which such modification or change shall become effective and obligatory, and prior to the time so fixed it shall be unlawful to use any car or vehicle in interstate or foreign traffic which does not comply with the standard now fixed or the standard so prescribed, and after the time so fixed it shall be unlawful to use any car or vehicle in interstate or foreign traffic which does not comply with the standard so prescribed by the commission.

Act April 14, 1910, c. 160, § 3, 36 Stat. 298.

Act March 2, 1893, c. 196, § 4, mentioned in this section, is set forth in Comp. St. 1901, p. 3174.

The jurisdiction of the Commission to extend the period within which any common carrier shall comply with the provisions of this section, applies to cars actually placed in service between the passage of this act and July 1, 1911, by a provision of Act March 4, 1911, c. 285, § 1, set forth below.

Penalty for using, etc., car subject to act, not equipped as provided; hauling car for repairs where equipment becomes defective while being used; liability of carrier so moving car for death or injury of railroad employé; use of chains instead of drawbars restricted.

Sec. 4. That any common carrier subject to this Act using, hauling, or permitting to be used or hauled on its line, any car subject to the requirements of this Act not equipped as provided in this Act, shall be liable to a penalty of one hundred dollars for each and every such violation, to be recovered as provided in section six of the Act of March second, eighteen hundred and ninety-three, as amended April first, eighteen hundred and ninety-six: Provided, That where any car shall have been properly equipped, as provided in this Act and the other Acts mentioned herein, and such equipment shall have become defective or insecure while such car was being used by such carrier upon its line of railroad, such car may be hauled from the place where such equipment was first discovered to be defective or insecure to the nearest available point where such car can be repaired, without liability for the penalties imposed by section four of this Act or section six of the Act of March second, eighteen hundred and ninety-three as amended by the Act of April first, eighteen hundred and ninety-six, if such movement is necessary to make such repairs and such repairs can not be made except at such repair point; and such movement or hauling of such car shall be at the sole risk of the carrier, and nothing in this section shall be construed to relieve such

carrier from liability in any remedial action for the death or injury of any railroad employee caused to such employee by reason of or in connection with the movement or hauling of such car with equipment which is defective or insecure or which is not maintained in accordance with the requirements of this Act and the other Acts herein referred to; and nothing in this proviso shall be construed to permit the hauling of defective cars by means of chains instead of drawbars, in revenue trains or in association with other cars that are commercially used, unless such defective cars contain live stock or "perishable" freight.

Act April 14, 1910, c. 160, § 4, 36 Stat. 299.

Act March 2, 1893, c. 196, § 6, as amended by Act April 1, 1896, c. 87, mentioned in this section, is set forth in Comp. St. 1901, p. 3175.

Liability for using car with defective, etc., equipment, except as specified; act not to affect provisions, etc., of previous "Safety Appliance Acts."

Sec. 5. That except that, within the limits specified in the preceding section of this Act, the movement of a car with defective or insecure equipment may be made without incurring the penalty provided by the statutes, but shall in all other respects be unlawful, nothing in this Act shall be held or construed to relieve any common carrier, the Interstate Commerce Commission, or any United States attorney from any of the provisions, powers, duties, liabilities, or requirements of said Act of March second, eighteen hundred and ninety-three, as amended by the Acts of April first, eighteen hundred and ninety-six, and March second, nineteen hundred and three; and, except as aforesaid, all of the provisions, powers, duties, requirements, and liabilities of said Act of March second, eighteen hundred and ninety-three, as amended by the Acts of April first, eighteen hundred and ninety-six, and March second, nineteen hundred and three, shall apply to this Act.

Act April 14, 1910, c. 160, § 5, 36 Stat. 299.

Act March 2, 1893, c. 196, as amended by Act April 1, 1896, c. 87, mentioned in this section, is set forth in Comp. St. 1901, p. 3174; and Act March 2, 1903, c. 976, also mentioned in this section, is set forth above.

Enforcement of act by Commission, and powers of Commission therefor.

Sec. 6. That it shall be the duty of the Interstate Commerce Commission to enforce the provisions of this Act, and all powers heretofore granted to said commission are hereby extended to it for the purpose of the enforcement of this Act.

Act April 14, 1910, c. 160, § 6, 36 Stat. 299.

ACT MAY 6, 1910, c. 208. [H. R. 3649.]

An Act Requiring Common Carriers Engaged in Interstate and Foreign Commerce to Make Full Reports of All Accidents to the Interstate Commerce Commission, and Authorizing Investigations Thereof by Said Commission. (36 Stat. 350.)

Common carriers by railroad to make monthly reports of accidents to Interstate Commerce Commission.

Be it enacted, &c., That it shall be the duty of the general manager, superintendent, or other proper officer of every common carrier

engaged in interstate or foreign commerce by railroad to make to the Interstate Commerce Commission, at its office in Washington, District of Columbia, a monthly report, under oath, of all collisions, derailments, or other accidents resulting in injury to persons, equipment, or roadbed arising from the operation of such railroad under such rules and regulations as may be prescribed by the said commission, which report shall state the nature and causes thereof and the circumstances connected therewith: Provided, That hereafter all said carriers shall be relieved from the duty of reporting accidents in their annual financial and operating reports made to the commission.

Act May 6, 1910, c. 208, § 1, 36 Stat. 350.

Failure to make report, a misdemeanor; punishment.

Sec. 2. That any common carrier failing to make such report within thirty days after the end of any month shall be deemed guilty of a misdemeanor, and upon conviction thereof by a court of competent jurisdiction shall be punished by a fine of not more than one hundred dollars for each and every offense and for every day during which it shall fail to make such report after the time herein specified for making the same.

Act May 6, 1910, c. 208, § 2, 36 Stat. 350.

Investigation by Commission of accidents; powers and proceedings; co-operation with State commissions; publication of reports of investigations.

Sec. 3. That the Interstate Commerce Commission shall have authority to investigate all collisions, derailments, or other accidents resulting in serious injury to person or to the property of a railroad occurring on the line of any common carrier engaged in interstate or foreign commerce by railroad. The commission, or any impartial investigator thereunto authorized by said commission, shall have authority to investigate such collisions, derailments, or other accidents aforesaid, and all the attending facts, conditions, and circumstances, and for that purpose may subpœna witnesses, administer oaths, take testimony, and require the production of books, papers, orders, memoranda, exhibits, and other evidence, and shall be provided by said carriers with all reasonable facilities: Provided, That when such accident is investigated by a commission of the State in which it occurred, the Interstate Commerce Commission shall, if convenient, make any investigation it may have previously determined upon, at the same time as, and in connection with, the state commission investigation. Said commission shall, when it deems it to the public interest, make reports of such investigations, stating the cause of accident, together with such recommendations as it deems proper. Such reports shall be made public in such manner as the commission deems proper.

Act May 6, 1910, c. 208, § 3, 36 Stat. 351.

Reports not evidence in suits for damages.

Sec. 4. That neither said report nor any report of said investigation nor any part thereof shall be admitted as evidence or used for any purpose in any suit or action for damages growing out of any matter mentioned in said report or investigation.

Act May 6, 1910, c. 208, § 4, 36 Stat. 351.

Form of reports.

Sec. 5. That the Interstate Commerce Commission is authorized to prescribe for such common carriers a method and form for making the reports hereinbefore provided.

Act May 6, 1910, c. 208, § 5, 36 Stat. 351.

Repeal of Act March 3, 1901, c. 866.

Sec. 6. That the Act entitled "An Act requiring common carriers engaged in interstate commerce to make full reports of all accidents to the Interstate Commerce Commission," approved March third, nineteen hundred and one, is hereby repealed.

Act May 6, 1910, c. 208, § 6, 36 Stat. 351.

Act March 3, 1901, c. 866, repealed by this section, is set forth in Comp. St. 1901, p. 3176.

Definition of terms "interstate commerce" and "foreign commerce," as used in act.

Sec. 7. That the term "interstate commerce," as used in this Act, shall include transportation from any State or Territory or the District of Columbia to any other State or Territory or the District of Columbia, and the term "foreign commerce," as used in this Act, shall include transportation from any State or Territory or the District of Columbia to any foreign country and from any foreign country to any State or Territory or the District of Columbia.

Act May 6, 1910, c. 208, § 7, 36 Stat. 351.

Time of taking effect of act.

Sec. 8. That this Act shall take effect sixty days after its passage.

Act May 6, 1910, c. 208, § 8, 36 Stat. 351.

ACT JUNE 18, 1910, c. 309. [H. R. 17536.]

An Act to Create a Commerce Court, and to Amend the Act Entitled "An Act to Regulate Commerce," Approved February Fourth, Eighteen hundred and eighty-seven, as Heretofore Amended, and for Other Purposes. (36 Stat. 539.)

Be it enacted, &c. [Secs. 1–5 repealed. Act March 3, 1911, c. 231, § 297.]

Sections 1–5 and part of section 6 of this act, creating and relating to the Commerce Court, are incorporated in the Judicial Code, Act March 3, 1911, c. 231, chiefly in chapter 9 thereof, and are expressly repealed by section 297 of said act, taking effect Jan. 1, 1912. Said act is set forth ante, Title XII B, "The Judicial Code."

Common carriers subject to act to designate agent in city of Washington for service of notices and processes; service on agent, or in default of designation.

Sec. 6. [* * * Part of section omitted, repealed. Act March 3, 1911, c. 231, § 297.]

It shall be the duty of every common carrier subject to the provisions of this Act, within sixty days after the taking effect of this Act, to designate in writing an agent in the city of Washington, District of Columbia, upon whom service of all notices and processes may be made for and on behalf of said common carrier in any proceeding or suit pending before the Interstate Commerce Commission or before said commerce court, and to file such designation in the office of the secretary of the Interstate Commerce Commission, which

designation may from time to time be changed by like writing similarly filed; and thereupon service of all notices and processes may be made upon such common carrier by leaving a copy thereof with such designated agent at his office or usual place of residence in the city of Washington, with like effect as if made personally upon such common carrier, and in default of such designation of such agent, service of any notice or other process in any proceeding before said Interstate Commerce Commission or commerce court may be made by posting such notice or process in the office of the secretary of the Interstate Commerce Commission.

Act June 18, 1910, c. 309, § 6, 36 Stat. 544.

The first paragraph of this section, omitted here, providing for the transfer to the Commerce Court or other disposition of cases, etc., within the jurisdiction of that court pending or brought after its creation and before its opening, is incorporated in the Judicial Code, Act March 3, 1911, c. 231, in section 214 thereof, and is expressly repealed by section 297 of said act, taking effect Jan. 1, 1912. Said act is set forth ante, Title XII B, "The Judicial Code."

Sec. 7–14. [Amend Act Feb. 4, 1887, c. 104, §§ 1, 4, 6, 10, 13, 15, 16, 20.]

The amendments by these sections respectively of sections 1, 4, 6, 10, 13, 15, 16, and 20 of Act Feb. 4, 1887, c. 104, are incorporated in said sections of that act, set forth above.

Previous proceedings and acts of Commission not impaired by act; powers conferred by act applicable to pending cases, etc.; existing obligations, liabilities, etc., not affected by act.

Sec. 15. That nothing in this Act contained shall undo or impair any proceedings heretofore taken by or before the Interstate Commerce Commission or any of the Acts of said commission; and in any cases, proceedings, or matters now pending before it, the commission may exercise any of the powers hereby conferred upon it, as would be proper in cases, proceedings, or matters hereafter initiated; and nothing in this Act contained shall operate to release or affect any obligation, liability, penalty, or forfeiture heretofore existing against or incurred by any person, corporation, or association.

Act June 18, 1910, c. 309, § 15, 36 Stat. 556.

Commission to investigate issuance of stocks and bonds by railroad corporations; appointment and compensation of members; employment of experts and assistants; detail of officials, etc., from departments and bureaus; expenses.

Sec. 16. That the President is hereby authorized to appoint a commission to investigate questions pertaining to the issuance of stocks and bonds by railroad corporations, subject to the provisions of the Act to regulate commerce, and the power of Congress to regulate or affect the same, and to fix the compensation of the members of such commission. Said commission shall be and is hereby authorized to employ experts to aid in the work of inquiry and examination, and such clerks, stenographers, and other assistants as may be necessary, which employees shall be paid such compensation as the commission may deem just and reasonable upon a certificate to be issued by the chairman of the commission. The several departments and bureaus of the Government shall detail from time to time such officials and employees and furnish such information to the commission as may be

directed by the President. For the purposes of its investigations the commission shall be authorized to incur and have paid upon the certificate of its chairman such expenses as the commission shall deem necessary: Provided, however, That the total expenses authorized or incurred under the provisions of this section for compensation, employees, or otherwise, shall not exceed the sum of twenty-five thousand dollars.

Act June 18, 1910, c. 309, § 16, 36 Stat. 556.

Sec. 17. [Repealed. Act March 3, 1911, c. 231, § 297.]

This section, relating to applications for interlocutory injunctions suspending or restraining enforcement, etc., of State statutes on the ground of unconstitutionality, and hearings, etc., on such applications, is incorporated in the Judicial Code, Act March 3, 1911, c. 231, in section 266 thereof, and is expressly repealed by section 297 of said act, taking effect Jan. 1, 1912. Said act is set forth ante, under Title XII B, "The Judicial Code."

Time of taking effect of act.

Sec. 18. That this Act shall take effect and be in force from and after the expiration of sixty days after its passage, except as to sections twelve and sixteen, which sections shall take effect and be in force immediately.

Act June 18, 1910, c. 309, § 18, 36 Stat. 557.

ACT FEB. 17, 1911, c. 103. [S. 6702.]

An Act to Promote the Safety of Employees and Travelers upon Railroads by Compelling Common Carriers Engaged in Interstate Commerce to Equip their Locomotives with Safe and Suitable Boilers and Appurtenances thereto. (36 Stat. 913.)

Common carriers by railroad to whom provisions of act applicable; definition of terms "railroad" and "employés" as used in act.

Be it enacted, &c., That the provisions of this Act shall apply to any common carrier or carriers, their officers, agents, and employees, engaged in the transportation of passengers or property by railroad in the District of Columbia, or in any Territory of the United States, or from one State or Territory of the United States or the District of Columbia to any other State or Territory of the United States or the District of Columbia, or from any place in the United States to an adjacent foreign country, or from any place in the United States through a foreign country to any other place in the United States. The term "railroad" as used in this Act shall include all the roads in use by any common carrier operating a railroad, whether owned or operated under a contract, agreement, or lease, and the term "employees" as used in this Act shall be held to mean persons actually engaged in or connected with the movement of any train.

Act Feb. 17, 1911, c. 103, § 1, 36 Stat. 913.

Use of locomotive, unless boiler, etc., safe, unlawful; inspection and tests of boilers.

Sec. 2. That from and after the first day of July, nineteen hundred and eleven, it shall be unlawful for any common carrier, its officers or agents, subject to this Act to use any locomotive engine propelled by steam power in moving interstate or foreign traffic unless the boiler of said locomotive and appurtenances thereof are in proper condition

and safe to operate in the service to which the same is put, that the same may be employed in the active service of such carrier in moving traffic without unnecessary peril to life or limb, and all boilers shall be inspected from time to time in accordance with the provisions of this Act, and be able to withstand such test or tests as may be prescribed in the rules and regulations hereinafter provided for.

Act Feb. 17, 1911, c. 103, § 2, 36 Stat. 913.

Chief inspector and assistant chief inspectors of locomotive boilers; appointment, powers and duties, and qualifications; salaries and expenses; offices, etc.

Sec. 3. That there shall be appointed by the President, by and with the advice and consent of the Senate, a chief inspector and two assistant chief inspectors of locomotive boilers, who shall have general superintendence of the inspectors hereinafter provided for, direct them in the duties hereby imposed upon them, and see that the requirements of this Act and the rules, regulations, and instructions made or given hereunder are observed by common carriers subject hereto. The said chief inspector and his two assistants shall be selected with reference to their practical knowledge of the construction and repairing of boilers, and to their fitness and ability to systematize and carry into effect the provisions hereof relating to the inspection and maintenance of locomotive boilers. The chief inspector shall receive a salary of four thousand dollars per year and the assistant chief inspectors shall each receive a salary of three thousand dollars per year; and each of the three shall be paid his traveling expenses incurred in the performance of his duties. The office of the chief inspector shall be in Washington, District of Columbia, and the Interstate Commerce Commission shall provide such stenographic and clerical help as the business of the offices of the chief inspector and his said assistants may require.

Act Feb. 17, 1911, c. 103, § 3, 36 Stat. 914.

Locomotive boiler inspection districts; appointment of inspectors, and assignment to districts; salaries, expenses, etc., of inspectors; examinations of applicants; disqualifications.

Sec. 4. That immediately after his appointment and qualification the chief inspector shall divide the territory comprising the several States, the Territories of New Mexico and Arizona, and the District of Columbia into fifty locomotive boiler-inspection districts, so arranged that the service of the inspector appointed for each district shall be most effective, and so that the work required of each inspector shall be substantially the same. Thereupon there shall be appointed by the Interstate Commerce Commission fifty inspectors of locomotive boilers. Said inspectors shall be in the classified service and shall be appointed after competitive examination according to the law and the rules of the Civil Service Commission governing the classified service. The chief inspector shall assign one inspector so appointed to each of the districts hereinbefore named. Each inspector shall receive a salary of one thousand eight hundred dollars per year and his traveling expenses while engaged in the performance of his duty. He shall receive in addition thereto an annual allowance for office rent, stationery, and clerical assistance, to be fixed by the Interstate Commerce Commission, but not to exceed in the case of any district in-

spector six hundred dollars per year. In order to obtain the most competent inspectors possible, it shall be the duty of the chief inspector to prepare a list of questions to be propounded to applicants with respect to construction, repair, operation, testing, and inspection of locomotive boilers, and their practical experience in such work, which list, being approved by the Interstate Commerce Commission, shall be used by the Civil Service Commission as a part of its examination. No person interested, either directly or indirectly, in any patented article required to be used on any locomotive under supervision or who is intemperate in his habits shall be eligible to hold the office of either chief inspector or assistant or district inspector.

Act Feb. 17, 1911, c. 103, § 4, 30 Stat. 914.

Inspection of locomotive boilers by carriers; rules and instructions therefor to be filed by carrier or prepared by chief inspector and approved by Commission; rules, etc., for office of chief inspector and for district inspectors.

Sec. 5. That each carrier subject to this Act shall file its rules and instructions for the inspection of locomotive boilers with the chief inspector within three months after the approval of this Act, and after hearing and approval by the Interstate Commerce Commission, such rules and instructions, with such modifications as the commission requires, shall become obligatory upon such carrier: Provided, however, That if any carrier subject to this Act shall fail to file its rules and instructions the chief inspector shall prepare rules and instructions not inconsistent herewith for the inspection of locomotive boilers, to be observed by such carrier; which rules and instructions, being approved by the Interstate Commerce Commission, and a copy thereof being served upon the president, general manager, or general superintendent of such carrier, shall be obligatory, and a violation thereof punished as hereinafter provided: Provided also, That such common carrier may from time to time change the rules and regulations herein provided for, but such change shall not take effect and the new rules and regulations be in force until the same shall have been filed with and approved by the Interstate Commerce Commission. The chief inspector shall also make all needful rules, regulations, and instructions not inconsistent herewith for the conduct of his office and for the government of the district inspectors: Provided, however, That all such rules and instructions shall be approved by the Interstate Commerce Commission before they take effect.

Act Feb. 17, 1911, c. 103, § 5, 36 Stat. 914.

Duties of district inspectors; personal inspection; inspection and repairs by carriers; sworn reports by carriers of inspections and repairs; notice to carrier of unserviceable condition of boiler; appeal to chief inspector and re-examination thereon; further appeal to Commission and action thereon.

Sec. 6. That it shall be the duty of each inspector to became familiar, so far as practicable, with the condition of each locomotive boiler ordinarily housed or repaired in his district, and if any locomotive is ordinarily housed or repaired in two or more districts, then the chief inspector or an assistant shall make such division between inspectors as will avoid the necessity for duplication of work. Each inspector shall make such personal inspection of the locomotive boil-

ers under his care from time to time as may be necessary to fully carry out the provisions of this Act, and as may be consistent with his other duties, but he shall not be required to make such inspections at stated times or at regular intervals. His first duty shall be to see that the carriers make inspections in accordance with the rules and regulations established or approved by the Interstate Commerce Commission, and that carriers repair the defects which such inspections disclose before the boiler or boilers or appurtenances pertaining thereto are again put in service. To this end each carrier subject to this Act shall file with the inspector in charge, under the oath of the proper officer or employee, a duplicate of the report of each inspection required by such rules and regulations, and shall also file with such inspector, under the oath of the proper officer or employee, a report showing the repair of the defects disclosed by the inspection. The rules and regulations hereinbefore provided for shall prescribe the time at which such reports shall be made. Whenever any district inspector shall, in the performance of his duty, find any locomotive boiler or apparatus pertaining thereto not conforming to the requirements of the law or the rules and regulations established and approved as hereinbefore stated, he shall notify the carrier in writing that the locomotive is not in serviceable condition, and thereafter such boiler shall not be used until in serviceable condition: Provided, That a carrier, when notified by an inspector in writing that a locomotive boiler is not in serviceable condition, because of defects set out and described in said notice, may within five days after receiving said notice, appeal to the chief inspector by telegraph or by letter to have said boiler re-examined, and upon receipt of the appeal from the inspector's decision, the chief inspector shall assign one of the assistant chief inspectors or any district inspector other than the one from whose decision the appeal is taken to re-examine and inspect said boiler within fifteen days from date of notice. If upon such re-examination the boiler is found in serviceable condition, the chief inspector shall immediately notify the carrier in writing, whereupon such boiler may be put into service without further delay; but if the re-examination of said boiler sustains the decision of the district inspector, the chief inspector shall at once notify the carrier owning or operating such locomotive that the appeal from the decision of the inspector is dismissed, and upon the receipt of such notice the carrier may, within thirty days, appeal to the Interstate Commerce Commission, and upon such appeal, and after hearing, said Commission shall have power to revise, modify, or set aside such action of the chief inspector and declare that said locomotive is in serviceable condition and authorize the same to be operated: Provided further, That pending either appeal the requirements of the inspector shall be effective.

Act Feb. 17, 1911, c. 103, § 6, 36 Stat. 915.

Annual report of chief inspector.

Sec. 7. That the chief inspector shall make an annual report to the Interstate Commerce Commission of the work done during the year, and shall make such recommendations for the betterment of the service as he may desire.

Act Feb. 17, 1911, c. 103, § 7, 36 Stat. 916.

Report by carrier to chief inspector of accident from failure of locomotive boiler, etc., resulting in serious injury or death; investigation thereupon; parts of disabled locomotive affected by accident to be preserved and examined; report thereupon, of cause of accident, to chief inspector.

Sec. 8. That in the case of accident resulting from failure from any cause of a locomotive boiler or its appurtenances, resulting in serious injury or death to one or more persons, a statement forthwith must be made in writing of the fact of such accident, by the carrier owning or operating said locomotive, to the chief inspector. Whereupon the facts concerning such accident shall be investigated by the chief inspector or one of his assistants, or such inspector as the chief inspector may designate for that purpose. And where the locomotive is disabled to the extent that it can not be run by its own steam, the part or parts affected by the said accident shall be preserved by said carrier intact, so far as possible, without hindrance or interference to traffic until after said inspection. The chief inspector or an assistant or the designated inspector making the investigation shall examine or cause to be examined thoroughly the boiler or part affected, making full and detailed report of the cause of the accident to the chief inspector.

Reports by Commission of investigations, stating cause of accident, etc.; publication thereof; reports not evidence in suits for damages.

The Interstate Commerce Commission may at any time call upon the chief inspector for a report of any accident embraced in this section, and upon the receipt of said report, if it deems it to the public interest, make reports of such investigations, stating the cause of accident, together with such recommendations as it deems proper. Such reports shall be made public in such manner as the commission deems proper. Neither said report nor any report of said investigation nor any part thereof shall be admitted as evidence or used for any purpose in any suit or action for damages growing out of any matter mentioned in said report or investigation.

Act Feb. 17, 1911, c. 103, § 8, 36 Stat. 916.

Penalty for violation by carrier of act, or of rule, etc., under its provisions, or of order of inspector; duty of district attorney to bring suit therefor; duty of chief inspector to give information.

Sec. 9. That any common carrier violating this Act or any rule or regulation made under its provisions or any lawful order of any inspector shall be liable to a penalty of one hundred dollars for each and every such violation, to be recovered in a suit or suits to be brought by the United States attorney in the district court of the United States having jurisdiction in the locality where such violation shall have been committed; and it shall be the duty of such attorneys, subject to the direction of the Attorney-General, to bring such suits upon duly verified information being lodged with them, respectively, of such violations having occurred; and it shall be the duty of the chief inspector of locomotive boilers to give information to the proper United States attorney of all violations of this Act coming to his knowledge.

Act Feb. 17, 1911, c. 103, § 9, 36 Stat. 916.

Limitation of appropriations to carry out provisions of act.

Sec. 10. That the total amounts directly appropriated to carry out the provisions of this Act shall not exceed for any one fiscal year the sum of three hundred thousand dollars.

Act Feb. 17, 1911, c. 103, § 10, 36 Stat. 916.

An appropriation of $200,000, to be immediately available, for expenditures under the provisions of this act, was made by the sundry civil appropriation act for the fiscal year ending June 30, 1912, Act March 4, 1911, c. 285, § 1, 36 Stat. 1397.

ACT MARCH 4, 1911, c. 285, § 1. [H. R. 32909.]

Jurisdiction of Interstate Commerce Commission to extend period for compliance by carrier with provisions of "Safety-Appliance Acts," applicable to cars placed in service between passage of act and July 1, 1911.

That the jurisdiction of the Interstate Commerce Commission to extend the period within which any common carrier shall comply with the provisions of section three of the Act entitled, "An Act to supplement 'An Act to promote the safety of employees and travelers upon railroads by compelling common carriers engaged in interstate commerce to equip their cars with automatic couplers and continuous brakes and their locomotives with driving-wheel brakes, and for other purposes,' and other safety-appliance Acts, and for other purposes," approved April fourteenth, nineteen hundred and ten, shall apply to cars actually placed in service between the date of the passage of said Act and the first day of July, nineteen hundred and eleven, in the same manner and to the same extent that it applies to cars actually in service upon the date of the passage of said Act.

Act March 4, 1911, c. 285, § 1, 36 Stat. 1397.

This is a provision of the sundry civil appropriation act for the fiscal year ending June 30, 1912, cited above.

Act April 14, 1910, c. 160, mentioned in this provision, is set forth above.

[CHAPTER TWO.]

[Regulation of Use of Means of Transportation.]

ACT MARCH 2, 1895, c. 191, §§ 1, 2.

[Repealed. Act March 4, 1909, c. 321, § 341.]

These sections, set forth in Comp. St. 1901, p. 3178, making it punishable to cause to be brought into the United States for the purpose of disposing of the same, or deposited in or carried by the mails, or carried from one state to another, lottery tickets, advertisements, etc., are incorporated in the act to codify, etc., the penal laws, Act March 4, 1909, c. 321, in part in chapter 8, § 213, and in part in chapter 9, § 237, thereof, and are expressly repealed by chapter 15, § 341, of said act, taking effect January 1, 1910. Said act is set forth post, under Title LXIX A, "The Criminal Code."

ACT FEB. 8, 1897, c. 172.

[Repealed. Act March 4, 1909, c. 321, § 341.]

This act, set forth in Comp. St. 1901, p. 3180, making it punishable to deposit with any common carrier for carriage from one state, etc., to another, or to take from such carrier with intent to sell, distribute, etc., any obscene book, etc., or other matter of indecent character, etc., was

amended by Act Feb. 8, 1905, c. 550, 33 Stat. 705, to read as set forth therein. The provisions of said so amended act are incorporated in the act to codify, etc., the penal laws, Act March 4, 1909, c. 321, in chapter 9, § 245, thereof, and both said original and amendatory acts are expressly repealed by chapter 15, § 341, of said Act March 4, 1909, c. 321, taking effect January 1, 1910. Said act is set forth post, under Title LXIX A, "The Criminal Code."

ACT MAY 25, 1900, c. 553, §§ 2, 3, 4.

[Repealed. Act March 4, 1909, c. 321, § 341.]

These three sections, set forth in Comp. St. 1901, p. 3181, making unlawful the importation of certain prohibited wild animals and birds, and the delivery to any common carrier for transportation from one state, etc., to another, of any such animal or bird, or any dead wild animal or bird killed in violation of the laws of the state, etc., and making punishable violations of the act, is incorporated in the act to codify, etc., the penal laws, Act March 4, 1909, c. 321, in chapter 9, §§ 241–244, thereof, and are expressly repealed by chapter 15, § 341, of said act, taking effect January 1, 1910. Said act is set forth post, under Title LXIX A, "The Criminal Code."

Appropriations for the enforcement of section 1 of this act are made in the annual agricultural appropriation acts. The provision for the fiscal year ending June 30, 1912, is by Act March 4, 1911, c. 238, 36 Stat. 1258.

ACT MAY 9, 1902, c. 784, § 1.

Oleomargarine, butterine, etc., transported into a State, etc., subject to its police powers.

Be it enacted, &c., That all articles known as oleomargarine, butterine, imitation, process, renovated, or adulterated butter, or imitation cheese, or any substance in the semblance of butter or cheese not the usual product of the dairy and not made exclusively of pure and unadulterated milk or cream, transported into any State or Territory or the District of Columbia, and remaining therein for use, consumption, sale, or storage therein, shall, upon the arrival within the limits of such State or Territory or the District of Columbia, be subject to the operation and effect of the laws of such State or Territory or the District of Columbia, enacted in the exercise of its police powers to the same extent and in the same manner as though such articles or substances had been produced in such State or Territory or the District of Columbia, and shall not be exempt therefrom by reason of being introduced therein in original packages or otherwise.

Act May 9, 1902, c. 784, § 1, 32 Stat. 193.

This section is part of an act amendatory of and supplementary to Act Aug. 2, 1886, c. 840, Comp. St. 1901, pp. 2228–2235, other sections of which are set forth ante, under Title XXXV, "Internal Revenue," c. 7 B.

ACT MARCH 3, 1905, c. 1501. [H. R. 18754.]

An Act to Prohibit Importation or Interstate Transportation of Insect Pests, and the Use of the United States Mails for that Purpose. (33 Stat. 1269.)

Transportation, removal, or importation of insect pests, etc., except for scientific purposes, forbidden.

Be it enacted, &c., That no railroad, steamboat, express, stage, or other transportation company shall knowingly transport from one State or Territory into any other State or Territory, or from the District of Columbia into a State or Territory, or from a State or Territory into the District of Columbia, or from a foreign country into the United States, the gypsy moth, brown-tail moth, leopard moth,

plum curculio, hop plant-louse, boll weevil, or any of them in a live state, or other insect in a live state which is notoriously injurious to cultivated crops, including vegetables, field crops, bush fruits, orchard trees, forest trees, or shade trees; or the eggs, pupæ, or larvæ of any insect injurious as aforesaid, except when shipped for scientific purposes under the regulations hereinafter provided for; nor shall any person remove from one State or Territory into another State or Territory, or from a foreign country into the United States, or from a State or Territory into the District of Columbia, or from the District of Columbia into any State or Territory, except for scientific purposes under the regulations hereinafter provided for, the gypsy moth, brown-tail moth, leopard moth, plum curculio, hop plant-louse, boll weevil, or any of them in a live state, or other insect in a live state which is notoriously injurious to cultivated crops, including vegetables, field crops, bush fruits, orchard trees, forest trees, or shade trees; or the eggs, pupæ, or larvæ of any insect injurious as aforesaid.

Act March 3, 1905, c. 1501, § 1, 33 Stat. 1269.

Letters, parcels, etc., containing insect pests, etc., non-mailable, except for scientific purposes; violations of section punishable.

Sec. 2. That any letter, parcel, box, or other package containing the gypsy moth, brown-tail moth, leopard moth, plum curculio, hop plant-louse, boll weevil, or any of them in a live state, or other insect in a live state which is notoriously injurious to cultivated crops, including vegetables, field crops, bush fruits, orchard trees, forest trees, or shade trees, or any letter, parcel, box, or package which contains the eggs, pupæ, or larvæ of any insect injurious as aforesaid, whether sealed as first-class matter or not, is hereby declared to be nonmailable matter, except when mailed for scientific purposes under the regulations hereinafter provided for, and shall not be conveyed in the mails, nor delivered from any post-office, nor by any letter carrier, except when mailed for scientific purposes under the regulations hereinafter provided for; and any person who shall knowingly deposit, or cause to be deposited, for mailing or delivery, anything declared by this section to be nonmailable matter, or cause the same to be taken from the mails for the purpose of retaining, circulating, or disposing of, or of aiding in the retention, circulation, or disposition of the same shall, for each and every offense, be fined, upon conviction thereof, not more than five thousand dollars or imprisoned at hard labor not more than five years, or both, at the discretion of the court: Provided, That nothing in this Act shall authorize any person to open any letter or sealed matter of the first-class not addressed to himself.

Act March 3, 1905, c. 1501, § 2, 33 Stat. 1270.

Regulations for mailing, shipping, transportation, etc., for scientific purposes, of insects, etc., within sections 1 and 2 of act.

Sec. 3. That it shall be the duty of the Secretary of Agriculture, and he is hereby authorized and directed to prepare and promulgate rules and regulations under which the insects covered by sections one and two of this Act may be mailed, shipped, transported, delivered, and removed, for scientific purposes, from one State or Territory into another State or Territory, or from the District of Columbia into a State or Territory, or from a State or Territory into the District of Columbia, and any insects covered by sections one and two of this Act

may be so mailed, shipped, transported, delivered, and removed, for scientific purposes, under the rules and regulations of the Secretary of Agriculture: Provided, That the rules and regulations of the Secretary of Agriculture, in so far as they affect the method of mailing insects, shall be approved by the Postmaster-General, and nothing in this Act shall be construed to prevent any State from making and enforcing laws in furtherance of the purposes of this Act, prohibiting or regulating the admission into that State of insects from a foreign country.

Act March 3, 1905, c. 1501, § 3, 33 Stat. 1270.

Violations of provisions of section 1 of act punishable.

Sec. 4. That any person, company, or corporation who shall knowingly violate the provisions of section one of this Act shall, for each offense, be fined, upon conviction thereof, not more than five thousand dollars or imprisoned at hard labor not more than five years, or both, at the discretion of the court.

Act March 3, 1905, c. 1501, § 4, 33 Stat. 1270.

ACT JUNE 29, 1906, c. 3594. [S. 3413.]

An Act to Prevent Cruelty to Animals while in Transit by Railroad or Other Means of Transportation from One State or Territory or the District of Columbia into or through Another State or Territory or the District of Columbia, and Repealing Sections Forty-three hundred and eighty-six, Forty-three hundred and eighty-seven, Forty-three hundred and eighty-eight, Forty-three hundred and eighty-nine, and Forty-three hundred and ninety of the United States Revised Statutes. (34 Stat. 607.)

Transportation of animals; limitation of time of confinement in cars, boats, or vessels; unloading for rest, water, and feeding; extension of time on request of owner, etc.; sheep not required to be unloaded in nighttime.

Be it enacted, &c., That no railroad, express company, car company, common carrier other than by water, or the receiver, trustee, or lessee of any of them, whose road forms any part of a line of road over which cattle, sheep, swine, or other animals shall be conveyed from one State or Territory or the District of Columbia into or through another State or Territory or the District of Columbia, or the owners or masters of steam, sailing, or other vessels carrying or transporting cattle, sheep, swine, or other animals from one State or Territory or the District of Columbia into or through another State or Territory or the District of Columbia, shall confine the same in cars, boats, or vessels of any description for a period longer than twenty-eight consecutive hours without unloading the same in a humane manner, into properly equipped pens for rest, water, and feeding, for a period of at least five consecutive hours, unless prevented by storm or by other accidental or unavoidable causes which can not be anticipated or avoided by the exercise of due diligence and foresight: Provided, That upon the written request of the owner or person in custody of that particular shipment, which written request shall be separate and apart from any printed bill of lading, or other railroad form, the time of confinement may be extended to thirty-six hours. In estimating such confinement,

the time consumed in loading and unloading shall not be considered, but the time during which the animals have been confined without such rest or food or water on connecting roads shall be included, it being the intent of this Act to prohibit their continuous confinement beyond the period of twenty-eight hours, except upon the contingencies hereinbefore stated: Provided, That it shall not be required that sheep be unloaded in the nighttime, but where the time expires in the nighttime in case of sheep the same may continue in transit to a suitable place for unloading, subject to the aforesaid limitation of thirty-six hours.

Act June 29, 1906, c. 3594, § 1, 34 Stat. 607.

Animals unloaded to be fed and watered by or at expense of owner, etc.; lien for food, care, etc.

Sec. 2. That animals so unloaded shall be properly fed and watered during such rest either by the owner or person having the custody thereof, or in case of his default in so doing, then by the railroad, express company, car company, common carrier other than by water, or the receiver, trustee, or lessee of any of them, or by the owners or masters of boats or vessels transporting the same, at the reasonable expense of the owner or person in custody thereof, and such railroad, express company, car company, common carrier other than by water, receiver, trustee, or lessee of any of them, owners or masters, shall in such case have a lien upon such animals for food, care, and custody furnished, collectible at their destination in the same manner as the transportation charges are collected, and shall not be liable for any detention of such animals, when such detention is of reasonable duration, to enable compliance with section one of this Act; but nothing in this section shall be construed to prevent the owner or shipper of animals from furnishing food therefor, if he so desires.

Act June 29, 1906, c. 3594, § 2, 34 Stat. 608.

Penalty for failure to comply with provisions of two preceding sections; provisions for unloading not to apply under certain circumstances.

Sec. 3. That any railroad, express company, car company, common carrier other than by water, or the receiver, trustee, or lessee of any of them, or the master or owner of any steam, sailing, or other vessel who knowingly and willfully fails to comply with the provisions of the two preceding sections shall for every such failure be liable for and forfeit and pay a penalty of not less than one hundred nor more than five hundred dollars: Provided, That when animals are carried in cars, boats, or other vessels in which they can and do have proper food, water, space, and opportunity to rest the provisions in regard to their being unloaded shall not apply.

Act June 29, 1906, c. 3594, § 3, 34 Stat. 608.

Penalty recoverable by civil action; duty of district attorneys to prosecute.

Sec. 4. That the penalty created by the preceding section shall be recovered by civil action in the name of the United States in the circuit or district court holden within the district where the violation may have been committed or the person or corporation resides or carries on business; and it shall be the duty of United States attorneys to

prosecute all violations of this Act reported by the Secretary of Agriculture, or which come to their notice or knowledge by other means.

Act June 29, 1906, c. 3594, § 4, 34 Stat. 608.

Repeal of Rev. St. §§ 4386–4390.

Sec. 5. That sections forty-three hundred and eighty-six, forty-three hundred and eighty-seven, forty-three hundred and eighty-eight, forty-three hundred and eighty-nine, and forty-three hundred and ninety of the Revised Statutes of the United States be, and the same are hereby, repealed.

Act June 29, 1906, c. 3594, § 5, 34 Stat. 608.

Rev. St. §§ 4386–4390, repealed by this section, are set forth in Comp. St. 1901, pp. 2995–2997. They contained provisions similar, to some extent, to those of the preceding sections of this act.

The provisions of Act May 30, 1908, c. 234, 35 Stat. 554, entitled "An act to promote the safe transportation in interstate commerce of explosives and other dangerous articles, and to provide penalties for its violation," are incorporated in the act to codify, etc., the penal laws, Act March 4, 1909, c. 321, in chapter 9, §§ 233–236, thereof, and the act is expressly repealed by chapter 15, § 341, of said Act March 4, 1909, c. 321, taking effect January 1, 1910. Said act is set forth post, under Title LXIX A, "The Criminal Code."

[CHAPTER TWO A.]

[Prohibition and Punishment of "White-Slave Traffic."]

ACT JUNE 25, 1910, c. 395. [H. R. 12315.] ["White-Slave Traffic Act."]

An Act to Further Regulate Interstate and Foreign Commerce by Prohibiting the Transportation Therein for Immoral Purposes of Women and Girls, and for Other Purposes. (36 Stat. 825.)

Definition of terms "interstate commerce" and "foreign commerce" as used in act.

Be it enacted, &c., That the term "interstate commerce," as used in this Act, shall include transportation from any State or Territory or the District of Columbia to any other State or Territory or the District of Columbia, and the term "foreign commerce," as used in this Act, shall include transportation from any State or Territory or the District of Columbia to any foreign country and from any foreign country to any State or Territory or the District of Columbia.

Act June 25, 1910, c. 395, § 1, 36 Stat. 824.

Transportation, etc., of woman or girl for immoral purposes, or knowingly procuring ticket, etc., to be used therefor, a felony; punishment.

Sec. 2. That any person who shall knowingly transport or cause to be transported, or aid or assist in obtaining transportation for, or in transporting, in interstate or foreign commerce, or in any Territory or in the District of Columbia, any woman or girl for the purpose of prostitution or debauchery, or for any other immoral purpose, or with the intent and purpose to induce, entice, or compel such woman or girl to become a prostitute or to give herself up to debauchery, or to engage in any other immoral practice; or who shall knowingly procure or obtain, or cause to be procured or obtained, or aid or assist

in procuring or obtaining, any ticket or tickets, or any form of transportation or evidence of the right thereto, to be used by any woman or girl in interstate or foreign commerce, or in any Territory or the District of Columbia, in going to any place for the purpose of prostitution or debauchery, or for any other immoral purpose, or with the intent or purpose on the part of such person to induce, entice, or compel her to give herself up to the practice of prostitution, or to give herself up to debauchery, or any other immoral practice, whereby any such woman or girl shall be transported in interstate or foreign commerce, or in any Territory or the District of Columbia, shall be deemed guilty of a felony, and upon conviction thereof shall be punished by a fine not exceeding five thousand dollars, or by imprisonment of not more than five years, or by both such fine and imprisonment, in the discretion of the court.

Act June 25, 1910, c. 395, § 2, 36 Stat. 825.

Inducing, etc., transportation of woman or girl for immoral purposes, a felony; punishment.

Sec. 3. That any person who shall knowingly persuade, induce, entice, or coerce, or cause to be persuaded, induced, enticed, or coerced, or aid or assist in persuading, inducing, enticing, or coercing any woman or girl to go from one place to another in interstate or foreign commerce, or in any Territory or the District of Columbia, for the purpose of prostitution or debauchery, or for any other immoral purpose, or with the intent and purpose on the part of such person that such woman or girl shall engage in the practice of prostitution or debauchery, or any other immoral practice, whether with or without her consent, and who shall thereby knowingly cause or aid or assist in causing such woman or girl to go and to be carried or transported as a passenger upon the line or route of any common carrier or carriers in interstate or foreign commerce, or any Territory or the District of Columbia, shall be deemed guilty of a felony and on conviction thereof shall be punished by a fine of not more than five thousand dollars, or by imprisonment for a term not exceeding five years or by both such fine and imprisonment, in the discretion of the court.

Act June 25, 1910, c. 395, § 3, 36 Stat. 825.

Inducing, etc., interstate transportation of woman or girl under 18 years of age for immoral purposes, a felony; punishment.

Sec. 4. That any person who shall knowingly persuade, induce, entice, or coerce any woman or girl under the age of eighteen years from any State or Territory or the District of Columbia to any other State or Territory or the District of Columbia, with the purpose and intent to induce or coerce her, or that she shall be induced or coerced to engage in prostitution or debauchery, or any other immoral practice, and shall in furtherance of such purpose knowingly induce or cause her to go and to be carried or transported as a passenger in interstate commerce upon the line or route of any common carrier or carriers, shall be deemed guilty of a felony, and on conviction thereof shall be punished by a fine of not more than ten thousand dollars, or by imprisonment for a term not exceeding ten years, or by both such fine and imprisonment, in the discretion of the court.

Act June 25, 1910, c. 395, § 4, 36 Stat. 826.

Jurisdiction of courts over prosecutions for violations of preceding sections.

Sec. 5. That any violation of any of the above sections two, three, and four shall be prosecuted in any court having jurisdiction of crimes within the district in which said violation was committed, or from, through, or into which any such woman or girl may have been carried or transported as a passenger in interstate or foreign commerce, or in any Territory or the District of Columbia, contrary to the provisions of any of said sections.

Act June 25, 1910, c. 395, § 5, 36 Stat. 826.

Prevention of transportation in foreign commerce of alien women and girls for purposes of prostitution, etc., under international agreement for suppression of white-slave traffic; Commissioner General of Immigration designated as authority to receive, etc., information, etc.; duty to receive and keep statements, etc., of and pertaining to such alien women and girls.

Sec. 6. That for the purpose of regulating and preventing the transportation in foreign commerce of alien women and girls for purposes of prostitution and debauchery, and in pursuance of and for the purpose of carrying out the terms of the agreement or project of arrangement for the suppression of the white-slave traffic, adopted July twenty-fifth, nineteen hundred and two, for submission to their respective governments by the delegates of various powers represented at the Paris conference and confirmed by a formal agreement signed at Paris on May eighteenth, nineteen hundred and four, and adhered to by the United States on June sixth, nineteen hundred and eight, as shown by the proclamation of the President of the United States, dated June fifteenth, nineteen hundred and eight, the Commissioner-General of Immigration is hereby designated as the authority of the United States to receive and centralize information concerning the procuration of alien women and girls with a view to their debauchery, and to exercise supervision over such alien women and girls, receive their declarations, establish their identity, and ascertain from them who induced them to leave their native countries, respectively; and it shall be the duty of said Commissioner-General of Immigration to receive and keep on file in his office the statements and declarations which may be made by such alien women and girls, and those which are hereinafter required pertaining to such alien women and girls engaged in prostitution or debauchery in this country, and to furnish receipts for such statements and declarations provided for in this act to the persons, respectively, making and filing them.

Statement by person keeping, etc., alien woman or girl, in any house, etc., for immoral purposes, as to such woman or girl; failure to file statement, making false statement, or failure to disclose facts in statement, a misdemeanor; punishment.

Every person who shall keep, maintain, control, support, or harbor in any house or place for the purpose of prostitution, or for any other immoral purpose, any alien woman or girl within three years after she shall have entered the United States from any country, party to the said arrangement for the suppression of the white-slave traffic, shall file with the Commissioner-General of Immigration a statement in writing setting forth the name of such alien woman or girl, the place at which she is kept, and all facts as to the date of her entry into the

United States, the port through which she entered, her age, nationality, and parentage, and concerning her procuration to come to this country within the knowledge of such person, and any person who shall fail within thirty days after such person shall commence to keep, maintain, control, support, or harbor in any house or place for the purpose of prostitution, or for any other immoral purpose, any alien woman or girl within three years after she shall have entered the United States from any of the countries, party to the said arrangement for the suppression of the white-slave traffic, to file such statement concerning such alien woman or girl with the Commissioner-General of Immigration, or who shall knowingly and willfully state falsely or fail to disclose in such statement any fact within his knowledge or belief with reference to the age, nationality, or parentage of any such alien woman or girl, or concerning her procuration to come to this country, shall be deemed guilty of a misdemeanor, and on conviction shall be punished by a fine of not more than two thousand dollars, or by imprisonment for a term not exceeding two years, or by both such fine and imprisonment, in the discretion of the court.

Presumption of failure to file statement not on file; failure to furnish statement not excused by self-criminating tendency; immunity from prosecution, etc., for transactions, etc., truthfully reported in statement.

In any prosecution brought under this section, if it appear that any such statement required is not on file in the office of the Commissioner-General of Immigration, the person whose duty it shall be to file such statement shall be presumed to have failed to file said statement, as herein required, unless such person or persons shall prove otherwise. No person shall be excused from furnishing the statement, as required by this section, on the ground or for the reason that the statement so required by him, or the information therein contained, might tend to criminate him or subject him to a penalty or forfeiture, but no person shall be prosecuted or subjected to any penalty or forfeiture under any law of the United States for or on account of any transaction, matter, or thing, concerning which he may truthfully report in such statement, as required by the provisions of this section.

Act June 25, 1910, c. 395, § 6, 36 Stat. 826.

The international agreement signed May 18, 1904, for the suppression of the white-slave traffic, mentioned in this section, is set forth, with the adherence of the United States thereto, 35 Stat. 1979.

The importation of aliens for immoral purposes is forbidden by Act Feb. 20, 1907, c. 1134, § 3, amended by Act March 26, 1910, c. 128, § 2, set forth ante under Title XXIX, "Immigration," subchapter "Regulation and Restriction of Immigration in General."

Term "Territory" in act to include Alaska, insular possessions, and Canal Zone; construction of word "person" as used in act; liability of persons, corporations, etc., for acts, omissions, etc., of officers, agents, employees, etc.

Sec. 7. That the term "Territory," as used in this Act, shall include the district of Alaska, the insular possessions of the United States, and the Canal Zone. The word "person," as used in this Act, shall be construed to import both the plural and the singular, as the case demands, and shall include corporations, companies, societies, and associations. When construing and enforcing the provisions of this

Act, the act, omission, or failure of any officer, agent, or other person, acting for or employed by any other person or by any corporation, company, society, or association within the scope of his employment or office, shall in every case be also deemed to be the act, omission, or failure of such other person, or of such company, corporation, society, or association, as well as that of the person himself.

Act June 25, 1910, c. 395, § 7, 36 Stat. 827.

Title of act.

Sec. 8. That this Act shall be known and referred to as the "White-slave traffic Act."

Act June 25, 1910, c. 395, § 8, 36 Stat. 827.

[CHAPTER THREE.]

[Inspection and Regulation of Importation, Exportation, and Transportation of Live Animals, Meats, Dairy Products, and Adulterated Food, Drugs, and Liquors.]

ACT MAY 29, 1884, c. 60, §§ 4, 5, 8.

Investigation as to pleuropneumonia, and other contagious, etc., diseases; regulations.

The agricultural appropriation acts for recent fiscal years make appropriations to carry out the provisions of Act May 29, 1884, c. 60, and other acts for similar purposes, set forth in Comp. St. 1901, pp. 3182–3193, with special provisions as to the use of such appropriations for purposes specified. The provisions for the fiscal year ending June 30, 1912, by Act March 4, 1911, c. 238, are set forth below.

The powers conferred on the Secretary of the Treasury by sections 4 and 5 of this act are conferred on the Secretary of Agriculture, to be exercised exclusively by him, by provisions of Act Feb. 2, 1903, c. 349, set forth below. And the Secretary of Agriculture is authorized by said act to establish rules and regulations concerning the exportation and transportation of diseased live stock, and to make regulations and take measures to prevent the introduction or dissemination of contagious, infectious, or communicable disease of animals, and the violation of the orders or regulations made in pursuance thereof is made a misdemeanor, punishable by fine or imprisonment.

Provisions for the establishment by the Secretary of Agriculture of quarantine when cattle or other live stock are affected with any contagious, etc., disease, and for maintaining such quarantine and the making and enforcement of regulations in regard thereto, are contained in Act March 3, 1905, c. 1496, set forth below.

Measures to prevent exportation of diseased live stock authorized.

See note under preceding section of this act.

Pleuropneumonia in District of Columbia.

Section 8 of Act May 29, 1884, c. 60, set forth in Comp. St. 1901, p. 3184, authorizing the Commissioners of the District of Columbia to take measures to suppress the spread of contagious, etc., diseases among animals, is perhaps superseded by Act Feb. 2, 1903, c. 349, § 2, set forth below, which authorizes the Secretary of Agriculture to suppress the spread of such diseases in the District of Columbia, and Act March 3, 1905, c. 1496, also set forth below, which authorizes him to establish and maintain quarantine in the District of Columbia, as well as in any State or Territory, where cattle or other live stock are affected with any contagious, etc., disease.

ACT AUG. 30, 1890, c. 839, §§ 1–3, 6, 7, 10.

Inspection of salted pork and bacon for export; inspector's certificate and identification marks; forgery; penalty.

Provisions more comprehensive than those of Act Aug. 30, 1890, c. 839, § 1, set forth in Comp. St. 1901, p. 3185, for inspection of meat and meat products for use in interstate and foreign commerce, are contained in Act March 4, 1907, c. 2907, set forth below.

Importation of adulterated food, drugs, or liquors prohibited; penalty.

Provisions more comprehensive than those of Act Aug. 30, 1890, c. 839, §§ 2, 3, set forth in Comp. St. 1901, pp. 3186, 3187, for preventing the manufacture, sale, or transportation, as well as the importation of adulterated, etc., food, drugs, or liquors, are contained in Act June 30, 1906, c. 3915, set forth below.

Forfeiture of imported adulterated food, drugs, or liquors; proceedings; inspection.

See note under preceding section of this act.

Importation of diseased, etc., cattle, etc., prohibited; penalty.

Act Aug. 30, 1890, c. 839, section 6 of which, set forth in Comp. St. 1901, p. 3187, prohibits the importation of neat cattle, sheep, etc., which are diseased or infected, etc., is amended so as to authorize the granting of permission for the admission of tick-infested cattle from Mexico into a part of Texas, by a provision of Act March 4, 1911, c. 238, set forth below.

Quarantine of imported cattle, etc.

Besides the provisions of Act Aug. 30, 1890, c. 839, § 7, Comp. St. 1901, p. 3187, for placing in quarantine cattle and certain other animals imported into the United States, provisions for quarantining any State or Territory or the District of Columbia or any portion of any of them, when cattle or other live stock therein are affected with any contagious, etc., disease, are contained in Act March 3, 1905, c. 1496, set forth below.

Inspection of animals imported or intended for export.

See notes under preceding sections of this act.

ACT MARCH 3, 1891, c. 555. [*As amended* 1895.]

Inspection of cattle intended for export; inspectors; certificates; clearance of vessels.

Provisions subsequent to Act March 3, 1891, c. 555, set forth in Comp. St. 1901, pp. 3189–3192, for inspection of cattle which are to be slaughtered and the meat and meat products whereof are to be used in interstate or foreign commerce, as well as for inspection of the carcasses thereof and such meat and meat products, are contained in Act March 4, 1907, c. 2907, set forth below.

ACT MARCH 2, 1895, c. 169.

Regulations to prevent the transportation of condemned carcasses, etc.; violation of act; penalty.

Provisions subsequent to those of this act, set forth in Comp. St. 1901, p. 3192, for making rules and regulations for the enforcement of the provisions for inspection of cattle and carcasses, etc., of Act March 4, 1907, c. 2907, are contained in that act, set forth below.

ACT MAY 25, 1900, c. 555.

Inspection of horses and their carcasses, etc.; waiver of certificate of inspection of beef, etc.

The provisions of Act May 25, 1900, c. 555, set forth in Comp. St. 1901, p. 3192, are repeated in the same language in the agricultural appropriation acts for the fiscal years 1902, 1903, and 1904. In the similar acts for subsequent fiscal years, to and including 1909, however, the first of these provisions is "that live horses be entitled to the same inspection as other animals herein named," omitting "carcasses, and products there-

of." No such provision is contained in the similar appropriation for the subsequent fiscal years.

The second of these provisions, authorizing the waiver of the requirement of a certificate with beef and other products is repeated in each annual appropriation act to and including that for the fiscal year 1906. Such waiver is otherwise authorized by a provision of the agricultural appropriation act for the fiscal year 1907, Act June 30, 1906, c. 3913, 34 Stat. 677, which is re-enacted and made permanent in the similar act for the fiscal year 1908, Act March 4, 1907, c. 2907, set forth below.

ACT MARCH 2, 1901, c. 805.

Inspection of dairy products for exportation; identification marks, etc.

The provisions of Act March 2, 1901, c. 805, set forth in Comp. St. 1901, p. 3193, for construing previous acts for inspection of live cattle and products thereof to include dairy products intended for exportation to any foreign country, are repeated in the subsequent agricultural appropriation act for each fiscal year down to and including 1909. No such provision is contained in the similar appropriation for the fiscal years following.

Importation of adulterated food, drugs, and liquors; inspection and analysis.

The further provisions of Act March 2, 1901, c. 805, also set forth in Comp. St. 1901, p. 3193, for investigating adulteration of foods, etc., imported from foreign countries, are repeated in the subsequent agricultural appropriation acts to and including that for the fiscal year 1907, with some changes in language in those acts after that for the fiscal year 1903, principally additions, to include in their provisions false labeling and false branding as well as adulteration, and beverages and condiments as well as food and drugs, with the ingredients of those articles.

Provisions more comprehensive than those of such previous acts, for preventing the manufacture, sale, or transportation, as well as the importation, of adulterated, misbranded, etc., foods, drugs, etc., or liquors, are contained in Act June 30, 1906, c. 3915, set forth below.

ACT JULY 1, 1902, c. 1357.

An Act To Prevent a False Branding or Marking of Food and Dairy Products as to the State or Territory in Which They Are Made or Produced. (32 Stat. 632.)

Introduction into any State or Territory, etc., from any other, or sale in any Territory or District of Columbia, of dairy or food products falsely labeled or branded as to State or Territory in which they are made, produced, or grown, forbidden.

Be it enacted, &c., That no person or persons, company or corporation, shall introduce into any State or Territory of the United States or the District of Columbia from any other State or Territory of the United States or the District of Columbia, or sell in the District of Columbia or in any Territory any dairy or food products which shall be falsely labeled or branded as to the State or Territory in which they are made, produced, or grown, or cause or procure the same to be done by others.

Act July 1, 1902, c. 1357, § 1, 32 Stat. 632.

Subsequent provisions, more comprehensive than those of this act, for preventing the manufacture, sale, or transportation of adulterated or misbranded, etc., foods, etc., and for regulating traffic therein, are contained in Act June 30, 1906, c. 3915, set forth below.

Provisions for investigating the composition, adulteration, and false labeling or false branding of foods, etc., are contained in said Act June 30, 1906, c. 3915, § 4, and in Act March 4, 1907, c. 2907, set forth below.

Penalty; jurisdiction of prosecutions.

Sec. 2. That if any person or persons violate the provisions of this Act, either in person or through another, he shall be guilty of a mis-

demeanor and shall be punished by a fine of not less than five hundred nor more than two thousand dollars; and that the jurisdiction for the prosecution of said misdemeanor shall be within the district of the United States court in which it is committed.

Act July 1, 1902, c. 1357, § 2, 32 Stat. 632.

ACT FEB. 2, 1903, c. 349.

An Act To Enable the Secretary of Agriculture to More Effectually Suppress and Prevent the Spread of Contagious and Infectious Diseases of Live Stock, and for Other Purposes. (32 Stat. 791.)

Regulation of exportation and transportation of infected live stock by Secretary of Agriculture; shipments after inspection; fees; supervision of Bureau of Animal Industry.

Be it enacted, &c., That in order to enable the Secretary of Agriculture to effectually suppress and extirpate contagious pleuropneumonia, foot and mouth disease, and other dangerous contagious, infectious, and communicable diseases in cattle and other live stock, and to prevent the spread of such diseases, the powers conferred on the Secretary of the Treasury by sections four and five of an Act entitled "An Act for the establishment of a Bureau of Animal Industry, to prevent the exportation of diseased cattle, and to provide means for the suppression and extirpation of pleuropneumonia and other contagious diseases among domestic animals," approved May twenty-ninth, eighteen hundred and eighty-four (twenty-third United States Statutes, thirty-one), are hereby conferred on the Secretary of Agriculture, to be exercised exclusively by him. He is hereby authorized and directed, from time to time, to establish such rules and regulations concerning the exportation and transportation of live stock from any place within the United States where he may have reason to believe such diseases may exist into and through any State or Territory, including the Indian Territory, and into and through the District of Columbia and to foreign countries, as he may deem necessary, and all such rules and regulations shall have the force of law. Whenever any inspector or assistant inspector of the Bureau of Animal Industry shall issue a certificate showing that such officer had inspected any cattle or other live stock which were about to be shipped, driven, or transported from such locality to another, as above stated, and had found them free from Texas or splenetic fever infection, pleuropneumonia, foot and mouth disease, or any other infectious, contagious, or communicable disease, such animals, so inspected and certified, may be shipped, driven, or transported from such place into and through any State or Territory, including the Indian Territory, and into and through the District of Columbia, or they may be exported from the United States without further inspection or the exaction of fees of any kind, except such as may at any time be ordered or exacted by the Secretary of Agriculture; and all such animals shall at all times be under the control and supervision of the Bureau of Animal Industry of the Agricultural Department for the purposes of such inspection.

Act Feb. 2, 1903, c. 349, § 1, 32 Stat. 791.

Other provisions for the investigation of contagious, etc., diseases among live stock, the regulation of the exportation and transportation of infected live stock, and the suppression of the dissemination of such diseases among live stock by the Commissioner of Agriculture (Secre-

tary of Agriculture), are contained in Act May 29, 1884, c. 60, set forth in Comp. St. 1901, pp. 299–301, 3183–3185, and Act July 14, 1890, c. 707, set forth in Comp. St. 1901, p. 286.

Subsequent provisions for quarantine of any State or Territory or the District of Columbia, or any portion of any of them, when cattle or other live stock therein are affected with any contagious, etc., disease, and for maintaining such quarantine and the making and enforcement of regulations in regard thereto, are contained in Act March 3, 1905, c. 1496, set forth below.

Regulations to prevent contagious, etc., diseases among live stock.

Sec. 2. That the Secretary of Agriculture shall have authority to make such regulations and take such measures as he may deem proper to prevent the introduction or dissemination of the contagion of any contagious, infectious, or communicable disease of animals from a foreign country into the United States or from one State or Territory of the United States or the District of Columbia to another, and to seize, quarantine, and dispose of any hay, straw, forage, or similar material, or any meats, hides, or other animal products coming from an infected foreign country to the United States, or from one State or Territory or the District of Columbia in transit to another State or Territory or the District of Columbia whenever in his judgment such action is advisable in order to guard against the introduction or spread of such contagion.

Act Feb. 2, 1903, c. 349, § 2, 32 Stat. 792.
See notes under preceding section of this act.

Violations of act; penalty.

Sec. 3. That any person, company, or corporation knowingly violating the provisions of this Act or the orders or regulations made in pursuance thereof shall be guilty of a misdemeanor, and on conviction shall be punished by a fine of not less than one hundred dollars nor more than one thousand dollars, or by imprisonment not more than one year, or by both such fine and imprisonment.

Act Feb. 2, 1903, c. 349, § 3, 32 Stat. 792.
See notes under section 1 of this act.

ACT MARCH 3, 1905, c. 1496. [H. R. 17589.]

An Act to Enable the Secretary of Agriculture to Establish and Maintain Quarantine Districts, to Permit and Regulate the Movement of Cattle and Other Live Stock Therefrom, and for Other Purposes. (33 Stat. 1264.)

Quarantine of State or Territory, etc., or portion thereof, where cattle or other live stock are affected with contagious, etc., disease.

Be it enacted, &c., That the Secretary of Agriculture is authorized and directed to quarantine any State or Territory or the District of Columbia, or any portion of any State or Territory or the District of Columbia, when he shall determine the fact that cattle or other live stock in such State or Territory or District of Columbia are affected with any contagious, infectious, or communicable disease; and the Secretary of Agriculture is directed to give written or printed notice of the establishment of quarantine to the proper officers of railroad, steamboat, or other transportation companies doing business in or through any quarantined State or Territory or the District of Columbia, and to publish in such newspapers in the quarantined State

or Territory or the District of Columbia, as the Secretary of Agriculture may select, notice of the establishment of quarantine.

Act March 3, 1905, c. 1496, § 1, 33 Stat. 1264.

Previous provisions for quarantine of cattle, etc., imported into the United States, are contained in Act Aug. 30, 1890, c. 839, § 7, set forth in Comp. St. 1901, p. 3187.

Provisions for the investigation of contagious, etc., diseases among live stock, the regulation of the exportation and transportation of infected live stock, and the prevention of the dissemination of such diseases among live stock, are contained in Act May 29, 1884, c. 60, set forth in Comp. St. 1901, pp. 299-301, 3183-3185, Act July 14, 1890, c. 707, set forth in Comp. St. 1901, p. 286, and Act Feb. 2, 1903, c. 349, set forth above.

Transportation or delivery therefor from quarantined State or Territory, etc., or portion thereof, of cattle or other live stock, forbidden.

Sec. 2. That no railroad company or the owners or masters of any steam or sailing or other vessel or boat shall receive for transportation or transport from any quarantined State or Territory or the District of Columbia, or from the quarantined portion of any State or Territory or the District of Columbia, into any other State or Territory or the District of Columbia, any cattle or other live stock, except as hereinafter provided; nor shall any person, company, or corporation deliver for such transportation to any railroad company, or to the master or owner of any boat or vessel, any cattle or other live stock, except as hereinafter provided; nor shall any person, company, or corporation drive on foot, or cause to be driven on foot, or transport in private conveyance or cause to be transported in private conveyance, from a quarantined State or Territory or the District of Columbia, or from the quarantined portion of any State or Territory or the District of Columbia, into any other State or Territory or the District of Columbia, any cattle or other live stock, except as hereinafter provided.

Act March 3, 1905, c. 1496, § 2, 33 Stat. 1264.

Violations of the provisions of this section are made punishable by section 6 of this act, set forth below.

Regulations for inspection, disinfection, certification, etc., and delivery and shipment of cattle or other live stock from quarantined State or Territory, etc., or portion thereof.

Sec. 3. That it shall be the duty of the Secretary of Agriculture, and he is hereby authorized and directed, when the public safety will permit, to make and promulgate rules and regulations which shall permit and govern the inspection, disinfection, certification, treatment, handling, and method and manner of delivery and shipment of cattle or other live stock from a quarantined State or Territory or the District of Columbia, and from the quarantined portion of any State or Territory or the District of Columbia, into any other State or Territory or the District of Columbia; and the Secretary of Agriculture shall give notice of such rules and regulations in the manner provided in section two of this Act for notice of establishment of quarantine.

Act March 3, 1905, c. 1496, § 3, 33 Stat. 1265.

Moving cattle or other live stock from quarantined State or Territory or portion thereof, under regulations therefor.

Sec. 4. That cattle or other live stock may be moved from a quarantined State or Territory or the District of Columbia, or from the quarantined portion of any State or Territory or the District of Colum-

bia, into any other State or Territory or the District of Columbia, under and in compliance with the rules and regulations of the Secretary of Agriculture, made and promulgated in pursuance of the provisions of section three of this Act; but it shall be unlawful to move, or to allow to be moved, any cattle or other live stock from any quarantined State or Territory or the District of Columbia, or from the quarantined portion of any State or Territory or the District of Columbia, into any other State or Territory or the District of Columbia, in manner or method or under conditions other than those prescribed by the Secretary of Agriculture.

Act March 3, 1905, c. 1496, § 4, 33 Stat. 1265.

Violations of the provisions of this section are made punishable by section 6 of this act, set forth below.

Assaulting, resisting, etc., officer or employé of Bureau of Animal Industry in execution of his duties, and using dangerous or deadly weapon in resisting him, etc.; penalties.

Sec. 5. That every person who forcibly assaults, resists, opposes, prevents, impedes, or interferes with any officer or employee of the Bureau of Animal Industry of the United States Department of Agriculture in the execution of his duties, or on account of the execution of his duties, shall be fined not less than one hundred dollars nor more than one thousand dollars, or be imprisoned not less than one month nor more than one year, or by both such fine and imprisonment; and every person who discharges any deadly weapon at any officer or employee of the Bureau of Animal Industry of the United States Department of Agriculture, or uses any dangerous or deadly weapon in resisting him in the execution of his duties, with intent to commit a bodily injury upon him or to deter or prevent him from discharging his duties, or on account of the performance of his duties, shall, upon conviction, be imprisoned at hard labor for a term not more than five years or fined not to exceed one thousand dollars.

Act March 3, 1905, c. 1496, § 5, 33 Stat. 1265.

The provisions of this section are incorporated in the act to codify, etc., the penal laws, Act March 4, 1909, c. 321, in c. 4, § 62, thereof, set forth post, under Title LXX, "Crimes."

Violations of provisions of sections 2 or 4 of act; penalty.

Sec. 6. That any person, company, or corporation violating the provisions of sections two or four of this Act shall be guilty of a misdemeanor, and on conviction shall be punished by a fine of not less than one hundred dollars nor more than one thousand dollars, or by imprisonment not more than one year, or by both such fine and imprisonment.

Act March 3, 1905, c. 1496, § 6, 33 Stat. 1265.

ACT JUNE 30, 1906, c. 3913. [H. R. 18537.]

Permanent appropriation for expenses of inspection of cattle, etc., and meat and meat products in interstate and foreign commerce, and for carrying into effect provisions relating to meat inspection; statement in annual estimates as to persons employed in such inspections, their compensation and expenses.

That there is permanently appropriated, out of any money in the Treasury not otherwise appropriated, the sum of three million dollars, for the expenses of the inspection of cattle, sheep, swine, and goats and the meat and meat food products thereof which enter into inter-

state or foreign commerce and for all expenses necessary to carry into effect the provisions of this Act relating to meat inspection, including rent and the employment of labor in Washington and elsewhere, for each year. And the Secretary of Agriculture shall, in his annual estimates made to Congress, submit a statement in detail, showing the number of persons employed in such inspections and the salary or per diem paid to each, together with the contingent expenses of such inspectors and where they have been and are employed.

Act June 30, 1906, c. 3913, 34 Stat. 679.

These are provisions of the agricultural appropriation act for the fiscal year ending June 30, 1907, cited above. They follow other provisions of that act, relating to meat inspection, which are mentioned in this paragraph. Those provisions are repeated in the same language and re-enacted in permanent form, in Act March 4, 1907, c. 2907, set forth below. The provision following the permanent appropriation set forth here, requiring a statement in the annual estimates of the persons employed, etc., in such inspections, is also repeated in that act.

ACT JUNE 30, 1906, c. 3915. [S. 88.]

An Act for Preventing the Manufacture, Sale, or Transportation of Adulterated or Misbranded or Poisonous or Deleterious Foods, Drugs, Medicines, and Liquors, and for Regulating Traffic Therein, and for Other Purposes. (34 Stat. 768.)

Manufacture of adulterated or misbranded foods or drugs, in Territories or District of Columbia, unlawful; violation of provisions a misdemeanor; punishment.

Be it enacted, &c., That it shall be unlawful for any person to manufacture within any Territory or the District of Columbia any article of food or drug which is adulterated or misbranded, within the meaning of this Act; and any person who shall violate any of the provisions of this section shall be guilty of a misdemeanor, and for each offense shall, upon conviction thereof, be fined not to exceed five hundred dollars or shall be sentenced to one year's imprisonment, or both such fine and imprisonment, in the discretion of the court, and for each subsequent offense and conviction thereof shall be fined not less than one thousand dollars or sentenced to one year's imprisonment, or both such fine and imprisonment, in the discretion of the court.

Act June 30, 1906, c. 3915, § 1, 34 Stat. 768.

Interstate or foreign commerce in adulterated or misbranded foods or drugs prohibited; shipment, delivery, etc., of such articles a misdemeanor; punishment; articles for export.

Sec. 2. That the introduction into any State or Territory or the District of Columbia from any other State or Territory or the District of Columbia, or from any foreign country, or shipment to any foreign country of any article of food or drugs which is adulterated or misbranded, within the meaning of this Act, is hereby prohibited; and any person who shall ship or deliver for shipment from any State or Territory or the District of Columbia to any other State or Territory or the District of Columbia, or to a foreign country, or who shall receive in any State or Territory or the District of Columbia from any other State or Territory or the District of Columbia, or foreign country, and having so received, shall deliver, in original unbroken packages, for pay or otherwise, or offer to deliver to any other person, any such article so adulterated or misbranded within the meaning of this

Act, or any person who shall sell or offer for sale in the District of Columbia or the Territories of the United States any such adulterated or misbranded foods or drugs, or export or offer to export the same to any foreign country, shall be guilty of a misdemeanor, and for such offense be fined not exceeding two hundred dollars for the first offense, and upon conviction for each subsequent offense not exceeding three hundred dollars or be imprisoned not exceeding one year, or both, in the discretion of the court: Provided, That no article shall be deemed misbranded or adulterated within the provisions of this Act when intended for export to any foreign country and prepared or packed according to the specifications or directions of the foreign purchaser when no substance is used in the preparation or packing thereof in conflict with the laws of the foreign country to which said article is intended to be shipped; but if said article shall be in fact sold or offered for sale for domestic use or consumption, then this proviso shall not exempt said article from the operation of any of the other provisions of this Act.

Act June 30, 1906, c. 3915, § 2, 34 Stat. 768.

Previous provisions similar to some of those contained in this section, relating to interstate, etc., traffic in dairy or food products falsely labeled or branded as to the State or Territory in which they were made, produced, etc., are contained in Act July 1, 1902, c. 1357, set forth above.

Regulations for carrying out provisions of act; collection and examination of specimens of foods and drugs.

Sec. 3. That the Secretary of the Treasury, the Secretary of Agriculture, and the Secretary of Commerce and Labor shall make uniform rules and regulations for carrying out the provisions of this Act, including the collection and examination of specimens of foods and drugs manufactured or offered for sale in the District of Columbia, or in any Territory of the United States, or which shall be offered for sale in unbroken packages in any State other than that in which they shall have been respectively manufactured or produced, or which shall be received from any foreign country, or intended for shipment to any foreign country, or which may be submitted for examination by the chief health, food, or drug officer of any State, Territory, or the District of Columbia, or at any domestic or foreign port through which such product is offered for interstate commerce, or for export or import between the United States and any foreign port or country.

Act June 30, 1906, c. 3915, § 3, 34 Stat. 768.

Making of examination of specimens of foods and drugs; notice of adulteration or misbranding to party, and hearing thereon; certification of violations of act to district attorney; notice by publication of judgment of court.

Sec. 4. That the examinations of specimens of foods and drugs shall be made in the Bureau of Chemistry of the Department of Agriculture, or under the direction and supervision of such Bureau, for the purpose of determining from such examinations whether such articles are adulterated or misbranded within the meaning of this Act; and if it shall appear from any such examination that any of such specimens is adulterated or misbranded within the meaning of this Act, the Secretary of Agriculture shall cause notice thereof to be given to the party from whom such sample was obtained. Any party so notified shall be given an opportunity to be heard, under such rules and regulations as

may be prescribed as aforesaid, and if it appears that any of the provisions of this Act have been violated by such party, then the Secretary of Agriculture shall at once certify the facts to the proper United States district attorney, with a copy of the results of the analysis or the examination of such article duly authenticated by the analyst or officer making such examination, under the oath of such officer. After judgment of the court, notice shall be given by publication in such manner as may be prescribed by the rules and regulations aforesaid.

Act June 30, 1906, c. 3915, § 4, 34 Stat. 769.

Appropriations for the Bureau of Chemistry for expenses necessary to carry into effect the provisions of this act are made in the annual agricultural appropriation acts. The provision for the fiscal year ending June 30, 1912, is by Act March 4, 1911, c. 238, 36 Stat. 1255.

Duty of district attorneys to prosecute for violations of act.

Sec. 5. That it shall be the duty of each district attorney to whom the Secretary of Agriculture shall report any violation of this Act, or to whom any health or food or drug officer or agent of any State, Territory, or the District of Columbia shall present satisfactory evidence of any such violation, to cause appropriate proceedings to be commenced and prosecuted in the proper courts of the United States, without delay, for the enforcement of the penalties as in such case herein provided.

Act June 30, 1906, c. 3915, § 5, 34 Stat. 769.

Definition of terms "drug" and "food" as used in act.

Sec. 6. That the term "drug," as used in this Act, shall include all medicines and preparations recognized in the United States Pharmacopœia or National Formulary for internal or external use, and any substance or mixture of substances intended to be used for the cure, mitigation, or prevention of disease of either man or other animals. The term "food," as used herein, shall include all articles used for food, drink, confectionery, or condiment by man or other animals, whether simple, mixed, or compound.

Act June 30, 1906, c. 3915, § 6, 34 Stat. 769.

Articles deemed adulterated.

Sec. 7. That for the purposes of this Act an article shall be deemed to be adulterated:

Drugs.

In case of drugs:

Difference from recognized standard; statement on bottle, box, etc., as to different standard.

First. If, when a drug is sold under or by a name recognized in the United States Pharmacopœia or National Formulary, it differs from the standard of strength, quality, or purity, as determined by the test laid down in the United States Pharmacopœia or National Formulary official at the time of investigation: Provided, That no drug defined in the United States Pharmacopœia or National Formulary shall be deemed to be adulterated under this provision if the standard of strength, quality, or purity be plainly stated upon the bottle, box, or other container thereof although the standard may differ from that determined by the test laid down in the United States Pharmacopœia or National Formulary.

Below professed standard.

Second. If its strength or purity fall below the professed standard or quality under which it is sold.

Confectionery.

In the case of confectionery:

Mineral substances, poisonous color or flavors, other deleterious, etc., ingredients, liquors, etc., or narcotic drugs.

If it contain terra alba, barytes, talc, chrome yellow, or other mineral substance or poisonous color or flavor, or other ingredient deleterious or detrimental to health, or any vinous, malt or spirituous liquor or compound or narcotic drug.

Food.

In the case of food:

Injurious mixtures.

First. If any substance has been mixed and packed with it so as to reduce or lower or injuriously affect its quality or strength.

Substitutes.

Second. If any substance has been substituted wholly or in part for the article.

Valuable constituents abstracted.

Third. If any valuable constituent of the article has been wholly or in part abstracted.

Damage or inferiority concealed.

Fourth. If it be mixed, colored, powdered, coated, or stained in a manner whereby damage or inferiority is concealed.

Poisonous or other deleterious ingredients added; preservatives of food products for shipment, necessarily removed when products ready for consumption.

Fifth. If it contain any added poisonous or other added deleterious ingredient which may render such article injurious to health: Provided, That when in the preparation of food products for shipment they are preserved by any external application applied in such manner that the preservative is necessarily removed mechanically, or by maceration in water, or otherwise, and directions for the removal of said preservative shall be printed on the covering or the package, the provisions of this Act shall be construed as applying only when said products are ready for consumption.

Filthy, etc., substances, portions of animals unfit for food, and products of animals diseased or having died otherwise than by slaughter.

Sixth. If it consists in whole or in part of a filthy, decomposed, or putrid animal or vegetable substance, or any portion of an animal unfit for food, whether manufactured or not, or if it is the product of a diseased animal, or one that has died otherwise than by slaughter.

Act June 30, 1906, c. 3915, § 7, 34 Stat. 769.

Definition of term "misbranded" as used in act.

Sec. 8. That the term "misbranded," as used herein, shall apply to all drugs, or articles of food, or articles which enter into the composition of food, the package or label of which shall bear any statement,

design, or device regarding such article, or the ingredients or substances contained therein which shall be false or misleading in any particular, and to any food or drug product which is falsely branded as to the State, Territory, or country in which it is manufactured or produced.

That for the purposes of this Act an article shall also be deemed to be misbranded:

Drugs.

In case of drugs:

Imitation or use of name of other article.

First. If it be an imitation of or offered for sale under the name of another article.

Removal and substitution of contents of package, or failure to state on label quantity or proportion of alcohol, morphine or other narcotics, etc., contained therein.

Second. If the contents of the package as originally put up shall have been removed, in whole or in part, and other contents shall have been placed in such package, or if the package fail to bear a statement on the label of the quantity or proportion of any alcohol, morphine, opium, cocaine, heroin, alpha or beta eucaine, chloroform, cannabis indica, chloral hydrate, or acetanilide, or any derivative or preparation of any such substances contained therein.

Foods.

In the case of food:

Imitation or use of name of other article.

First. If it be an imitation of or offered for sale under the distinctive name of another article.

False label or brand, etc., removal and substitution of contents of package, or failure to state on label quantity or proportion of morphine or other narcotics, etc., contained therein.

Second. If it be labeled or branded so as to deceive or mislead the purchaser, or purport to be a foreign product when not so, or if the contents of the package as originally put up shall have been removed in whole or in part and other contents shall have been placed in such package, or if it fail to bear a statement on the label of the quantity or proportion of any morphine, opium, cocaine, heroin, alpha or beta eucane, chloroform, cannabis indica, chloral hydrate, or acetanilide, or any derivative or preparation of any of such substances contained therein.

Incorrect statement on package of weight or measure of contents.

Third. If in package form, and the contents are stated in terms of weight or measure, they are not plainly and correctly stated on the outside of the package.

False or misleading statements, etc., on package or its label as to ingredients or substances contained therein; proviso as to certain mixtures and compounds not containing added poisonous or deleterious ingredients.

Fourth. If the package containing it or its label shall bear any statement, design, or device regarding the ingredients or the substances contained therein, which statement, design, or device shall be false or misleading in any particular: Provided, That an article of food

which does not contain any added poisonous or deleterious ingredients shall not be deemed to be adulterated or misbranded in the following cases:

Mixtures or compounds under distinctive names.

First. In the case of mixtures or compounds which may be now or from time to time hereafter known as articles of food, under their own distinctive names, and not an imitation of or offered for sale under the distinctive name of another article, if the name be accompanied on the same label or brand with a statement of the place where said article has been manufactured or produced.

Articles labeled, branded, etc., as compounds, imitations, or blends; construction of term "blend;" exemption from disclosure of trade formulas of proprietary foods.

Second. In the case of articles labeled, branded, or tagged so as to plainly indicate that they are compounds, imitations, or blends, and the word "compound," "imitation," or "blend," as the case may be, is plainly stated on the package in which it is offered for sale: Provided, That the term blend as used herein shall be construed to mean a mixture of like substances, not excluding harmless coloring or flavoring ingredients used for the purpose of coloring and flavoring only: And provided further, That nothing in this Act shall be construed as requiring or compelling proprietors or manufacturers of proprietary foods which contain no unwholesome added ingredient to disclose their trade formulas, except in so far as the provisions of this Act may require to secure freedom from adulteration or misbranding.

Act June 30, 1906, c. 3915, § 8, 34 Stat. 771.

Guaranty signed by wholesaler, jobber, manufacturer, etc., as protection to dealer from prosecution under provisions of act.

Sec. 9. That no dealer shall be prosecuted under the provisions of this Act when he can establish a guaranty signed by the wholesaler, jobber, manufacturer, or other party residing in the United States, from whom he purchases such articles, to the effect that the same is not adulterated or misbranded within the meaning of this Act, designating it. Said guaranty, to afford protection, shall contain the name and address of the party or parties making the sale of such articles to such dealer, and in such case said party or parties shall be amenable to the prosecutions, fines, and other penalties which would attach, in due course, to the dealer under the provisions of this Act.

Act June 30, 1906, c. 3915, § 9, 34 Stat. 771.

Seizure of articles adulterated or misbranded, within act, in interstate or foreign commerce, etc., for condemnation; disposition of articles condemned and of proceeds thereof; delivery to owner on bond, etc.; proceedings for seizure and condemnation.

Sec. 10. That any article of food, drug, or liquor that is adulterated or misbranded within the meaning of this Act, and is being transported from one State, Territory, District, or insular possession to another for sale, or, having been transported, remains unloaded, unsold, or in original unbroken packages, or if it be sold or offered for sale in the District of Columbia or the Territories, or insular possessions of the United States, or if it be imported from a foreign country for sale, or if it is intended for export to a foreign country, shall be liable to be proceeded against in any district court of the United States within the district where the same is found, and seized for confiscation by a process

of libel for condemnation. And if such article is condemned as being adulterated or misbranded, or of a poisonous or deleterious character, within the meaning of this Act, the same shall be disposed of by destruction or sale, as the said court may direct, and the proceeds thereof, if sold, less the legal costs and charges, shall be paid into the Treasury of the United States, but such goods shall not be sold in any jurisdiction contrary to the provisions of this Act or the laws of that jurisdiction: Provided, however, That upon the payment of the costs of such libel proceedings and the execution and delivery of a good and sufficient bond to the effect that such articles shall not be sold or otherwise disposed of contrary to the provisions of this Act, or the laws of any State, Territory, District, or insular possession, the court may by order direct that such articles be delivered to the owner thereof. The proceedings of such libel cases shall conform, as near as may be, to the proceedings in admiralty, except that either party may demand trial by jury of any issue of fact joined in any such case, and all such proceedings shall be at the suit of and in the name of the United States.

Act June 30, 1906, c. 3915, § 10, 34 Stat. 771.

Examination of samples of foods and drugs imported, etc., on notice to owner or consignee; refusal of admission and delivery to consignee of articles adulterated or misbranded, or dangerous to health, or forbidden entry or sale or restricted in sale in the country where made, etc.; delivery of goods to consignee pending examination and decision on bond, etc.; charges for storage, etc., on goods refused admission, and lien therefor against subsequent importation.

Sec. 11. The Secretary of the Treasury shall deliver to the Secretary of Agriculture, upon his request from time to time, samples of foods and drugs which are being imported into the United States or offered for import, giving notice thereof to the owner or consignee, who may appear before the Secretary of Agriculture, and have the right to introduce testimony, and if it appear from the examination of such samples that any article of food or drug offered to be imported into the United States is adulterated or misbranded within the meaning of this Act, or is otherwise dangerous to the health of the people of the United States, or is of a kind forbidden entry into, or forbidden to be sold or restricted in sale in the country in which it is made or from which it is exported, or is otherwise falsely labeled in any respect, the said article shall be refused admission, and the Secretary of the Treasury shall refuse delivery to the consignee and shall cause the destruction of any goods refused delivery which shall not be exported by the consignee within three months from the date of notice of such refusal under such regulations as the Secretary of the Treasury may prescribe: Provided, That the Secretary of the Treasury may deliver to the consignee such goods pending examination and decision in the matter on execution of a penal bond for the amount of the full invoice value of such goods, together with the duty thereon, and on refusal to return such goods for any cause to the custody of the Secretary of the Treasury, when demanded, for the purpose of excluding them from the country, or for any other purpose, said consignee shall forfeit the full amount of the bond: And provided further, That all charges for storage, cartage, and labor on goods which are refused admission or delivery shall be paid by the owner or consignee,

and in default of such payment shall constitute a lien against any future importation made by such owner or consignee.

Act June 30, 1906, c. 3915, § 11, 34 Stat. 772.

Previous provisions similar to some extent to those of this section were made each year accompanying the appropriations for the Bureau of Chemistry in the annual agricultural appropriation acts, but are omitted from the similar acts for subsequent years.

Term "Territory" in act to include insular possessions; construction of word "person" as used in act; liability of corporations, etc., for acts, omissions, etc., of officers, agents, employees, etc.

Sec. 12. That the term "Territory" as used in this Act shall include the insular possessions of the United States. The word "person" as used in this Act shall be construed to import both the plural and the singular, as the case demands, and shall include corporations, companies, societies and associations. When construing and enforcing the provisions of this Act, the act, omission, or failure of any officer, agent, or other person acting for or employed by any corporation, company, society, or association, within the scope of his employment or office, shall in every case be also deemed to be the act, omission, or failure of such corporation, company, society, or association as well as that of the person.

Act June 30, 1906, c. 3915, § 12, 34 Stat. 772.

Time of taking effect of act.

Sec. 13. That this Act shall be in force and effect from and after the first day of January, nineteen hundred and seven.

Act June 30, 1906, c. 3915, § 13, 34 Stat. 772.

ACT MARCH 4, 1907, c. 2907. [H. R. 24815.]

Inspection of meat and meat food products for use in interstate and foreign commerce; examination of cattle, etc., before slaughtering; diseased animals to be slaughtered separately and their carcasses examined.

For meat inspection: That hereafter, for the purpose of preventing the use in interstate or foreign commerce, as hereinafter provided, of meat and meat food products which are unsound, unhealthful, unwholesome, or otherwise unfit for human food, the Secretary of Agriculture, at his discretion, may cause to be made, by inspectors appointed for that purpose, an examination and inspection of all cattle, sheep, swine, and goats before they shall be allowed to enter into any slaughtering, packing, meat-canning, rendering, or similar establishment, in which they are to be slaughtered and the meat and meat food products thereof are to be used in interstate or foreign commerce; and all cattle, swine, sheep, and goats found on such inspection to show symptoms of disease shall be set apart and slaughtered separately from all other cattle, sheep, swine, or goats, and when so slaughtered the carcasses of said cattle, sheep, swine, or goats shall be subject to a careful examination and inspection, all as provided by the rules and regulations to be prescribed by the Secretary of Agriculture, as herein provided for.

Post-mortem examination of carcasses, etc., of cattle, etc., at slaughtering, packing, etc., establishments, and marking, etc., or labeling thereof; destruction of carcasses, etc., condemned; reinspection.

That for the purposes hereinbefore set forth the Secretary of Agriculture shall cause to be made by inspectors appointed for that purpose,

as hereinafter provided, a post-mortem examination and inspection of the carcasses and parts thereof of all cattle, sheep, swine, and goats to be prepared for human consumption at any slaughtering, meat-canning, salting, packing, rendering, or similar establishment in any State, Territory, or the District of Columbia for transportation or sale as articles of interstate or foreign commerce; and the carcasses and parts thereof of all such animals found to be sound, healthful, wholesome, and fit for human food shall be marked, stamped, tagged, or labeled as "Inspected and passed;" and said inspectors shall label, mark, stamp, or tag as "Inspected and condemned" all carcasses and parts thereof of animals found to be unsound, unhealthful, unwholesome, or otherwise unfit for human food; and all carcasses and parts thereof thus inspected and condemned shall be destroyed for food purposes by the said establishment in the presence of an inspector, and the Secretary of Agriculture may remove inspectors from any such establishment which fails to so destroy any such condemned carcass or part thereof, and said inspectors, after said first inspection, shall, when they deem it necessary, reinspect said carcasses or parts thereof to determine whether since the first inspection the same have become unsound, unhealthful, unwholesome, or in any way unfit for human food, and if any carcass or any part thereof shall, upon examination and inspection subsequent to the first examination and inspection, be found to be unsound, unhealthful, unwholesome, or otherwise unfit for human food, it shall be destroyed for food purposes by the said establishment in the presence of an inspector, and the Secretary of Agriculture may remove inspectors from any establishment which fails to so destroy any such condemned carcass or part thereof.

Examination of carcasses, etc., brought into slaughtering, packing, etc., establishments, and of meat food products issued from and returned to such establishments.

The foregoing provisions shall apply to all carcasses or parts of carcasses of cattle, sheep, swine, and goats, or the meat or meat products thereof which may be brought into any slaughtering, meat-canning, salting, packing, rendering, or similar establishment, and such examination and inspection shall be had before the said carcasses or parts thereof shall be allowed to enter into any department wherein the same are to be treated and prepared for meat food products; and the foregoing provisions shall also apply to all such products, which, after having been issued from any slaughtering, meat-canning, salting, packing, rendering, or similar establishment, shall be returned to the same or to any similar establishment where such inspection is maintained.

Inspectors of meat food products; appointment and authority; marks, etc., of inspection of such products; destruction of condemned products; meat food products for export.

That for the purposes hereinbefore set forth the Secretary of Agriculture shall cause to be made, by inspectors appointed for that purpose, an examination and inspection of all meat food products prepared for interstate or foreign commerce in any slaughtering, meat-canning, salting, packing, rendering, or similar establishment, and for the purposes of any examination and inspection said inspectors shall have access at all times, by day or night, whether the establishment be operated or not, to every part of said establishment; and said inspectors shall mark, stamp, tag, or label as "Inspected and passed" all such

products found to be sound, healthful, and wholesome, and which contain no dyes, chemicals, preservatives, or ingredients which render such meat, or meat food products unsound, unhealthful, unwholesome, or unfit for human food; and said inspectors shall label, mark, stamp, or tag as "Inspected and condemned" all such products found unsound, unhealthful, and unwholesome, or which contain dyes, chemicals, preservatives, or ingredients which render such meat or meat food products unsound, unhealthful, unwholesome, or unfit for human food, and all such condemned meat food products shall be destroyed for food purposes, as hereinbefore provided, and the Secretary of Agriculture may remove inspectors from any establishment which fails to so destroy such condemned meat food products: Provided, That subject to the rules and regulations of the Secretary of Agriculture the provisions hereof in regard to preservatives shall not apply to meat food products for export to any foreign country and which are prepared or packed according to the specifications or directions of the foreign purchaser, when no substance is used in the preparation or packing thereof in conflict with the laws of the foreign country to which said article is to be exported; but if said article shall be in fact sold or offered for sale for domestic use or consumption then this proviso shall not exempt said article from the operation of all the other provisions of this Act.

Labeling receptacles or coverings of meat or meat food products inspected and passed; supervision by inspectors; sales under false names forbidden; trade-names permitted.

That when any meat or meat food product prepared for interstate or foreign commerce which has been inspected as hereinbefore provided and marked "Inspected and passed" shall be placed or packed in any can, pot, tin, canvas, or other receptacle or covering in any establishment where inspection under the provisions of this Act is maintained, the person, firm, or corporation preparing said product shall cause a label to be attached to said can, pot, tin, canvas, or other receptacle or covering, under the supervision of an inspector, which label shall state that the contents thereof have been "inspected and passed" under the provisions of this Act; and no inspection and examination of meat or meat food products deposited or inclosed in cans, tins, pots, canvas, or other receptacle or covering in any establishment where inspection under the provisions of this Act is maintained shall be deemed to be complete until such meat or meat food products have been sealed or inclosed in said can, tin, pot, canvas, or other receptacle or covering under the supervision of an inspector, and no such meat or meat food products shall be sold or offered for sale by any person, firm, or corporation in interstate or foreign commerce under any false or deceptive name; but established trade name or names which are usual to such products and which are not false and deceptive and which shall be approved by the Secretary of Agriculture are permitted.

Sanitary inspection and regulation of slaughtering, packing, etc., establishments; rejection of meat or meat food products unfit for food from insanitary conditions.

The Secretary of Agriculture shall cause to be made, by experts in sanitation or by other competent inspectors, such inspection of all slaughtering, meat canning, salting, packing, rendering, or similar

establishments in which cattle, sheep, swine, and goats are slaughtered and the meat and meat food products thereof are prepared for interstate or foreign commerce as may be necessary to inform himself concerning the sanitary conditions of the same, and to prescribe the rules and regulations of sanitation under which such establishments shall be maintained; and where the sanitary conditions of any such establishment are such that the meat or meat food products are rendered unclean, unsound, unhealthful, unwholesome, or otherwise unfit for human food, he shall refuse to allow said meat or meat food products to be labeled, marked, stamped, or tagged as "inspected and passed."

Examination of cattle, etc., and food products thereof, slaughtered and prepared during nighttime.

That the Secretary of Agriculture shall cause an examination and inspection of all cattle, sheep, swine, and goats, and the food products thereof, slaughtered and prepared in the establishments hereinbefore described for the purposes of interstate or foreign commerce to be made during the nighttime as well as during the daytime when the slaughtering of said cattle, sheep, swine, and goats, or the preparation of said food products is conducted during the nighttime.

Transportation in interstate or foreign commerce of carcasses, etc., meat, or meat food products not inspected, etc., and marked in accordance with act.

That on and after October first, nineteen hundred and six, no person, firm, or corporation shall transport or offer for transportation, and no carrier of interstate or foreign commerce shall transport or receive for transportation from one State or Territory or the District of Columbia to any other State or Territory or the District of Columbia, or to any place under the jurisdiction of the United States, or to any foreign country, any carcasses or parts thereof, meat, or meat food products thereof which have not been inspected, examined, and marked as "Inspected and passed," in accordance with the terms of this Act and with the rules and regulations prescribed by the Secretary of Agriculture: Provided, That all meat and meat food products on hand on October first, nineteen hundred and six, at establishments where inspection has not been maintained, or which have been inspected under existing law, shall be examined and labeled under such rules and regulations as the Secretary of Agriculture shall prescribe, and then shall be allowed to be sold in interstate or foreign commerce.

Forgery, alteration, unauthorized use, etc., of marks, etc., labels, or other identification devices provided for, or certificates, etc., forbidden.

That no person, firm, or corporation, or officer, agent, or employee thereof, shall forge, counterfeit, simulate, or falsely represent, or shall without proper authority use, fail to use, or detach, or shall knowingly or wrongfully alter, deface, or destroy, or fail to deface or destroy, any of the marks, stamps, tags, labels, or other identification devices provided for in this Act, or in and as directed by the rules and regulations prescribed hereunder by the Secretary of Agriculture, on any carcasses, parts of carcasses, or the food product, or containers thereof, subject to the provisions of this Act, or any certificate in relation

thereto, authorized or required by this Act or by the said rules and regulations of the Secretary of Agriculture.

Inspection of cattle, etc., for export.

That the Secretary of Agriculture shall cause to be made a careful inspection of all cattle, sheep, swine, and goats intended and offered for export to foreign countries at such times and places, and in such manner as he may deem proper, to ascertain whether such cattle, sheep, swine, and goats are free from disease.

Inspectors of cattle, etc., for export; certificates of condition of cattle, etc.

And for this purpose he may appoint inspectors who shall be authorized to give an official certificate clearly stating the condition in which such cattle, sheep, swine, and goats are found.

No clearance to vessel having on board cattle, etc., for export without inspector's certificate; waiver of requirement of certificate.

And no clearance shall be given to any vessel having on board cattle, sheep, swine, or goats for export to a foreign country until the owner or shipper of such cattle, sheep, swine, or goats has a certificate from the inspector herein authorized to be appointed, stating that the said cattle, sheep, swine, or goats are sound and healthy, or unless the Secretary of Agriculture shall have waived the requirement of such certificate for export to the particular country to which such cattle, sheep, swine, or goats are to be exported

Inspection of carcasses, etc., of cattle, etc., meat of which is intended for export.

That the Secretary of Agriculture shall also cause to be made a careful inspection of the carcasses and parts thereof of all cattle, sheep, swine, and goats, the meat of which, fresh, salted, canned, corned, packed, cured, or otherwise prepared, is intended and offered for export to any foreign country, at such times and places and in such manner as he may deem proper.

Inspectors of carcasses, etc., of cattle, etc., meat of which is intended for export; certificates of condition of cattle, etc., and meat thereof.

And for this purpose he may appoint inspectors who shall be authorized to give an official certificate stating the condition in which said cattle, sheep, swine, or goats, and the meat thereof, are found.

No clearance to vessel having on board meat, etc., for export without inspector's certificate; waiver of requirement of certificate.

And no clearance shall be given to any vessel having on board any fresh, salted, canned, corned, or packed beef, mutton, pork, or goat meat, being the meat of animals killed after the passage of this Act, or except as hereinbefore provided for export to and sale in a foreign country from any port in the United States, until the owner or shipper thereof shall obtain from an inspector appointed under the provisions of this Act a certificate that the said cattle, sheep, swine, and goats were sound and healthy at the time of inspection, and that their meat is sound and wholesome, unless the Secretary of Agriculture shall have waived the requirements of such certificate for the country to which said cattle, sheep, swine, and goats or meats are to be exported.

Delivery of inspectors' certificates, and of copies thereof.

That the inspectors provided for herein shall be authorized to give official certificates of the sound and wholesome condition of the cattle, sheep, swine, and goats, their carcasses and products as herein described; and one copy of every certificate granted under the provisions of this Act shall be filed in the Department of Agriculture, another copy shall be delivered to the owner or shipper, and when the cattle, sheep, swine, and goats or their carcasses and products are sent abroad, a third copy shall be delivered to the chief officer of the vessel on which the shipment shall be made.

Transportation or sale, etc., of meat or meat food products in interstate commerce, without complying with provisions of act, forbidden.

That no person, firm, or corporation engaged in the interstate commerce of meat or meat food products shall transport or offer for transportation, sell or offer to sell any such meat or meat food products in any State or Territory or in the District of Columbia or any place under the jurisdiction of the United States, other than in the State or Territory or in the District of Columbia or any place under the jurisdiction of the United States in which the slaughtering, packing, canning, rendering, or other similar establishment owned, leased, or operated by said firm, person, or corporation is located unless and until said person, firm, or corporation shall have complied with all of the provisions of this Act.

Violations of provisions; penalty.

That any person, firm, or corporation, or any officer or agent of any such person, firm, or corporation, who shall violate any of the provisions of this Act shall be deemed guilty of a misdemeanor and shall be punished on conviction thereof by a fine of not exceeding ten thousand dollars or imprisonment for a period of not more than two years, or by both such fine and imprisonment, in the discretion of the court.

Inspectors to make examinations provided for by act; appointment; duties; regulations for execution of provisions of act.

That the Secretary of Agriculture shall appoint from time to time inspectors to make examination and inspection of all cattle, sheep, swine, and goats, the inspection of which is hereby provided for, and of all carcasses and parts thereof, and of all meats and meat food products thereof, and of the sanitary conditions of all establishments in which such meat and meat food products hereinbefore described are prepared; and said inspectors shall refuse to stamp, mark, tag, or label any carcass or any part thereof, or meat food product therefrom, prepared in any establishment hereinbefore mentioned, until the same shall have actually been inspected and found to be sound, healthful, wholesome, and fit for human food, and to contain no dyes, chemicals, preservatives, or ingredients which render such meat food product unsound, unhealthful, unwholesome, or unfit for human food; and to have been prepared under proper sanitary conditions, hereinbefore provided for; and shall perform such other duties as are provided by this Act and by the rules and regulations to be prescribed by said Secretary of Agriculture; and said Secretary of Agriculture shall, from time to time, make such rules and regulations as are necessary for the efficient

execution of the provisions of this Act, and all inspections and examinations made under this Act shall be such and made in such manner as described in the rules and regulations prescribed by said Secretary of Agriculture not inconsistent with the provisions of this Act.

Bribery of or gifts, etc., to inspectors or other officers, etc., under this act, and acceptance of gifts, etc., by such inspectors or other officers, etc., punishable; penalties.

That any person, firm, or corporation, or any agent or employee of any person, firm, or corporation who shall give, pay, or offer, directly or indirectly, to any inspector, deputy inspector, chief inspector, or any other officer or employee of the United States authorized to perform any of the duties prescribed by this Act or by the rules and regulations of the Secretary of Agriculture any money or other thing of value, with intent to influence said inspector, deputy inspector, chief inspector, or other officer or employee of the United States in the discharge of any duty herein provided for, shall be deemed guilty of a felony, and, upon conviction thereof, shall be punished by a fine not less than five thousand dollars nor more than ten thousand dollars and by imprisonment not less than one year nor more than three years; and any inspector, deputy inspector, chief inspector, or other officer or employee of the United States authorized to perform any of the duties prescribed by this Act who shall accept any money, gift, or other thing of value from any person, firm, or corporation, or officers, agents, or employees thereof, given with intent to influence his official action, or who shall receive or accept from any person, firm, or corporation engaged in interstate or foreign commerce any gift, money, or other thing of value given with any purpose or intent whatsoever, shall be deemed guilty of a felony and shall, upon conviction thereof, be summarily discharged from office and shall be punished by a fine not less than one thousand dollars nor more than ten thousand dollars and by imprisonment not less than one year nor more than three years.

Provisions requiring inspection not to apply to farmers, retailers, etc.; sale, etc., of meat or meat food products unfit for food, punishable; penalty; maintenance of inspection as to retailers, farmers, etc., authorized, notwithstanding exception.

That the provisions of this Act requiring inspection to be made by the Secretary of Agriculture shall not apply to animals slaughtered by any farmer on the farm and sold and transported as interstate or foreign commerce, nor to retail butchers and retail dealers in meat and meat food products, supplying their customers: Provided, That if any person shall sell or offer for sale or transportation for interstate or foreign commerce any meat or meat food products which are diseased, unsound, unhealthful, unwholesome, or otherwise unfit for human food, knowing that such meat food products are intended for human consumption, he shall be guilty of a misdemeanor, and on conviction thereof shall be punished by a fine not exceeding one thousand dollars or by imprisonment for a period of not exceeding one year, or by both such fine and imprisonment: Provided also, That the Secretary of Agriculture is authorized to maintain the inspection in this Act provided for at any slaughtering, meat-canning, salting, packing, rendering, or similar establishment notwithstanding this exception, and that the persons operating the same may be retail butchers and retail dealers or farmers; and where the Secretary of Agriculture shall establish

such inspection then the provisions of this Act shall apply notwithstanding this exception.

Statement in annual estimates as to persons employed in inspections, their compensation and expenses.

And the Secretary of Agriculture shall, in his annual estimates made to Congress, submit a statement in detail, showing the number of persons employed in such inspections and the salary or per diem paid to each, together with the contingent expenses of such inspectors and where they have been and are employed.

Act March 4, 1907, c. 2907, 34 Stat. 1260.

These are provisions, accompanying appropriations for "General Expenses, Bureau of Animal Industry," in the agricultural appropriation act for the fiscal year ending June 30, 1908, cited above. They were originally enacted in the same language, except the word "hereafter" at the beginning of the first paragraph as set forth here, in the similar appropriation act for the preceding fiscal year, Act June 30, 1906, c. 3913, 34 Stat. 674. A permanent appropriation of $3,000,000, for the expenses of the inspection provided for and to carry into effect the provisions of the act relating to meat inspection, also made by said Act June 30, 1906, c. 3913, is set forth above.

ACT MAY 23, 1908, c. 192. [H. R. 19158.]

Carrying into effect provisions of Act June 30, 1906, c. 3915; reports of payments for compensation or expenses to officers of or persons employed by any state, county, etc.

* * For all expenses necessary to carry into effect the provisions of the Act of June thirtieth, nineteen hundred and six, entitled "An Act for preventing the manufacture, sale, or transportation of adulterated, or misbranded, or poisonous, or deleterious foods, drugs, medicines, and liquors, and for other purposes," including rent and the employment of labor in the city of Washington and elsewhere; employing such assistants, clerks, and other persons as the Secretary of Agriculture may consider necessary for the purposes named, seven hundred and sixty thousand dollars: Provided, That hereafter any sum used for compensation of or payment of expenses to any officer or other person employed by any State, county, or municipal government, shall be reported to Congress in detail, on the first Monday of December of each year.

Act May 23, 1908, c. 192, 35 Stat. 261.

This is a provision accompanying appropriations for the Bureau of Chemistry in the agricultural appropriation act for the fiscal year ending June 30, 1909, cited above.

ACT APRIL 26, 1910, c. 191. [S. 6131.] ["Insecticide Act of 1910."]

An Act for Preventing the Manufacture, Sale, or Transportation of Adulterated or Misbranded Paris Greens, Lead Arsenates, and Other Insecticides, and also Fungicides, and for Regulating Traffic Therein, and for Other Purposes. (36 Stat. 331.)

Manufacture of adulterated or misbranded insecticides, etc., in Territories or District of Columbia, unlawful; violation of provisions a misdmeanor; punishment.

Be it enacted, &c., That it shall be unlawful for any person to manufacture within any Territory or the District of Columbia any insecticide, Paris green, lead arsenate, or fungicide which is adulterated or misbranded within the meaning of this Act; and any person who shall violate any of the provisions of this section shall be guilty of a mis-

demeanor, and shall, upon conviction thereof, be fined not to exceed two hundred dollars for the first offense, and upon conviction for each subsequent offense be fined not to exceed three hundred dollars, or sentenced to imprisonment for not to exceed one year, or both such fine and imprisonment, in the discretion of the court.

Act April 26, 1910, c. 191, § 1, 36 Stat. 331.

Interstate or foreign commerce in adulterated or misbranded insecticides, etc., prohibited; shipment, delivery, etc., of such articles a misdemeanor; punishment; articles for export.

Sec. 2. That the introduction into any State or Territory or the District of Columbia from any other State or Territory or the District of Columbia, or from any foreign country, or shipment to any foreign country, of any insecticide, or Paris green, or lead arsenate, or fungicide which is adulterated or misbranded within the meaning of this Act is hereby prohibited; and any person who shall ship or deliver for shipment from any State or Territory or the District of Columbia to any other State or Territory or the District of Columbia, or to a foreign country, or who shall receive in any State or Territory or the District of Columbia from any other State or Territory or the District of Columbia, or foreign country, and having so received, shall deliver, in original unbroken packages, for pay or otherwise, or offer to deliver, to any other person, any such article so adulterated or misbranded within the meaning of this Act, or any person who shall sell or offer for sale in the District of Columbia or any Territory of the United States any such adulterated or misbranded insecticide, or Paris green, or lead arsenate, or fungicide, or export or offer to export the same to any foreign country, shall be guilty of a misdemeanor, and for such offense be fined not exceeding two hundred dollars for the first offense, and upon conviction for each subsequent offense not exceeding three hundred dollars, or be imprisoned not exceeding one year, or both, in the discretion of the court: Provided, That no article shall be deemed misbranded or adulterated within the provisions of this Act when intended for export to any foreign country and prepared or packed according to the specifications or directions of the foreign purchaser; but if said articles shall be in fact sold or offered for sale for domestic use or consumption, then this proviso shall not exempt said article from the operation of any of the other provisions of this Act.

Act April 22, 1910, c. 191, § 2, 36 Stat. 331.

Regulations for carrying out provisions of act; collection and examination of specimens of insecticides, etc.

Sec. 3. That the Secretary of the Treasury, the Secretary of Agriculture, and the Secretary of Commerce and Labor shall make uniform rules and regulations for carrying out the provisions of this Act, including the collection and examination of specimens of insecticides, Paris greens, lead arsenates, and fungicides manufactured or offered for sale in the District of Columbia or in any Territory of the United States, or which shall be offered for sale in unbroken packages in any State other than that in which they shall have been respectively manufactured or produced, or which shall be received from any foreign country or intended for shipment to any foreign country, or which may be submitted for examination by the director of the experiment station of any State, Territory, or the District of Columbia

(acting under the direction of the Secretary of Agriculture), or at any domestic or foreign port through which such product is offered for interstate commerce, or for export or import between the United States and any foreign port or country.

Act April 26, 1910, c. 191, § 3, 36 Stat. 331.

Making of examinations of insecticides, etc.; notice of adulteration or misbranding to party, and hearing thereon; certification of violations of act to district attorney; notice by publication of judgment of court.

Sec. 4. That the examination of specimens of insecticides, Paris greens, lead arsenates, and fungicides shall be made in the Department of Agriculture, by such existing bureau or bureaus as may be directed by the Secretary, for the purpose of determining from such examination whether such articles are adulterated or misbranded within the meaning of this Act; and if it shall appear from any such examination that any of such specimens are adulterated or misbranded within the meaning of this Act, the Secretary of Agriculture shall cause notice thereof to be given to the party from whom such sample was obtained. Any party so notified shall be given an opportunity to be heard, under such rules and regulations as may be prescribed as aforesaid, and if it appears that any of the provisions of this Act have been violated by such party, then the Secretary of Agriculture shall at once certify the facts to the proper United States district attorney, with a copy of the results of the analysis or the examination of such article duly authenticated by the analyst or officer making such examination, under the oath of such officer. After judgment of the court, notice shall be given by publication in such manner as may be prescribed by the rules and regulations aforesaid.

Act April 26, 1910, c. 191, § 4, 36 Stat. 332.

Appropriations to enable the Secretary of Agriculture to carry into effect the provisions of this act are made in the annual agricultural appropriation acts. The provision for the fiscal year ending June 30, 1912, is by Act March 4, 1911, c. 238, 36 Stat. 1264.

Duty of district attorneys to prosecute for violations of act.

Sec. 5. That it shall be the duty of each district attorney to whom the Secretary of Agriculture shall report any violation of this Act, or to whom any director of experiment station or agent of any State, Territory, or the District of Columbia, under authority of the Secretary of Agriculture, shall present satisfactory evidences of any such violation, to cause appropriate proceedings to be commenced and prosecuted in the proper courts of the United States, without delay, for the enforcement of the penalties as in such case herein provided.

Act April 26, 1910, c. 191, § 5, 36 Stat. 332.

Definition of terms "insecticide," "Paris green," "lead arsenate," and "fungicide," as used in act.

Sec. 6. That the term "insecticide" as used in this Act shall include any substance or mixture of substances intended to be used for preventing, destroying, repelling, or mitigating any insects which may infest vegetation, man or other animals, or households, or be present in any environment whatsoever. The term "Paris green" as used in this Act shall include the product sold in commerce as Paris green and chemically known as the aceto-arsenite of copper. The term "lead arsenate" as used in this Act shall include the product or prod-

ucts sold in commerce as lead arsenate and consisting chemically of products derived from arsenic acid (H_3AsO_4) by replacing one or more hydrogen atoms by lead. That the term "fungicide" as used in this Act shall include any substance or mixture of substances intended to be used for preventing, destroying, repelling, or mitigating any and all fungi that may infest vegetation or be present in any environment whatsoever.

Act April 26, 1910, c. 191, § 6, 36 Stat. 332.

Articles deemed adulterated.

Sec. 7. That for the purpose of this Act an article shall be deemed to be adulterated—

Paris green.

In the case of Paris green: First, if it does not contain at least fifty per centum of arsenious oxide; second, if it contains arsenic in water-soluble forms equivalent to more than three and one-half per centum of arsenious oxide; third, if any substance has been mixed and packed with it so as to reduce or lower or injuriously affect its quality or strength.

Lead arsenate.

In the case of lead arsenate: First, if it contains more than fifty per centum of water; second, if it contains total arsenic equivalent to less than twelve and one-half per centum of arsenic oxid (As_2O_5); third, if it contains arsenic in water-soluble forms equivalent to more than seventy-five one-hundredths per centum of arsenic oxid (As_2O_5); fourth, if any substances have been mixed and packed with it so as to reduce, lower, or injuriously affect its quality or strength: Provided, however, That extra water may be added to lead arsenate (as described in this paragraph) if the resulting mixture is labeled lead arsenate and water, the percentage of extra water being plainly and correctly stated on the label.

Other insecticides or fungicides.

In the case of insecticides or fungicides, other than Paris green and lead arsenate: First, if its strength or purity fall below the professed standard or quality under which it is sold; second, if any substance has been substituted wholly or in part for the article; third, if any valuable constituent of the article has been wholly or in part abstracted; fourth, if it is intended for use on vegetation and shall contain any substance or substances which, although preventing, destroying, repelling, or mitigating insects, shall be injurious to such vegetation when used.

Act April 26, 1910, c. 191, § 7, 36 Stat. 332.

Definition of term "misbranded" as used in act.

Sec. 8. That the term "misbranded" as used herein shall apply to all insecticides, Paris greens, lead arsenates, or fungicides, or articles which enter into the composition of insecticides or fungicides, the package or label of which shall bear any statement, design, or device regarding such article or the ingredients or substances contained therein which shall be false or misleading in any particular, and to all insecticides, Paris greens, lead arsenates, or fungicides which are falsely branded as to the State, Territory, or country in which they are manufactured or produced.

That for the purpose of this Act an article shall be deemed to be misbranded—

Insecticides, Paris greens, lead arsenates, and fungicides; imitation, etc., of other article, or misleading label, brand, etc.

In the case of insecticides, Paris greens, lead arsenates, and fungicides: First, if it be an imitation or offered for sale under the name of another article; second, if it be labeled or branded so as to deceive or mislead the purchaser, or if the contents of the package as originally put up shall have been removed in whole or in part and other contents shall have been placed in such package; third, if in package form, and the contents are stated in terms of weight or measure, they are not plainly and correctly stated on the outside of the package.

Insecticides (other than Paris greens and lead arsenates) and fungicides; statements on labels.

In the case of insecticides (other than Paris greens and lead arsenates) and fungicides: First, if it contains arsenic in any of its combinations or in the elemental form and the total amount of arsenic present (expressed as per centum of metallic arsenic) is not stated on the label; second, if it contains arsenic in any of its combinations or in the elemental form and the amount of arsenic in water-soluble forms (expressed as per centum of metallic arsenic) is not stated on the label; third, if it consists partially or completely of an inert substance or substances which do not prevent, destroy, repel, or mitigate insects or fungi and does not have the names and percentage amounts of each and every one of such inert ingredients plainly and correctly stated on the label: Provided, however, That in lieu of naming and stating the percentage amount of each and every inert ingredient the producer may at his discretion state plainly upon the label the correct names and percentage amounts of each and every ingredient of the insecticide or fungicide having insecticidal or fungicidal properties, and make no mention of the inert ingredients, except in so far as to state the total percentage of inert ingredients present.

Act April 26, 1910, c. 191, § 8, 36 Stat. 333.

Guaranty signed by wholesaler, jobber, manufacturer, etc., as protection to dealer from prosecution under provisions of act.

Sec. 9. That no dealer shall be prosecuted under the provisions of this Act when he can establish a guaranty signed by the wholesaler, jobber, manufacturer, or other party residing in the United States, from whom he purchased such articles, to the effect that the same is not adulterated or misbranded within the meaning of this Act, designating it. Said guaranty, to afford protection, shall contain the name and address of the party or parties making the sale of such articles to such dealer, and in such case said party or parties shall be amenable to the prosecutions, fines, and other penalties which would attach in due course to the dealer under the provisions of this Act.

Act April 26, 1910, c. 191, § 9, 36 Stat. 334.

Seizure of articles adulterated or misbranded within act, in interstate or foreign commerce, etc., for condemnation; disposition of articles condemned and of proceeds thereof; delivery to owner on bond, etc.; proceedings for seizure and condemnation.

Sec. 10. That any insecticide, Paris green, lead arsenate, or fungicide that is adulterated or misbranded within the meaning of this Act

and is being transported from one State, Territory, or District, to another for sale, or, having been transported, remains unloaded, unsold, or in original unbroken packages, or if it be sold or offered for sale in the District of Columbia or any Territory of the United States, or if it be imported from a foreign country for sale, shall be liable to be proceeded against in any district court of the United States within the district wherein the same is found and seized for confiscation by a process of libel for condemnation.

And if such article is condemned as being adulterated or misbranded, within the meaning of this Act, the same shall be disposed of by destruction or sale as the said court may direct, and the proceeds thereof, if sold, less the legal costs and charges, shall be paid into the Treasury of the United States, but such goods shall not be sold in any jurisdiction contrary to the provisions of this Act or the laws of that jurisdiction: Provided, however, That upon the payment of the costs of such libel proceedings and the execution and delivery of a good and sufficient bond to the effect that such articles shall not be sold or otherwise disposed of contrary to the provisions of this Act or the laws of any State, Territory, or District, the court may by order direct that such articles be delivered to the owner thereof. The proceedings of such libel cases shall conform, as near as may be, to the proceedings in admiralty, except that either party may demand trial by jury of any issue of fact joined in any such case, and all such proceedings shall be at the suit of and in the name of the United States.

Act April 26, 1910, c. 191, § 10, 36 Stat. 334.

Examination of samples of insecticides, etc., imported, etc., on notice to owner or consignee; refusal of admission and delivery to consignee of articles adulterated or misbranded, or dangerous to health, or forbidden entry or sale or restricted in sale in the country where made, etc.; delivery of goods to consignee pending examination and decision on bond, etc.; charges for storage, etc., on goods refused admission, and lien therefor against subsequent importation.

Sec. 11. That the Secretary of the Treasury shall deliver to the Secretary of Agriculture, upon his request, from time to time, samples of insecticides, Paris greens, lead arsenates, and fungicides which are being imported into the United States or offered for import, giving notice thereof to the owner or consignee, who may appear before the Secretary of Agriculture and have the right to introduce testimony; and if it appear from the examination of such samples that any insecticide, or Paris green, or lead arsenate, or fungicide offered to be imported into the United States is adulterated or misbranded within the meaning of this Act, or is otherwise dangerous to the health of the people of the United States, or is of a kind forbidden entry into or forbidden to be sold or restricted in sale in the country in which it is made or from which it is exported, or is otherwise falsely labeled in any respect, the said article shall be refused admission, and the Secretary of the Treasury shall refuse delivery to the consignee and shall cause the destruction or any goods refused delivery which shall not be exported by the consignee within three months from the date of notice of such refusal under such regulations as the Secretary of the Treasury may prescribe: Provided, That the Secretary of the Treasury may deliver to the consignee such goods pending examina-

tion and decision in the matter on execution of a penal bond for the amount of the full invoice value of such goods, together with the duty thereon, and on refusal to return such goods for any cause to the custody of the Secretary of the Treasury, when demanded, for the purpose of excluding them from the country, or for any other purpose, said consignee shall forfeit the full amount of the bond: And provided further, That all charges for storage, cartage, and labor on goods which are refused admission or delivery shall be paid by the owner or consignee, and in default of such payment shall constitute a lien against any future importation made by such owner or consignee.

Act April 26, 1910, c. 191, § 11, 36 Stat. 334.

Term "Territory" in act to include Alaska and insular possessions; construction of word "person," as used in act; liability of corporations, etc., for acts, omissions, etc., of officers, agents, employees, etc.

Sec. 12. That the term "Territory," as used in this Act, shall include the District of Alaska and the insular possessions of the United States. The word "person," as used in this Act, shall be construed to import both the plural and the singular, as the case demands, and shall include corporations, companies, societies, and associations. When construing and enforcing the provisions of this Act, the act, omission, or failure of any officer, agent, or other person acting for or employed by any corporation, company, society, or association, within the scope of his employment or office, shall in every case be also deemed to be the act, omission, or failure of such corporation, company, society, or association, as well as that of the other person.

Act April 26, 1910, c. 191, § 12, 36 Stat. 335.

Title of act.

Sec. 13. That this Act shall be known and referred to as "The insecticide Act of 1910."

Act April 26, 1910, c. 191, § 13, 36 Stat. 335.

Time of taking effect of act.

Sec. 14. That this Act shall be in force and effect from and after the first day of January, nineteen hundred and eleven.

Act April 26, 1910, c. 191, § 14, 36 Stat. 335.

ACT MARCH 4, 1911, c. 238. [H. R. 31596.]

Carrying out provisions of act establishing Bureau of Animal Industry, and of other acts.

General expenses, Bureau of Animal Industry: For carrying out the provisions of the Act approved May twenty-ninth, eighteen hundred and eighty-four, establishing a Bureau of Animal Industry, and the provisions of the Act approved March third, eighteen hundred and ninety-one, providing for the safe transport and humane treatment of export cattle from the United States to foreign countries, and for other purposes; the Act approved August thirtieth, eighteen hundred and ninety, providing for the importation of animals into the United States, and for other purposes, and the provisions of the Act of May ninth, nineteen hundred and two, extending the inspection of meats to process butter, and providing for the inspection of factories, marking of packages, and so forth, and the provisions of the Act approved February second, nineteen hundred and three, to enable the Secretary of Agriculture to more effectually suppress and prevent the

spread of contagious and infectious diseases of live stock, and for other purposes, and also the provisions of the Act approved March third, nineteen hundred and five, to enable the Secretary of Agriculture to establish and maintain quarantine districts, to permit and regulate the movement of cattle and other live stock therefrom, and for other purposes; and for carrying out the provisions of the Act of June twenty-ninth, nineteen hundred and six, entitled "An Act to prevent cruelty to animals while in transit by railroad or other means of transportation," and to enable the Secretary of Agriculture to collect and disseminate information concerning live stock, dairy, and other animal products; to prepare and disseminate reports on animal industry; to employ and pay from the appropriation herein made as many persons in the city of Washington or elsewhere as he may deem necessary; to purchase in the open market samples of all tuberculin serums, antitoxins, or analogous products, of foreign or domestic manufacture, which are sold in the United States, for the detection, prevention, treatment, or cure of diseases of domestic animals, to test the same and to disseminate the results of said tests in such manner as he may deem best; to purchase and destroy diseased or exposed animals or quarantine the same whenever in his judgment essential to prevent the spread of pleuro-pneumonia, tuberculosis, or other disease of animals from one State to another, as follows:

Act March 4, 1911, c. 238, 36 Stat. 1239.

These are provisions of the agricultural appropriation act for the fiscal year ending June 30, 1912, cited above.

Act May 29, 1884, c. 60, Act March 3, 1891, c. 555, and Act Aug. 30, 1890, c. 839, mentioned in these provisions, are set forth in Comp. St. 1901, pp. 299–301, 3183–3192. Act May 9, 1902, c. 784, § 5, also mentioned therein, is set forth ante, under Title XXXV, "Internal Revenue," c. 7 A. Act Feb. 2, 1903, c. 349, and Act March 3, 1905, c. 1496, also mentioned therein, are set forth above, under this chapter; and Act June 29, 1906, c. 3594, also mentioned therein, is set forth ante, under chapter 2 of this Title.

Appropriations are also made by this act, Act March 4, 1911, c. 238, 36 Stat. 1255, for the Bureau of Chemistry, for expenses necessary to carry into effect the provisions of Act June 30, 1906, c. 3915, set forth above.

Previous provisions similar, to a greater or less extent, to those set forth here, were contained in the annual agricultural appropriation acts for preceding years, but may be regarded as superseded by the provisions of this act and by permanent provisions contained in Act June 30, 1906, c. 3915, set forth above.

Amendment of Act Aug. 30, 1890, c. 839; admission of tick-infested cattle from Mexico into part of Texas.

The Act of August thirtieth, eighteen hundred and ninety, is hereby amended so as to authorize the Secretary of Agriculture, within his discretion, and under such joint regulations as may be prescribed by the Secretary of Agriculture and the Secretary of the Treasury, to permit the admission of tick-infested cattle from Mexico into that part of Texas below the southern cattle quarantine line:

Act March 4, 1911, c. 238, 36 Stat. 1240.

This is a further provision of the agricultural appropriation act for the fiscal year ending June 30, 1912, cited above.

[CHAPTER FOUR.]

[Inspection and Restriction of Importation of Teas.]

ACT MARCH 2, 1897, c. 358, § 1.

[Amended. Act May 16, 1908, c. 170.]

This section, set forth in Comp. St. 1901, p. 3194, is amended by Act May 16, 1908, c. 170, set forth below.

ACT MAY 16, 1908, c. 170. [S. 514.]

An Act to Amend an Act Entitled "An Act to Prevent the Importation of Impure and Unwholesome Tea," Approved March Second, Eighteen Hundred and Ninety-Seven. (35 Stat. 163.)

Amendment of Act March 2, 1897, c. 358, § 1; importation of inferior tea, etc., for manufacture of theine, caffeine, etc., not affected by act; bond of importers, etc.

Be it enacted, &c., That section one of "An Act to prevent the importation of impure and unwholesome tea," approved March second, eighteen hundred and ninety-seven, be amended by adding at the end thereof the following words: "Provided, That nothing herein shall affect or prevent the importation into the United States, under such regulations as the Secretary of the Treasury may prescribe, of any merchandise as tea which may be inferior in purity, quality, and fitness for consumption to the standards established by the Secretary of the Treasury, or of any tea waste, tea siftings, or tea sweepings, for the sole purpose of manufacturing theine, caffeine, or other chemical products whereby the identity and character of the original material is entirely destroyed or changed; and that importers and manufacturers who import or bring into the United States such tea, tea waste, tea siftings, or tea sweepings shall give suitable bond, to be approved as to amount and securities by the Secretary of the Treasury, conditioned that said imported material shall be only used for the purposes herein provided, under such regulations as may be prescribed by the Secretary of the Treasury."

Act May 16, 1908, c. 170, 35 Stat. 163.

Act March 2, 1897, c. 358, § 1, amended by this act, is set forth in Comp. St. 1901, p. 3194.

[CHAPTER SIX.]

[Regulation of Stamping of Gold or Silver to Indicate Fineness or Quality, and of Traffic in Falsely Stamped Articles Made Therefrom.]

ACT FEB. 21, 1905, c. 720. [H. R. 15578.]

An Act to Prevent the Use of Devices Calculated to Convey the Impression that the United States Government Certifies to the Quality of Gold or Silver Used in the Arts. (33 Stat. 732.)

Stamping gold, silver, etc., used in interstate or foreign commerce, with words "United States assay," or otherwise, to convey impression that the Government has certified to the fineness or quality thereof.

Be it enacted, &c., That it shall be unlawful for any person, partnership, association; or corporation engaged in commerce among the several States, Territories, District of Columbia, and possessions of the United States, or with any foreign country, to stamp any gold, silver, or goods manufactured therefrom, and which are intended and used in such commerce, with the words "United States assay," or with any words, phrases, or devices calculated to convey the impression that the United States Government has certified to the fineness or quality of such gold or silver, or of the gold or silver contained in any of the goods manufactured therefrom. Each and every such stamp shall constitute a separate offense.

Act Feb. 21, 1905, c. 720, § 1, 33 Stat. 732.

Violations of provisions of act; penalty.

Sec. 2. That every person, partnership, association, or corporation violating the provisions of this Act, and every officer, director, or managing agent of such partnership, association, or corporation having knowledge of such violation and directly participating in such violation or consenting thereto, shall be deemed guilty of a misdemeanor, and, upon conviction, be punished with a fine of not more than five thousand dollars or imprisonment for not more than one year, or both, at the discretion of the court.

Act Feb. 21, 1905, c. 720, § 2, 33 Stat. 732.

Forfeiture of gold, silver, or goods, bearing stamps, etc., prohibited, in course of transportation between states, etc.

Sec. 3. That any gold, silver, or goods manufactured therefrom after the date of the passage of this Act, bearing any of the stamps, words, phrases, or devices prohibited to be used under section one hereof, and being in the course of transportation from one State to another, or to or from a Territory, the District of Columbia, or possessions of the United States, shall be forfeited to the United States, and may be seized and condemned by like proceedings as those provided by law for the forfeiture, seizure, and condemnation of property imported into the United States contrary to law.

Act Feb. 21, 1905, c. 720, § 3, 33 Stat. 732.

ACT JUNE 13, 1906, c. 3289. [H. R. 14604.]

An Act Forbidding the Importation, Exportation, or Carriage in Interstate Commerce of Falsely or Spuriously Stamped Articles of Merchandise Made of Gold or Silver or Their Alloys, and for Other Purposes. (34 Stat. 260.)

Importation or exportation, deposit for transmission in mails, or interstate, etc., transportation, of articles made of gold or silver, etc., falsely stamped, etc., to indicate fineness or quality, forbidden.

Be it enacted, &c., That it shall be unlawful for any person, firm, corporation, or association, being a manufacturer of or wholesale or retail dealer in gold or silver jewelry or gold ware, silver goods or silverware, or for any officer, manager, director, or agent of such firm, corporation, or association to import or export or cause to be imported

into or exported from the United States for the purpose of selling or disposing of the same, or to deposit or cause to be deposited in the United States mails for transmission thereby, or to deliver or cause to be delivered to any common carrier for transportation from one State, Territory, or possession of the United States, or the District of Columbia, to any other State, Territory, or possession of the United States, or to said District, in interstate commerce, or to transport or cause to be transported from one State, Territory, or possession of the United States, or from the District of Columbia, to any other State, Territory, or possession of the United States, or to said District, in interstate commerce, any article of merchandise manufactured after the date when this Act takes effect and made in whole or in part of gold or silver, or any alloy of either of said metals, and having stamped, branded, engraved, or printed thereon, or upon any tag, card, or label attached thereto, or upon any box, package, cover, or wrapper in which said article is incased or inclosed, any mark or word indicating or designed or intended to indicate that the gold or silver or alloy of either of said metals in such article is of a greater degree of fineness than the actual fineness or quality of such gold, silver, or alloy, according to the standards and subject to the qualifications set forth in sections two and three of this Act.

Act June 13, 1906, c. 3289, § 1, 34 Stat. 260.

Standard of fineness for articles made of gold; deviation from marked fineness allowable; tests.

Sec. 2. That in the case of articles of merchandise made in whole or in part of gold or of any of its alloys so imported into or exported from the United States, or so deposited in the United States mails for transmission, or so delivered for transportation to any common carrier, or so transported or caused to be transported as specified in the first section of this Act, the actual fineness of such gold or alloy shall not be less by more than one-half of one carat than the fineness indicated by the mark stamped, branded, engraved, or printed upon any part of such article, or upon any tag, card, or label attached thereto, or upon any box, package, cover, or wrapper in which such article is incased or inclosed; except that in the case of watch cases and flat ware, so made of gold or of any of its alloys, the actual fineness of such gold or alloy shall not be less by more than three one-thousandth parts than the fineness indicated by the mark stamped, branded, engraved, or printed upon such article, or upon any tag, card, or label attached thereto, or upon any box, package, cover, or wrapper in which such article is incased or inclosed. Provided, That in any test for the ascertainment of the fineness of any article mentioned in this section, according to the foregoing standards, the part of the article taken for the test, analysis, or assay shall be such part or portion as does not contain or have attached thereto any solder or alloy of inferior fineness used for brazing or uniting the parts of said article: Provided, further, That in the case of any article mentioned in this section, in addition to the foregoing tests and standards, the actual fineness of the entire quantity of gold or of its alloys contained in such article, including all solder and alloy of inferior fineness used for brazing or uniting the parts of such article (all such gold, alloys, and solder being assayed as one piece), shall not be less by more

than one carat than the fineness indicated by the mark stamped, branded, engraved, or imprinted upon such article, or upon any tag, card, or label attached thereto, or upon any box, package, cover, or wrapper in which such article is incased or inclosed, it being intended that the standards of fineness and the tests or methods for ascertaining the same provided in this section for articles mentioned therein shall be concurrent and not alternative.

Act June 13, 1906, c. 3289, § 2, 34 Stat. 260.

Standard of fineness for articles made of silver; deviation from marked fineness allowable; words "sterling," "coin," etc., as marks; tests.

Sec. 3. That in the case of articles of merchandise made in whole or in part of silver or any of its alloys so imported into or exported from the United States, or so deposited in the United States mails for transmission, or so delivered for transportation to any common carrier, or so transported or caused to be transported as specified in the first section of this Act, the actual fineness of the silver or alloy thereof of which such article is wholly or partly composed shall not be less by more than four one-thousandth parts than the actual fineness indicated by any mark (other than the word "sterling" or the word "coin") stamped, branded, engraved, or printed upon any part of such article, or upon any tag, card, or label attached thereto, or upon any box, package, cover, or wrapper in which such article is incased or inclosed; and that no such article or tag, card, or label attached thereto, or box, package, cover, or wrapper in which such article is incased or inclosed shall be marked, stamped, branded, engraved, or printed with the word "sterling" or "sterling silver" or any colorable imitation thereof, unless such article or parts thereof purporting to be silver contains nine hundred and twenty-five one-thousandth parts pure silver; and that no such article, tag, card, label, box, package, cover, or wrapper shall be marked, stamped, branded, engraved, or printed with the words "coin" or "coin silver" or colorable imitation thereof unless such article or parts thereof purporting to be silver contains nine hundred one-thousandth parts pure silver: Provided, That in the case of all such articles whose fineness is indicated by the word "sterling" or the word "coin" there shall be allowed a divergence in the fineness of four one-thousandth parts from the foregoing standards: Provided, That in any test for the ascertainment of the fineness of any such article mentioned in this section according to the foregoing standards the part of the article taken for the test, analysis, or assay shall be such part or portion as does not contain or have attached thereto any solder or alloy of inferior fineness used for brazing or uniting the parts of such article: Provided further, That in the case of any article mentioned in this section, in addition to the foregoing tests and standards, the actual fineness of the entire quantity of silver or of its alloys contained in such article, including all solder and alloy of inferior fineness used for brazing or uniting the parts of such article (all such silver, alloys, and solder being assayed as one piece), shall not be less by more than ten one-thousandth parts than the fineness indicated by the marked, stamped, branded, engraved, or imprinted upon such article, or upon any tag, card, or label attached thereto, or upon any box, package, cover, or wrapper in which such article is incased or inclosed, it being intended that the standards of fineness and the tests or meth-

ods for ascertaining the same provided in this section for articles mentioned therein shall be concurrent and not alternative.

Act June 13, 1906, c. 3289, § 3, 34 Stat. 261.

Stamping, etc., plated articles; use of words "sterling" or "coin" therefor forbidden.

Sec. 4. That in the case of articles of merchandise made in whole or in part of an inferior metal, having deposited or plated thereon or brazed or otherwise affixed thereto a plating, covering, or sheet composed of gold or silver, or of an alloy of either of said metals, and known in the market as rolled gold plate, gold plate, gold filled, silver plate, or gold or silver electroplate, or by any similar designation, so imported into or exported from the United States, or so deposited in the United States mails for transmission, or so delivered to any common carrier, or so transported or caused to be transported as specified in the first section of this Act, no such article, nor any tag, card, or label attached thereto, nor any box, package, cover, or wrapper in which such article is incased or inclosed, shall be stamped, branded, engraved, or imprinted with any word or mark usually employed to indicate the fineness of gold, unless such word or mark be accompanied by other words plainly indicating that such article or part thereof is made of rolled gold plate, gold plate, or gold electroplate, or is gold filled, as the case may be, and no such article, nor any tag, card, or label attached thereto, nor any box, package, cover, or wrapper in which such article is incased or inclosed, shall be stamped, branded, engraved, or imprinted with the word "sterling" or the word "coin," either alone or in conjunction with other words or marks.

Act June 13, 1906, c. 3289, § 4, 34 Stat. 261.

Violations of provisions of act; penalty; jurisdiction of prosecutions.

Sec. 5. That each and every person, firm, corporation, or association, being a manufacturer of or a wholesale or retail dealer in gold or silver jewelry, gold ware, silver goods, or silverware, who or which shall knowingly violate any of the provisions of this Act, and every officer, manager, director, or managing agent of any such corporation or association having knowledge of such violation and directly participating in such violation or consenting thereto, shall be deemed guilty of a misdemeanor, and upon conviction thereof in any court of the United States having jurisdiction of crimes within the district in which such violation was committed or through which has been conducted the transportation of the article in respect to which such violation has been committed, shall be punished by a fine of not more than five hundred dollars or imprisonment for not more than three months, or both, at the discretion of the court. Whenever the offense is begun in one jurisdiction and completed in another it may be dealt with, inquired of, tried, determined, and punished in either jurisdiction in the same manner as if the offense had been actually and wholly committed therein.

Act June 13, 1906, c. 3289, § 5, 34 Stat. 262.

Expression "article of merchandise" defined.

Sec. 6. That the expression "article of merchandise" as used in this Act shall signify any goods, wares, works of art, commodity, or other thing which may be lawfully kept or offered for sale.

Act June 13, 1906, c. 3289, § 6, 34 Stat. 262.

Articles transported into state, etc., subject to laws of such state, etc., without exemption by reason of being introduced in original packages or otherwise.

Sec. 7. That all articles of merchandise to which this Act applies which shall have been transported into any State, Territory, District, or possession of the United States, and shall remain therein for use, sale, or storage, shall, upon arrival in such State, Territory, District, or possession, be subject to the operation of all the laws of such State, Territory, District, or possession of the United States to the same extent and in the same manner as though such articles of merchandise had been produced in such State, Territory, District, or possession, and shall not be exempt therefrom by reason of being introduced therein in original packages or otherwise.

Act June 13, 1906, c. 3289, § 7, 34 Stat. 262.

Time of taking effect of act.

Sec. 8. That this Act shall take effect one year after the date of its passage.

Act June 13, 1906, c. 3289, § 8, 34 Stat. 262.

[TITLE LVI B.]

[MONOPOLIES AND COMBINATIONS IN RESTRAINT OF TRADE.]

ACT JULY 2, 1890, c. 647, §§ 1, 4.

Trusts, etc., in restraint of trade, etc., illegal; persons combining guilty of misdemeanor; penalty.

An appropriation to enforce the provisions of this act is made by Act Feb. 25, 1903, c. 755, § 1, set forth ante, under Title LVI A, "Regulation of Interstate and Foreign Commerce," c. 1. Said act also provides that no person shall be prosecuted or be subjected to any penalty or forfeiture for or on account of any transaction, matter or thing concerning which he may testify or produce evidence, documentary or otherwise, in any proceeding, suit, or prosecution under this act, but that no person so testifying shall be exempt from prosecution or punishment for perjury committed in so testifying. These immunity provisions and those of other acts extend only to natural persons, who, in obedience to a subpœna, give testimony or produce evidence under oath, by Act June 30, 1906, c. 3920, also set forth ante, under Title LVI A, "Regulation of Interstate and Foreign Commerce," c. 1.

The balance of the appropriation made by said Act Feb. 25, 1903, c. 755, § 1, to enforce the provisions of this act, was continued available during subsequent fiscal years, and additional appropriations were made for the same purposes, by the sundry civil appropriation act for each year. The provision for the fiscal year ending June 30, 1912, is by Act March 4, 1911, c. 285, § 1, 36 Stat. 1396.

Jurisdiction of courts; duty of district attorneys; procedure; hearing.

Suits in equity, brought in the circuit court, under the provisions of this act, wherein the United States is complainant, shall, if the Attorney-General files with the clerk of such court a certificate that the case is of general public importance, be given precedence over other suits, and shall be assigned for hearing at the earliest practicable date, before not less than three of the circuit judges of the proper circuit, if there are three or more judges, or if there are not more than two circuit judges then before them and a district judge, by Act Feb. 11, 1903, c. 544, set forth below.

Said act also provides that if the judges sitting in such case shall be divided in opinion the case shall be certified to the Supreme Court for review. Said act also makes provisions for appeals from the final decree of the circuit court direct to the Supreme Court.

ACT AUG. 27, 1894, c. 349, § 73.

Trusts, etc., in restraint of import trade, illegal, etc.; persons combining guilty of misdemeanor; penalty.

The legislative, executive, and judicial appropriation act for the fiscal year ending June 30, 1904, Act Feb. 25, 1903, c. 755, § 1, set forth ante, under Title LVI A, "Regulation of Interstate and Foreign Commerce," c. 1, makes an appropriation of $500,000 for the payment of the expenses of the enforcement of this act, and provides that no person shall be prosecuted or be subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he may testify or produce evidence, documentary or otherwise, in any proceeding, suit, or prosecution under this act, but that no person so testifying shall be exempt from prosecution or punishment for perjury committed in so testifying. These immunity provisions and those of other acts

extend only to natural persons, who, in obedience to a subpœna, give testimony or produce evidence under oath, by Act June 30, 1906, c. 3920, also set forth ante, under Title LVI A, "Regulation of Interstate and Foreign Commerce," c. 1.

The balance of the appropriation made by said Act Feb. 25, 1903, c. 755, § 1, to enforce the provisions of this act, was continued available during subsequent fiscal years, and additional appropriations were made for the same purposes, by the sundry civil appropriation act for each year. The provision for the fiscal year ending June 30, 1912, is by Act March 4, 1911, c. 285, § 1, 36 Stat. 1396.

ACT FEB. 11, 1903, c. 544. [*As amended* 1910. H. R. 26233.]

An Act To Expedite the Hearing and Determination of Suits in Equity Pending or Hereafter Brought Under the Act of July Second, Eighteen Hundred and Ninety, Entitled "An Act to Protect Trade and Commerce Against Unlawful Restraints and Monopolies," "An Act to Regulate Commerce," Approved February Fourth, Eighteen Hundred and Eighty-Seven, or any Other Acts Having a Like Purpose That May be Hereafter Enacted. (32 Stat. 823.)

Precedence of hearing of suits arising under Act Feb. 4, 1887, c. 104, and Act July 2, 1890, c. 647; certificate by Attorney-General; composition of court; review by Supreme Court.

Be it enacted, &c., That in any suit in equity pending or hereafter brought in any circuit court of the United States under the Act entitled "An Act to protect trade and commerce against unlawful restraints and monopolies," approved July second, eighteen hundred and ninety, "An Act to regulate commerce," approved February fourth, eighteen hundred and eighty-seven, or any other Acts having a like purpose that hereafter may be enacted, wherein the United States is complainant, the Attorney-General may file with the clerk of such court a certificate that, in his opinion, the case is of general public importance, a copy of which shall be immediately furnished by such clerk to each of the circuit judges of the circuit in which the case is pending. Thereupon such case shall be given precedence over others and in every way expedited, and be assigned for hearing at the earliest practicable day, before not less than three of the circuit judges of said circuit, if there be three or more; and if there be not more than two circuit judges, then before them and such district judge as they may select; or, in case the full court shall not at any time be made up by reason of the necessary absence or disqualification of one or more of the said circuit judges, the justice of the Supreme Court assigned to that circuit or the other circuit judge or judges may designate a district judge or judges within the circuit who shall be competent to sit in said court at the hearing of said suit. In the event the judges sitting in such case shall be equally divided in opinion as to the decision or disposition of said cause, or in the event that a majority of said judges shall be unable to agree upon the judgment, order, or decree finally disposing of said case in said court which should be entered in said cause, then they shall immediately certify that fact to the Chief Justice of the United States, who shall at once designate and appoint some circuit judge to sit with said judges and to assist in determining said cause. Such order of the Chief Justice shall be immediately transmitted to the clerk of the circuit court in which said cause is pending, and shall be entered upon the minutes of said court.

Thereupon said cause shall at once be set down for reargument and the parties thereto notified in writing by the clerk of said court of the action of the court and the date fixed for the reargument thereof. The provisions of this section shall apply to all causes and proceedings in all courts now pending, or which may hereafter be brought.

Act Feb. 11, 1903, c. 544, § 1, 32 Stat. 823; Act June 25, 1910, c. 428, 36 Stat. 854.

The acts referred to in this section are Act Feb. 4, 1887, c. 104, set forth, as amended by Act March 2, 1889, c. 382, Act Feb. 10, 1891, c. 128, and Act Feb. 8, 1895, c. 61, in Comp. St. 1901, pp. 3154–3171, and Act July 2, 1890, c. 647, set forth in Comp. St. 1901, pp. 3200–3202. The provisions of this act are made applicable to proceedings instituted under the direction of the Attorney-General in the name of the Interstate Commerce Commission by Act Feb. 19, 1903, c. 708, § 3, ante, under Title LVI A, "Regulation of Interstate and Foreign Commerce," c. 1.

Appeals to Supreme Court.

Sec. 2. That in every suit in equity pending or hereafter brought in any circuit court of the United States under any of said Acts, wherein the United States is complainant, including cases submitted but not yet decided, an appeal from the final decree of the circuit court will lie only to the Supreme Court and must be taken within sixty days from the entry thereof: Provided, That in any case where an appeal may have been taken from the final decree of a circuit court to the circuit court of appeals before this Act takes effect, the case shall proceed to a final decree therein, and an appeal may be taken from such decree to the Supreme Court in the manner now provided by law.

Act Feb. 11, 1903, c. 544, § 2, 32 Stat. 823.

See note under preceding section of this act.

[TITLE LVI C.]

[NATIONAL TRADE UNIONS AND CONTROVERSIES BETWEEN CARRIERS AND THEIR EMPLOYES.]

ACT JUNE 1, 1898, c. 370, §§ 1, 2.

Adjustment of controversies between carriers and their employés.

An appropriation to carry out the objects of this act is made in the sundry civil appropriation act for each year. The provision for the fiscal year ending June 30, 1912, is by Act March 4, 1911, c. 285, § 1, 36 Stat. 1397.

Commission to mediate differences.

The powers conferred and duties imposed on the chairman of the Interstate Commerce Commission by the provisions of this act are to be exercised by any member of the Commission or of the Commerce Court designated by the President, by a provision of Act March 4, 1911, c. 285, § 1, set forth below.

Powers and duties under act of chairman of Interstate Commerce Commission to be exercised by any member of the Commission, or of the Commerce Court designated by the President.

The President of the United States from and after the passage of this Act is authorized to designate from time to time any member of the Interstate Commerce Commission or of the Court of Commerce to exercise the powers conferred and the duties imposed upon the chairman of the Interstate Commerce Commission by the provisions of the "Act concerning carriers engaged in interstate commerce and their employees," approved June first, eighteen hundred and ninety-eight; and the member so designated, during the period for which he is designated, shall have the powers now conferred by said Act on the chairman of the Interstate Commerce Commission.

Act March 4, 1911, c. 285, § 1, 36 Stat. 1397.

Act June 1, 1898, c. 370, mentioned in this provision, is set forth in Comp. St. 1901, p. 3205.

[TITLE LVI D.]

[AGRICULTURAL COLLEGES AND EXPERIMENT STATIONS.]

[CHAPTER ONE.]

[Agricultural Colleges.]

ACT AUG. 30, 1890, c. 841, § 1.

Increased annual appropriations for agricultural colleges.

Moneys received from the sale and disposal of public lands in certain States and Territories are appropriated to a "reclamation fund," for the reclamation of arid and semi-arid lands, by Act June 17, 1902, c. 1093, § 1, ante, under Title XXXII, "The Public Lands," c. 11, subchapter "Irrigation in Arid Regions; Grants of Desert Lands to States for Reclamation," and, by a proviso annexed to that section, in case the receipts from the sale and disposal of other public lands are insufficient to meet the requirements for the support of agricultural colleges under this act, the sum necessary is to be provided from any moneys in the Treasury not otherwise appropriated.

An annual appropriation for the more complete endowment and maintenance of agricultural colleges, in addition to the sums named in Act Aug. 30, 1890, c. 841, Comp. St. 1901, p. 3214, is made, with a further annual increase for five years, the annual sum to be paid thereafter to each State and Territory to be $50,000, by provisions of Act March 4, 1907, c. 2907, set forth below.

ACT MARCH 4, 1907, c. 2907. [H. R. 24815.]

Increased annual appropriations for agricultural colleges.

That there shall be, and hereby is, annually appropriated, out of any money in the Treasury not otherwise appropriated, to be paid as hereinafter provided, to each State and Territory for the more complete endowment and maintenance of agricultural colleges now established, or which may hereafter be established, in accordance with the Act of Congress approved July second, eighteen hundred and sixty-two, and the Act of Congress approved August thirtieth, eighteen hundred and ninety, the sum of five thousand dollars, in addition to the sums named in the said Act, for the fiscal year ending June thirtieth, nineteen hundred and eight, and an annual increase of the amount of such appropriation thereafter for four years by an additional sum of five thousand dollars over the preceding year, and the annual sum to be paid thereafter to each State and Territory shall be fifty thousand dollars, to be applied only for the purposes of the agricultural colleges as defined and limited in the Act of Congress approved July second, eighteen hundred and sixty-two, and the Act of Congress approved August thirtieth, eighteen hundred and ninety.

Time, manner, etc., of annual payments to States, etc.

That the sum hereby appropriated to the States and Territories for the further endowment and support of the colleges shall be paid by,

to, and in the manner prescribed by the Act of Congress approved August thirtieth, eighteen hundred and ninety, entitled "An Act to apply a portion of the proceeds of the public lands to the more complete endowment and support of the colleges for the benefit of agriculture and the mechanic arts established under the provisions of the Act of Congress approved July second, eighteen hundred and sixty-two," and the expenditure of the said money shall be governed in all respects by the provisions of the said Act of Congress approved July second, eighteen hundred and sixty-two, and the said Act of Congress approved August thirtieth, eighteen hundred and ninety: Provided, That said colleges may use a portion of this money for providing courses for the special preparation of instructors for teaching the elements of agriculture and the mechanic arts.

Act March 4, 1907, c. 2907, 34 Stat. 1281.

These are provisions of the agricultural appropriation act for the fiscal year ending June 30, 1908, cited above.

Act July 2, 1862, c. 130, mentioned in these provisions, is set forth, as amended by Act March 3, 1883, c. 102, in Comp. St. 1901, pp. 3212–3214. Act Aug. 30, 1890, c. 841, also mentioned therein, is set forth in Comp. St. 1901, pp. 3214–3217.

[CHAPTER TWO.]

[Agricultural Experiment Stations.]

ACT MARCH 2, 1887, c. 314, §§ 1, 3-5.

Experiment stations at state agricultural colleges.

Besides the provisions establishing agricultural experiment stations, contained in Act March 2, 1887, c. 314, set forth in Comp. St. 1901, pp. 3218–3221, a portion of the Arlington estate in the State of Virginia is set apart for experimental agricultural purposes by Act April 18, 1900, c. 243, 31 Stat. 135, and provisions for establishing and maintaining a general experimental farm and agricultural station thereon are made by the subsequent agricultural appropriation acts. The provision for the fiscal year ending June 30, 1912, is by Act March 4, 1911, c. 238, 36 Stat. 1243.

Supervision of stations by Secretary of Agriculture; reports; financial statements.

Appropriations for carrying out the provisions of section 3 of Act March 2, 1887, c. 314, set forth in Comp. St. 1901, p. 3219, with further provisions that the Secretary of Agriculture shall prescribe the form of the annual financial statement required by said section, and shall ascertain whether the expenditures under such appropriations are in accordance with the provisions of said act, and make report thereon to Congress, are contained in the agricultural appropriation acts for each fiscal year. The provisions for the fiscal year ending June 30, 1912, by Act March 4, 1911, c. 238, are set forth below.

Bulletins.

Besides the bulletins and reports of the agricultural experiment stations mentioned in Act March 2, 1887, c. 314, § 4, set forth in Comp. St. 1901, p. 3219, the preparation and printing of an annual report of the Director of the Office of Experiment Stations are provided for by Res. April 27, 1904, No. 29, set forth ante, under Title XLV, "Public Printing, Advertisements, and Public Documents."

Annual appropriations from sales of public lands; buildings.
The sum named as an annual appropriation in Act March 2, 1887, c. 314, § 5, set forth in Comp. St. 1901, p. 3220, is increased, and a further annual increase for five years is provided for, and the annual amount to be paid thereafter to each State and Territory is to be $30,000, by Act March 16, 1906, c. 951, set forth below.

ACT JULY 5, 1892, c. 147.

Sale of index of agricultural literature; disposition of proceeds.
The provisions of this act, set forth in Comp. St. 1901, p. 3222, are repeated in substantially similar language in the agricultural appropriation acts for the subsequent fiscal years down to and including 1908. A permanent provision to the same effect, contained in the similar act for the fiscal year ending June 30, 1909, Act May 23, 1908, c. 192, is set forth ante, under Title XII, "The Department of Agriculture," c. A.

ACT AUG. 8, 1894, c. 238.

Form of annual financial statement.
The provision of this act, set forth in Comp. St. 1901, p. 3222, is repeated in the same language in the agricultural appropriation acts for the subsequent fiscal years. The provision for the fiscal year ending June 30, 1912, by Act March 4, 1911, c. 238, is set forth below.

ACT MARCH 2, 1901, c. 805.

Experimental grass stations.
The provisions of Act March 2, 1901, c. 805, set forth in Comp. St. 1901, p. 3223, for co-operation with the Secretary of Agriculture in establishing and maintaining experimental grass stations, are repeated in the same language in the agricultural appropriation acts for the subsequent fiscal years to and including the fiscal year ending June 30, 1906, but are not continued thereafter.

Report of expenditures; employment of assistants, clerks, etc.; payment to States.
The provisions of Act March 2, 1901, c. 805, set forth in Comp. St. 1901, p. 3223, for carrying into effect the provisions of Act March 2, 1887, c. 314, and for ascertaining and reporting whether expenditures of appropriations made therefor are in accordance with the provisions of said act, are repeated in substantially similar language in the agricultural appropriation acts for the subsequent fiscal years. The provisions for the fiscal year ending June 30, 1912, by Act March 4, 1911, c. 238, are set forth below.

ACT MARCH 16, 1906, c. 951. [H. R. 345.]

An Act to Provide for an Increased Annual Appropriation for Agricultural Experiment Stations and Regulating the Expenditure Thereof. (34 Stat. 63.)

Increased annual appropriations for agricultural experiment stations.

Be it enacted, &c., That there shall be, and hereby is, annually appropriated, out of any money in the Treasury not otherwise appropriated, to be paid as hereinafter provided, to each State and Territory, for the more complete endowment and maintenance of agricultural experiment stations now established or which may hereafter be established in accordance with the Act of Congress approved March second, eighteen hundred and eighty-seven, the sum of five thousand dollars in addition to the sum named in said Act for the year ending June thirtieth, nineteen hundred and six, and an annual increase of the amount of such appropriation thereafter for five years by an additional sum of two thousand dollars over the preceding year, and the annual

amount to be paid thereafter to each State and Territory shall be thirty thousand dollars, to be applied only to paying the necessary expenses of conducting original researches or experiments bearing directly on the agricultural industry of the United States, having due regard to the varying conditions and needs of the respective States or Territories.

Act March 16, 1906, c. 951, § 1, 34 Stat. 63.

Act March 2, 1887, c. 314, mentioned in this section, is set forth in Comp. St. 1901, pp. 3218–3221. Section 5 of that act appropriates $15,000 per annum to each State and Territory for expenses of the experiment stations provided for by the act.

The provisions of this act are similar to those relating to the annual appropriations for agricultural colleges, contained in Act Aug. 30, 1890, c. 841, set forth in Comp. St. 1901, pp. 3214–3217, and in Act March 4, 1907, c. 2907, set forth under chapter 1 of this Title.

This act is construed, as to amounts thereby appropriated for each fiscal year to and including the year ending June 30, 1911, and the time, etc., of payment thereof, by provisions of Act June 30, 1906, c. 3913, set forth below.

Time, manner, etc., of annual payments to States, etc.; legislative assent, or assent by governor.

Sec. 2. That the sums hereby appropriated to the States and Territories for the further endowment and support of agricultural experiment stations shall be annually paid in equal quarterly payments on the first day of January, April, July, and October of each year by the Secretary of the Treasury, upon the warrant of the Secretary of Agriculture, out of the Treasury of the United States, to the treasurer or other officer duly appointed by the governing boards of said experiment stations to receive the same, and such officers shall be required to report to the Secretary of Agriculture on or before the first day of September of each year a detailed statement of the amount so received and of its disbursement, on schedules prescribed by the Secretary of Agriculture. The grants of money authorized by this Act are made subject to legislative assent of the several States and Territories to the purpose of said grants: Provided, That payment of such installments of the appropriation herein made as shall become due to any State or Territory before the adjournment of the regular session of legislature meeting next after the passage of this Act shall be made upon the assent of the governor thereof, duly certified by the Secretary of the Treasury.

Act March 16, 1906, c. 951, § 2, 34 Stat. 63.

Diminution of fund to be made up by State, etc.; fund not to be applied to buildings; reports of operations, etc., of stations, including statements of receipts and expenditures.

Sec. 3. That if any portion of the moneys received by the designated officer of any State or Territory for the further and more complete endowment, support, and maintenance of agricultural experiment stations as provided in this Act shall by any action or contingency be diminished or lost or be misapplied, it shall be replaced by said State or Territory to which it belongs, and until so replaced no subsequent appropriation shall be apportioned or paid to such State or Territory; and no portion of said moneys exceeding five per centum of each annual appropriation shall be applied, directly or indirectly, under any pretense whatever, to the purchase, erection, preservation, or repair of any building or buildings, or to the purchase or rental of land. It shall be the duty of each of said stations annually, on or

before the first day of February, to make to the governor of the State or Territory in which it is located a full and detailed report of its operations, including a statement of receipts and expenditures, a copy of which report shall be sent to each of said stations, to the Secretary of Agriculture, and to the Secretary of the Treasury of the United States.

Act March 16, 1906, c. 951, § 3, 34 Stat. 63.

Annual ascertainment and certification of amounts due to States, etc.; certificates withheld; appeal to Congress.

Sec. 4. That on or before the first day of July in each year after the passage of this Act the Secretary of Agriculture shall ascertain and certify to the Secretary of the Treasury as to each State and Territory whether it is complying with the provisions of this Act and is entitled to receive its share of the annual appropriation for agricultural experiment stations under this Act and the amount which thereupon each is entitled, respectively, to receive. If the Secretary of Agriculture shall withhold a certificate from any State or Territory of its appropriation, the facts and reasons therefor shall be reported to the President and the amount involved shall be kept separate in the Treasury until the close of the next Congress in order that the State or Territory may, if it shall so desire, appeal to Congress from the determination of the Secretary of Agriculture. If the next Congress shall not direct such sum to be paid, it shall be covered into the Treasury; and the Secretary of Agriculture is hereby charged with the proper administration of this law.

Act March 16, 1906, c. 951, § 4, 34 Stat. 64.

Report of receipts and expenditures and work of stations, and of withholding of appropriations.

Sec. 5. That the Secretary of Agriculture shall make an annual report to Congress on the receipts and expenditures and work of the agricultural experiment stations in all of the States and Territories, and also whether the appropriation of any State or Territory has been withheld; and if so, the reason therefor.

Act March 16, 1906, c. 951, § 5, 34 Stat. 64.

Reservation of power to amend, etc., or repeal act.

Sec. 6. That Congress may at any time amend, suspend, or repeal any or all of the provisions of this Act.

Act March 16, 1906, c. 951, § 6, 34 Stat. 64.

ACT JUNE 30, 1906, c. 3913. [H. R. 18537.]

Construction of Act March 16, 1906, c. 951; annual appropriations for agricultural experiment stations.

The Act of Congress approved March sixteenth, nineteen hundred and six, entitled "An Act to provide for an increased annual appropriation for agricultural experiment stations and regulating the expenditures thereof," shall be construed to appropriate for each station the sum of five thousand dollars for the fiscal year ending June thirtieth, nineteen hundred and six, the sum of seven thousand dollars for the fiscal year ending June thirtieth, nineteen hundred and seven, the sum of nine thousand dollars for the fiscal year ending June thirtieth, nineteen hundred and eight, the sum of eleven thousand dollars

for the fiscal year ending June thirtieth, nineteen hundred and nine, the sum of thirteen thousand dollars for the fiscal year ending June thirtieth, nineteen hundred and ten, and the sum of fifteen thousand dollars for the fiscal year ending June thirtieth, nineteen hundred and eleven. The sum of five thousand dollars appropriated for the fiscal year nineteen hundred and six shall be paid on or before June thirtieth, nineteen hundred and six, and the amounts appropriated for the subsequent years shall be paid as provided in the said Act to each State and Territory for the more complete endowment and maintenance of agricultural experiment stations now established or which may hereafter be established in accordance with the Act of Congress approved March second, eighteen hundred and eighty-seven.

Act June 30, 1906, c. 3913, 34 Stat. 696.

These are provisions of the agricultural appropriation act for the fiscal year ending June 30, 1907, cited above.

Act March 16, 1906, c. 951, which is construed by this paragraph, is set forth above. Act March 2, 1887, also mentioned therein, is set forth in Comp. St. 1901, pp. 3218–3221.

ACT MARCH 4, 1911, c. 238. [H. R. 31596.]

Carrying into effect provisions for establishment of stations; supervision by Secretary of Agriculture; annual financial statement; report of expenditures.

General expenses, Office of Experiment Stations: To carry into effect the provisions of an Act approved March second, eighteen hundred and eighty-seven, entitled "An Act to establish agricultural experiment stations in connection with the colleges established in the several States under the provision of an Act approved July second, eighteen hundred and sixty-two, and of the Acts supplementary thereto," the sums apportioned to the several States and Territories to be paid quarterly in advance, seven hundred and twenty thousand dollars.

To carry into effect the provisions of an Act approved March sixteenth, nineteen hundred and six, entitled "An Act to provide for an increased annual appropriation for agricultural experiment stations and regulating the expenditure thereof," the sums apportioned to the several States and Territories to be paid quarterly in advance, seven hundred and twenty thousand dollars: Provided, That not to exceed fifteen thousand dollars shall be paid to each State and Territory under this Act;

To enable the Secretary of Agriculture to enforce the provisions of the above Acts, relative to their administration, including rent and the employment of clerks, assistants, and other persons in the city of Washington and elsewhere, freight and express charges, official traveling expenses, office fixtures, supplies, apparatus, telegraph and telephone service, gas, and electric current, thirty-seven thousand five hundred dollars; and the Secretary of Agriculture shall prescribe the form of the annual financial statement required under the above acts, ascertain whether the expenditures are in accordance with their provisions, and make report thereon to Congress; * *

Act March 4, 1911, c. 238, 36 Stat. 1261.

These are provisions accompanying appropriations under the head "Office of Experiment Stations." in the agricultural appropriation act for the fiscal year ending June 30, 1912, cited above.

Act July 2, 1862, c. 130, mentioned in these provisions, is set forth in

Comp. St. 1901, pp. 3213, 3214, in the note to Act March 3, 1883, c. 102, except section 4 thereof, which is amended by said Act March 3, 1883, c. 102, to read as set forth therein.

Act March 2, 1887, c. 314, § 3, also mentioned in these provisions, is set forth in Comp. St. 1901, p. 3219.

Act March 16, 1906, c. 951, §§ 2, 4, 5, also mentioned in these provisions, is set forth above.

Further appropriations are made by this act to enable the Secretary of Agriculture to establish and maintain agricultural experiment stations in Alaska, Hawaii, Porto Rico, and Guam. Act March 4, 1911, c. 238, 36 Stat. 1262.

Provisions similar to those of the above paragraphs were contained in previous agricultural appropriation acts.

TITLE LVII.

PENSIONS.

Sec. 4693.

Classes enumerated.

No pension is to be allowed or paid to any officer or enlisted man in the Revenue-Cutter Service, by a provision of Act May 27, 1908, c. 200, § 1, set forth below.

Provisions for the restoration of pensions to widows of officers and enlisted men within the classes enumerated by paragraphs 1, 2, 3, of this section, set forth in Comp. St. 1901, p. 3229, on renewed widowhood, are contained in Rev. St. § 4708, as amended by Act Feb. 28, 1903, c. 858, § 1, set forth post, under Rev. St. § 4708.

ACT JUNE 27, 1890, c. 634, § 2. [*As amended* 1900.]

Invalid pensions to disabled soldiers and sailors.

The provisions of this section, set forth in Comp. St. 1901, p. 3230, granting pensions to soldiers and sailors who served 90 days or more in the War of the Rebellion, and who have been honorably discharged therefrom, are construed by Res. July 1, 1902, No. 42, set forth below.

RES. JULY 1, 1902, No. 42. [*As amended* 1906. H. J. R. 158.]

Joint Resolution Construing the Act Approved June Twenty-Seventh, Eighteen Hundred and Ninety, Entitled "An Act Granting Pensions to Soldiers and Sailors who are Incapacitated for the Performance of Manual Labor, and Providing for Pensions to Widows, Minor Children, and Dependent Parents, and for Other Purposes." (32 Stat. 750.)

Invalid pensions to disabled soldiers and sailors and their widows and minor children; who may have pensions.

Resolved, &c., That the Act Approved June twenty-seventh, eighteen hundred and ninety, entitled "An Act granting pensions to soldiers and sailors who are incapacitated for the performance of manual labor, and providing for pensions to widows, minor children, and dependent parents," is construed and held to include all persons and the widows and minor children of all deceased persons, subject to the limitations of said Act, who served for ninety days in the military or naval service of the United States during the late war of the rebellion, and who have been honorably discharged therefrom, and section forty-seven hundred and sixteen, Revised Statutes United States, is amended accordingly: Provided, however, That the foregoing shall not apply to those who served in the First, Second, Third, Fourth, Fifth, and Sixth regiments United States Volunteer Infantry who had a prior service in the Confederate army or navy and who enlisted in said regiments while confined as prisoners of war under a stipulation that they were not to be pensionable under the laws of the United States, nor to those who, having had such

prior service, enlisted in the military or naval service of the United States after the first day of January, eighteen hundred and sixty-five.

Res. July 1, 1902, No. 42, § 1, 32 Stat. 750.

Act June 27, 1890, c. 634, mentioned in this section and construed thereby, set forth in Comp. St. 1901, p. 3230, provides for pensions for soldiers and sailors of the War of the Rebellion who are incapacitated for the performance of manual labor, and to their widows and minor children.

Rev. St. § 4716, mentioned in this section and amended thereby, set forth in Comp. St. 1901, p. 3255, provides that no pension shall be paid to any person or to the widow or heirs of any person who in any manner voluntarily aided the late Rebellion.

Honorable discharge from last contract of service during the War of the Rebellion; effect on right to pension.

Sec. 2. That in the administration of the pension laws any enlisted man or commissioned officer of the Army, including regulars, volunteers, and militia, or any appointed or enlisted man or commissioned officer of the Navy or Marine Corps, who was honorably discharged from any subsequent contract of service entered into by him during the late war of the rebellion, shall be held and considered to have been honorably discharged from all previous contracts of service as commissioned officer or enlisted man previously entered into by him with the United States during said war: Provided, That such enlisted or appointed man or commissioned officer served not less than six months under any subsequent enlistment, appointment, or commission; that his entire service under any said subsequent enlistment, appointment, or commission was faithful, and that he did not receive by reason of said enlistment, appointment, or commission any bounty or gratuity other than from the United States in excess of that to which he would have been entitled if he had continued to serve faithfully until honorably discharged under any contract of service previously entered into by him, either in the Army, Navy, or Marine Corps, during the war of the rebellion.

Res. July 1, 1902, No. 42, § 2, 32 Stat. 750. Res. June 28, 1906, No. 39, 34 Stat. 836.

This section is amended by Res. June 28, 1906, No. 39, cited above, to read as set forth here. The amendment consists in including in the provisions of the section commissioned officers, as well as enlisted or appointed men, included in the section as originally enacted.

See note to preceding section of this resolution.

ACT MAY 27, 1908, c. 200, § 1. [H. R. 21260.]

Pensions not to be allowed or paid to officers or men in Revenue-Cutter Service.

* * That hereafter no pension shall be allowed or paid to any commissioned officer, warrant officer, or enlisted man in the Revenue-Cutter Service either on the active or retired list.

Act May 27, 1908, c. 200, § 1, 35 Stat. 322.

This is a proviso annexed to appropriations for expenses of the Revenue-Cutter Service in the sundry civil appropriation act for the fiscal year ending June 30, 1909, cited above.

RES. FEB. 27, 1911, No. 13. [H. J. R. 276.]

Joint Resolution Modifying Certain Laws Relating to the Military Records of Certain Soldiers and Sailors. (36 Stat. 1458.)

Proviso in laws removing disabilities from defective military or naval records, not to prevent granting of pensions on application after approval of this resolution.

Resolved, &c., That in all laws approved during the Sixty-first Congress having for their object the removal of disabilities accruing from defective records in the military or naval service of the United States, the words "Provided, That, other than as above set forth, no bounty, pay, pension, or other emolument shall accrue prior to or by reason of the passage of this Act" shall not prohibit or prevent the granting of a pension on an application made after the approval of this Act, and accruing only from the date of said application.

Res. Feb. 27, 1911, No. 13, 36 Stat. 1458.

Sec. 4698.

Pensions for permanent specific disabilities after June 4, 1872.

The age of sixty-two years and over is to be considered a permanent specific disability within the meaning of the pension laws, by a provision of Act March 4, 1907, c. 2920, set forth below.

Pensions are granted to persons who served 90 days during the civil war or 60 days in the war with Mexico, and who have reached the age of 62 years or over, by Act Feb. 6, 1907, c. 468, set forth below.

ACT JUNE 17, 1878, c. 261, § 1.

Pensions for loss of both hands, or both feet, or both eyes.

The rate of pension for the loss of both feet, as fixed by this act. set forth in Comp. St. 1901, p. 3237, is increased by Act March 2, 1903, c. 977, set forth below.

The rate of pension for those who have lost both eyes or have become totally blind, also fixed by this act, is increased by Act April 8, 1904, c. 945, set forth below.

ACT MARCH 3, 1879, c. 200.

Pensions for loss of both eyes.

The rate of pension for those who have become totally blind, included by this act, set forth in Comp. St. 1901, p. 3237, in the provisions of Act June 17, 1878, c. 261, Comp. St. 1901, p. 3237, is increased by Act April 8, 1904, c. 945, set forth below.

ACT AUG. 4, 1886, c. 899.

Increase of pensions for loss of hand, foot, arm, or leg, etc.

The rates of pension for loss of hand, foot, arm, or leg as fixed by this act, set forth in Comp. St. 1901, p. 3239, are increased by Act March 2, 1903, c. 977, set forth below.

ACT AUG. 27, 1888, c. 913.

Increase of pensions for deafness.

The pension for deafness as fixed by this act, set forth in Comp. St. 1901, p. 3239, is increased by Act Jan. 15, 1903, c. 190, set forth below.

ACT JULY 14, 1892, c. 169.

Pensions for disability requiring frequent and periodical attendance.

Provisions for the increase of pensions for various disabilities are contained in Act Jan. 15, 1903, c. 190, and Act March 2, 1903, c. 977, set forth below.

ACT JAN. 15, 1903, c. 190.

An Act to Increase Pension for Total Deafness. (32 Stat. 773.)

Additional increase of pensions for deafness.

Be it enacted, &c., That from and after the passage of this Act all persons on the pension roll of the United States, or who may hereafter be placed thereon, receiving pension for total loss of hearing due to causes originating in the military or naval service of the

United States and in the line of duty, shall be entitled to receive, in lieu of the amount now paid in case of such disability, the sum of forty dollars per month: Provided, That said increase shall in no manner affect the rate of pension now being paid and allowable for partial deafness, the rating for which shall be continued and determined in accordance with the provisions of existing law.

Act Jan. 15, 1903, c. 190, 32 Stat. 773.

This act supersedes the provisions granting a pension of $30 a month for total deafness contained in Act Aug. 27, 1888, c. 913, Comp. St. 1901, p. 3239, which superseded the provisions granting a pension of $13 a month for loss of hearing, contained in Rev. St. § 4698, Comp. St. 1901, p. 3235. Provisions authorizing the Secretary of the Interior to determine the amount to be paid in cases of partial deafness are contained in Act Aug. 27, 1888, c. 913, mentioned above.

ACT MARCH 2, 1903, c. 977.

An Act to Increase the Pensions of Those Who have Lost Limbs in the Military or Naval Service of the United States. (32 Stat. 944.)

Additional increase of pensions for loss of hand, foot, arm, or leg, etc., or both feet.

Be it enacted, &c., That from and after the passage of this Act all persons on the pension roll, and all persons hereafter granted a pension, who, while in the military or naval service of the United States and in the line of duty, shall have lost one hand or one foot, or been totally disabled in the same, shall receive a pension at the rate of forty dollars per month; that all persons who, in like manner, shall have lost an arm at or above the elbow or a leg at or above the knee, or been totally disabled in the same, shall receive a pension at the rate of forty-six dollars per month; that all persons who, in like manner, shall have lost an arm at the shoulder joint or a leg at the hip joint, or so near the shoulder or hip joint or where the same is in such a condition as to prevent the use of an artificial limb, shall receive a pension at the rate of fifty-five dollars per month, and that all persons who, in like manner, shall have lost one hand and one foot, or been totally disabled in the same, shall receive a pension at the rate of sixty dollars per month; and that all persons who, in like manner, shall have lost both feet shall receive a pension at the rate of one hundred dollars per month: Provided, however, That this Act shall not be so construed as to reduce any pension under any Act, public or private.

Act March 2, 1903, c. 977, 32 Stat. 944.

This act increases the pensions for the loss of hand, foot, arm, or leg, fixed by Act Aug. 4, 1886, c. 899, Comp. St. 1901, p. 3239, which act increased the pensions for such disabilities fixed by Act March 3, 1883, c. 91, Comp. St. 1901, p. 3238, which act modified Rev. St. 4698, Comp. St. 1901, p. 3235, by increasing the pensions for the disabilities specified.

This act also increases the pensions for the loss of both feet fixed by Act June 17, 1878, c. 261, Comp. St. 1901, p. 3237, which modified the provisions fixing the pensions for the loss of both feet contained in Act June 18, 1874, c. 298, Comp. St. 1901, p. 3236.

ACT APRIL 8, 1904, c. 945. [S. 671.]

An Act to Increase the Pensions of Those Who Have Lost Both Eyes or Have Become Totally Blind from Causes Occurring in the Military or Naval Service of the United States. (33 Stat. 163.)

Increase of pensions for loss of both eyes or total blindness.

Be it enacted, &c., That from and after the passage of this Act all persons on the pension roll, and all persons hereafter granted a pension, who, while in the military or naval service of the United States and in the line of duty, shall have lost both eyes, or who have become totally blind from causes occurring in the service of the United States, shall receive a pension at the rate of one hundred dollars per month: Provided, however, That this Act shall not be so construed as to reduce any pension under any Act, public or private.

Act April 8, 1904, c. 945, 33 Stat. 163.

This act increases the pensions for loss of both eyes, fixed by Act June 17, 1878, c. 261, Comp. St. 1901, p. 3237, construed so as to include total blindness from causes occurring in the service of the United States, by Act March 3, 1879, c. 200, Comp. St. 1901, p. 3237.

ACT FEB. 6, 1907, c. 468. [S. 976.]

An Act Granting Pensions to Certain Enlisted Men, Soldiers, and Officers Who Served in the Civil War and the War with Mexico. (34 Stat. 879.)

Pensions to persons having served in Civil war or war with Mexico, reaching age of 62 years; rates of pensions; persons receiving or claiming pensions under other laws.

Be it enacted, &c., That any person who served ninety days or more in the military or naval service of the United States during the late civil war or sixty days in the war with Mexico, and who has been honorably discharged therefrom, and who has reached the age of sixty-two years or over, shall, upon making proof of such facts according to such rules and regulations as the Secretary of the Interior may provide, be placed upon the pension roll, and be entitled to receive a pension as follows: In case such person has reached the age of sixty-two years, twelve dollars per month; seventy years, fifteen dollars per month; seventy-five years or over, twenty dollars per month; and such pension shall commence from the date of the filing of the application in the Bureau of Pensions after the passage and approval of this Act: Provided, That pensioners who are sixty-two years of age or over, and who are now receiving pensions under existing laws, or whose claims are pending in the Bureau of Pensions, may, by application to the Commissioner of Pensions in such form as he may prescribe, receive the benefits of this Act; and nothing herein contained shall prevent any pensioner or person entitled to a pension from prosecuting his claim and receiving a pension under any other general or special Act: Provided, That no person shall receive a pension under any other law at the same time or for the same period that he is receiving a pension under the provisions of this Act: Provided further, That no person who is now receiving or shall hereafter receive a greater pension under any other general or special law than he would be entitled to receive under the provisions herein shall be pensionable under this Act.

Act Feb. 6, 1907, c. 468, § 1, 34 Stat. 879.

The benefits of this act are extended to persons having served as therein specified, who are entitled to pensions under certain other acts, by a provision of Act March 4, 1907, c. 2920, set forth below.

Rank in service not considered.

Sec. 2. That rank in the service shall not be considered in applications filed hereunder.

Act Feb. 6, 1907, c. 468, § 2, 34 Stat. 879.

Compensation for prosecuting claims for pensions prohibited.

Sec. 3. That no pension attorney, claim agent, or other person shall be entitled to receive any compensation for services rendered in presenting any claim to the Bureau of Pensions, or securing any pension, under this Act.

Act Feb. 6, 1907, c. 468. § 3, 34 Stat. 879.

ACT MARCH 4, 1907, c. 2920. [H. R. 24640.]

Age of 62 years and over to be considered a permanent specific disability.

* * That hereafter the age of sixty-two years and over shall be considered a permanent specific disability within the meaning of the pension laws: * *

Act March 4, 1907, c. 2920, 34 Stat. 1406.

This is a proviso annexed to an appropriation for pensions in the pension appropriation act for the fiscal year ending June 30, 1908, cited above.

A previous provision in the same language, except the word "hereafter," was contained in the similar act for the preceding year, Act April 24, 1906, c. 1862, 34 Stat. 133.

Provisions relating to pensions for permanent specific disabilities are contained in Rev. St. § 4698, Comp. St. 1901, p. 3235.

Act Feb. 6, 1907, c. 468, granting service pension, extended to persons entitled to pensions under certain other acts.

* * That the benefits of the Act of February sixth, nineteen hundred and seven, entitled "An Act granting pensions to certain enlisted men, soldiers, and officers who served in the civil war and the war with Mexico," are hereby extended to include any person who served the period of time therein specified during the late civil war or in the war with Mexico and who is now or may hereafter become entitled to pension under the Acts of June twenty-seventh, eighteen hundred and ninety, February fifteenth, eighteen hundred and ninety-five, and the joint resolution of July first, nineteen hundred and two, or the Acts of January twenty-ninth, eighteen hundred and eighty-seven, March third, eighteen hundred and ninety-one, and February seventeenth, eighteen hundred and ninety-seven.

Act March 4, 1907, c. 2920, 34 Stat. 1406.

This is a further proviso annexed to an appropriation for pensions in the pension appropriation act for the fiscal year ending June 30, 1908, cited above.

Act Feb. 6, 1907, c. 468, mentioned in this provision, is set forth above.

Sec. 4703.

Increased pension to widows, etc.

Provisions further increasing the rate of pension for widows, minor children, etc., are contained in Act April 19, 1908, c. 147, set forth below.

Provisions for the restoration of pensions to widows of officers and enlisted men within the classes enumerated in Rev. St. § 4693, paragraphs 1, 2, 3, Comp. St. 1901, p. 3229, on renewed widowhood, are contained in Act Feb. 28, 1903, c. 858, § 1, expressly amending Rev. St. § 4708, as amended by Act March 3, 1901, c. 865, § 1, Comp. St. 1901, p. 3247, and are set forth post, under Rev. St. § 4708.

ACT JUNE 27, 1890, c. 634, § 3.

Pensions to dependent widows and minor children.

The provisions of this section, set forth in Comp. St. 1901, p. 3244, granting pensions to widows and minor children of soldiers and sailors

who served 90 days or more during the War of the Rebellion, and who were honorably discharged, are construed by Res. July 1, 1902, No. 42, set forth ante, under Rev. St. § 4693.

Provisions granting pensions to widows of soldiers and sailors who served 90 days or more during the Civil War, and who were honorably discharged, without proof that the death of the husband was the result of his army or navy service, are contained in Act April 19, 1908, c. 147, § 2, set forth below.

An additional pension granted by special act to a widow or guardian on account of a helpless child is not to affect the rate of pension of the widow, by a provision of Act March 4, 1909, c. 302, set forth below.

ACT APRIL 19, 1908, c. 147. [H. R. 15653.]

An Act to Increase the Pension of Widows, Minor Children, and so forth, of Deceased Soldiers and Sailors of the Late Civil War, the War with Mexico, the Various Indian Wars, and so forth, and to Grant a Pension to Certain Widows of the Deceased Soldiers and Sailors of the Late Civil War. (35 Stat. 64.)

Additional increase of pensions to widows, minor children, etc.

Be it enacted, &c., That from and after the passage of this Act the rate of pension for widows, minor children under the age of sixteen years, and helpless minors as defined by existing laws, now on the roll or hereafter to be placed on the pension roll and entitled to receive a less rate than hereinafter provided, shall be twelve dollars per month; and nothing herein shall be construed to affect the existing allowance of two dollars per month for each child under the age of sixteen years and for each helpless child; and all Acts or parts of Acts inconsistent with the provisions of this Act are hereby repealed: Provided, however, That this Act shall not be so construed as to reduce any pension under any Act, public or private.

Act April 19, 1908, c. 147, § 1, 35 Stat. 64.

Pensions to widows and minor children, etc., of soldiers and sailors who served in civil war, without proof that death was result of such service; pensionable status of husbands, if living, under previous provisions.

Sec. 2. That if any officer or enlisted man who served ninety days or more in the Army or Navy of the United States during the late civil war and who has been honorably discharged therefrom has died or shall hereafter die, leaving a widow, such widow shall, upon due proof of her husband's death, without proving his death to be the result of his army or navy service, be placed on the pension roll from the date of the filing of her application therefor under this Act at the rate of twelve dollars per month during her widowhood, provided that said widow shall have married said soldier or sailor prior to June twenty-seventh, eighteen hundred and ninety; and the benefits of this section shall include those widows whose husbands if living would have a pensionable status under the Joint Resolutions of February fifteenth, eighteen hundred and ninety-five, July first, nineteen hundred and two, and June twenty-eighth, nineteen hundred and six.

Act April 19, 1908, c. 147, § 2, 35 Stat. 64.

Res. Feb. 15, 1895, No. 13, mentioned in this section, is set forth in Comp. St. 1901, p. 3260. Res. July 1, 1902, No. 42, as amended by Res. June 28, 1906, No. 39, also mentioned therein, is set forth ante, under Rev. St. § 4693.

Claim agents and attorneys not recognized as to claims under section 1, and their fees for services as to claims under section 2 of act limited; violation of provisions, etc., punishable; penalty.

Sec. 3. That no claim agent or attorney shall be recognized in the adjudication of claims under the first section of this Act, and that no agent, attorney, or other person engaged in preparing, presenting, or prosecuting any claim under the provisions of the second section of this Act shall, directly or indirectly, contract for, demand, receive, or retain for such services in preparing, presenting, or prosecuting such claim a sum greater than ten dollars, which sum shall be payable only upon the order of the Commissioner of Pensions by the pension agent making payment of the pension allowed; and any person who shall violate any of the provisions of this section or who shall wrongfully withhold from the pensioner or claimant the whole or any part of a pension or claim allowed or due such pensioner or claimant under this Act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall, for each and every such offense, be fined not exceeding five hundred dollars or be imprisoned at hard labor not exceeding two years, or both, in the discretion of the court.

Act April 19, 1908, c. 147, § 3, 35 Stat. 64.

ACT MARCH 4, 1909, c. 302. [H. R. 26203.]

Additional pension by special act on account of helpless child not to affect rate of pension to widow.

* * That when an additional pension has been, or may hereafter be, granted by special act to a widow or guardian on account of a helpless child, such additional pension shall in no wise affect the rate of pension the widow may be entitled to independent of such additional allowance.

Act March 4, 1909, c. 302, 35 Stat. 1058.

This is a proviso annexed to an appropriation for pensions in the pension appropriation act for the fiscal year ending June 30, 1910, cited above.

Sec. 4708. [*As amended* 1901.]

[Amended. Act Feb. 28, 1903, c. 858.]

This section, as amended by Act March 3, 1901, c. 865, § 1, set forth in Comp. St. 1901, p. 3247, is further amended by Act Feb. 28, 1903, set forth below.

ACT FEB. 28, 1903, c. 858.

An Act to Amend an Act Entitled "An Act Amending Section Forty-Seven Hundred and Eight of the Revised Statutes of the United States, in Relation to Pensions to Remarried Widows," Approved March Third, Nineteen Hundred and One. (32 Stat. 920.)

Amendment of Rev. St. § 4708.

Be it enacted, etc., That section forty-seven hundred and eight of the laws of the United States governing the granting of army and navy pensions, be, and the same is, amended to read as follows:

Remarriage [of widow, etc., entitled to pension; restoration of pension on renewed widowhood].

"Sec. 4708. The remarriage of any widow, dependent mother, or dependent sister entitled to pension shall not bar her right to such

pension to the date of her remarriage, whether an application therefor was filed before or after such marriage; but on the remarriage of any widow, dependent mother, or dependent sister having a pension such pension shall cease: Provided, however, That any widow who was the lawful wife of any officer or enlisted man or other person in the Army, Navy, or Marine Corps of the United States, as described in paragraphs one, two, and three of section forty-six hundred and ninety-three of the Revised Statutes of the United States, during the period of his service in any war, and whose name was placed or shall hereafter be placed on the pension roll because of her husband's death as the result of wound or injury received or disease contracted in such military or naval service, and whose name has been or shall hereafter be dropped from said pension roll by reason of her marriage to another person who has since died or shall hereafter die, or from whom she has been heretofore or shall be hereafter divorced, upon her own application and without fault on her part, and if she is without means of support other than her daily labor, as defined by the Acts of June twenty-seventh, eighteen hundred and ninety, and May ninth, nineteen hundred, shall be entitled to have her name again placed on the pension roll at the rate now provided for widows by the Acts of July fourteenth, eighteen hundred and sixty-two, March third, eighteen hundred and seventy-three, and March nineteenth, eighteen hundred and eighty-six, such pension to commence from the date of the filing of her application in the Pension Bureau after the approval of this Act: And provided further, That where such widow is already in receipt of a pension from the United States she shall not be entitled to restoration under this Act: And provided further, That where the pension of said widow on her second or subsequent marriage has accrued to a helpless or idiotic child, or a child or children under the age of sixteen years, she shall not be entitled to restoration under this Act unless said helpless or idiotic child, or child or children under sixteen years of age, be then a member or members of her family and cared for by her, and upon the restoration of said widow the payment of pension to said child or children shall cease."

Act Feb. 28, 1903, c. 858, § 1, 32 Stat. 920.

This section amends Rev. St. § 4708, as amended by Act March 3, 1901, c. 865, § 1, set forth in Comp. St. 1901, p. 3247, so as to read as set forth here.

Rev. St. § 4693, mentioned in this section, enumerates the classes of persons entitled to pensions, and is set forth in Comp. St. 1901, p. 3229.

Act June 27, 1890, c. 634, § 3, as amended by Act May 9, 1900, c. 385, also mentioned in this section, grants pensions to dependent widows and minor children of soldiers and sailors of the War of the Rebellion, and is set forth in Comp. St. 1901, p. 3244.

Act July 14, 1862, c. 166, 12 Stat. 566, also mentioned in this section, grants pensions to widows, and is superseded by Act March 3, 1873, c. 234, incorporated into Rev. St. §§ 4702, 4703, also mentioned in this section, and set forth in Comp. St. 1901, pp. 3241, 3242; and the pensions to widows are increased to $12 a month by Act March 19, 1886, c. 22, § 1, also mentioned in this section, and set forth in Comp. St. 1901, p. 3243.

Widows entitled to pensions who failed to draw pension by reason of their remarriage.

Sec. 2. That the provisions of this Act shall be extended to those widows otherwise entitled whose husbands died of wounds, injuries,

or disease contracted during the period of their military and naval service, but who were deprived of pension under the act of March third, eighteen hundred and sixty-five, because of their failure to draw any pension by reason of their remarriage.

Act Feb. 28, 1903, c. 858, § 2, 32 Stat. 921.

Act March 3, 1865, c. 84, 13 Stat. 499, mentioned in this section, provides that a widow's pension on her remarriage shall be paid the deceased soldier's children under 16 years of age. It is superseded by Act March 3, 1873, c. 234, incorporated into Rev. St. §§ 4702, 4703, set forth in Comp. St. 1901, pp. 3241, 3242.

Claim agents not to receive compensation.

Sec. 3. That no claim agent or other person shall be entitled to receive any compensation for services in making application for pension under this Act.

Act Feb. 28, 1903, c. 858, § 3, 32 Stat. 921.

A similar provision is contained in Act March 3, 1901, c. 865, § 2, set forth in Comp. St. 1901, p. 3248.

Sec. 4716.

Loyalty.

This section is amended so as to allow pensions under Act June 27, 1890, c. 634, set forth in Comp. St. 1901, p. 3230, to those who served for 90 days in the military or naval service of the United States during the War of the Rebellion, and who have been honorably discharged therefrom, and to their widows and minor children, by Res. July 1, 1902, No. 42, set forth ante, under Rev. St. § 4693.

Sec. 4718.

ACT MARCH 2, 1895, c. 193.

Accrued pensions.

Provisions prohibiting the use of accrued pensions to reimburse any state, county, or municipal corporation for expenses incurred for the last sickness or burial of a deceased pensioner are contained in Act June 28, 1902, c. 1301, set forth below.

ACT JUNE 28, 1902, c. 1301.

Accrued pensions; reimbursement of expenses incurred by State, etc., for last sickness and burial of pensioner prohibited.

* * That the investigation of claims for the reimbursement of expenses of the last sickness and burial of deceased pensioners shall be at the instance and under the direction of the Secretary of the Treasury, and no part of any accrued pension shall hereafter be used to reimburse any State, county, or municipal corporation for expenses incurred by such State, county, or municipal corporation under State law for expenses of the last sickness or burial of a deceased pensioner.

Act June 28, 1902, c. 1301, 32 Stat. 449.

This is a provision following an appropriation for the suppression of crimes in the sundry civil appropriation act for the fiscal year ending June 30, 1903, cited above. It limits the provisions authorizing the use of accrued pensions to reimburse the person paying the expenses of the last sickness and burial of a deceased pensioner contained in Act March 2, 1895, c. 193, Comp. St. 1901, p. 3257. The provision is repeated in the similar acts for the three years next following. That for the fiscal year ending June 30, 1906, is contained in Act March 3, 1905, c. 1483, § 1, 33 Stat. 1169.

The settlement of claims for reimbursement of such expenses is to be under direction of the Commissioner of Pensions, by a provision of Act March 4, 1909, c. 302, set forth below.

ACT MARCH 4, 1909, c. 302. [H. R. 26203.]

Settlement of claims for reimbursement of last sickness and burial of deceased pensioners.

* * That hereafter the settlement of all claims for the reimbursement of expenses of the last sickness and burial of deceased pensioners shall be under the direction of the Commissioner of Pensions.

Act March 4, 1909, c. 302, 35 Stat. 1058.

This is a proviso annexed to an appropriation for expenses of payment of pensions in the pension appropriation act for the fiscal year ending June 30, 1910, cited above.

A previous provision contained in Act June 28, 1902, c. 1301, that the investigation of such claims should be under direction of the Secretary of the Treasury, is superseded by this provision.

Sec. 4722.

ACT MARCH 3, 1891, c. 568.

Pensions to Powell's Battalion, Missouri Mounted Volunteers.

Provisions increasing pensions to Mexican War survivors are contained in Act March 3, 1903, c. 1021, set forth post, under Rev. St. § 4731.

ACT FEB. 17, 1897, c. 248.

Pensions to Gray's Battalion, Arkansas Volunteers.

Provisions increasing pensions to Mexican War survivors are contained in Act March 3, 1903, c. 1021, set forth post, under Rev. St. § 4731.

Sec. 4731.

Widows and children of Mexican War pensioners.

Provisions increasing pensions to Mexican War survivors are contained in Act March 3, 1903, c. 1021, set forth below.

ACT JAN. 29, 1887, c. 70, § 2.

Pensions to be at what rate, etc.

Provisions increasing the pensions to Mexican War survivors, as fixed by this section, set forth in Comp. St. 1901, p. 3265, are contained in Act March 3, 1903, c. 1021, set forth below.

ACT JAN. 5, 1893, c. 18.

Increase of Mexican War pensions.

Provisions increasing the pensions to Mexican War survivors, as fixed by this act, set forth in Comp. St. 1901, p. 3267, are contained in Act March 3, 1903, c. 1021, set forth below.

ACT APRIL 23, 1900, c. 251.

Extension of increase of Mexican War pensions.

Provisions increasing pensions to Mexican War survivors are contained in Act March 3, 1903, c. 1021, set forth below.

ACT MARCH 3, 1903, c. 1021.

An Act to Increase the Pension of Mexican War Survivors to Twelve Dollars per Month. (32 Stat. 1228.)

Additional increase of Mexican War pensions.

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, at the rate of twelve dollars per month, all Mexican war survivors now on the roll, or who may hereafter be placed on the roll, under the Acts of January twenty-ninth, eighteen hundred and eighty-seven, March third, eighteen hundred and ninety-one, and February fifth, eighteen hundred and ninety-seven.

Act March 3, 1903, c. 1021, 32 Stat. 1228.

Act Jan. 29, 1887, c. 70, mentioned in this act, grants pensions to the

soldiers and sailors of the Mexican War and to their widows, and is set forth in Comp. St. 1901, p. 3265.

Act March 3, 1891, c. 568, also mentioned in this act, grants pensions to Powell's Battalion of Missouri Volunteers for service in the Mexican War, and is set forth in Comp. St. 1901, p. 3260.

Act Feb. 5, 1897, also mentioned in this act, is evidently intended for Act Feb. 17, 1897, c. 248, granting pensions to the officers and men of Gray's Battalion of Arkansas Volunteers for service in the Mexican War, and set forth in Comp. St. 1901, p. 3260. This act was received by the President for his approval February 5, 1897, and became a law without his approval.

This act increases the rate of pensions for Mexican War survivors as fixed by Act Jan. 5, 1893, c. 18, and extended by Act April 23, 1900, c. 251, Comp. St. 1901, p. 3267, which increased the rate as fixed by Act Jan. 29, 1887, c. 70, § 2, Comp. St. 1901, p. 3265.

Sec. 4740.

Loss of certificate of discharge, etc.

Provisions declaring the effect of final honorable discharge from the last contract of service during the War of the Rebellion are contained in Res. July 1, 1902, No. 42, set forth ante, under this Title.

ACT JULY 27, 1892, c. 277.

Pensions to officers and men of Indian wars and to their widows.

Provisions extending the benefits of this act set forth in Comp. St. 1901, p. 3273, granting pensions to officers and men of Indian wars from 1832 to 1842, and to their widows, to other Indian wars, are contained in Act June 27, 1902, c. 1156, and Act May 30, 1908, c. 230, set forth below.

ACT FEB. 3, 1893, c. 58.

Residence of Indian war pensioners; proof of citizenship.

Provisions extending the benefits of Act July 27, 1892, c. 277, set forth in Comp. St. 1901, p. 3273, granting pensions to officers and men of the Indian wars from 1832 to 1842, and to their widows, to other Indian wars and depredations, are contained in Act June 27, 1902, c. 1136, and Act May 30, 1908, c. 230, set forth below.

ACT JUNE 27, 1902, c. 1156.

An Act to Extend the Provisions, Limitations, and Benefits of an Act Entitled "An Act Granting Pensions to the Survivors of the Indian Wars of Eighteen Hundred and Thirty-Two to Eighteen Hundred and Forty-Two, Inclusive, Known as the Black Hawk War, Creek War, Cherokee Disturbances, and the Seminole War," Approved July Twenty-Seven, Eighteen Hundred and Ninety-Two. (32 Stat. 399.)

Extension of Indian wars pensions; proof of enlistment; pensions to widows; effect of remarriage; agreements for fees invalid.

Be it enacted, &c., That the provisions, limitations, and benefits of the Act entitled "An Act granting pensions to survivors of the Indian wars of eighteen hundred and thirty-two to eighteen hundred and forty-two, inclusive, known as the Black Hawk war, Creek war, Cherokee disturbances, and the Seminole war," approved July twenty-seventh, eighteen hundred and ninety-two, be, and the same are hereby, extended, from the date of the passage of this Act, to the surviving officers and enlisted men, including marines, militia, and volunteers of the military and naval service of the United States who served for thirty days or more and were honorably discharged under the United States military, State, Territorial, or provisional authorities in the Florida and Georgia Seminole Indian war of eigh-

teen hundred and seventeen and eighteen hundred and eighteen; the Fevre River Indian war of Illinois of eighteen hundred and twenty-seven; the Sac and Fox Indian war of eighteen hundred and thirty-one; the Sabine Indian disturbances of eighteen hundred and thirty-six and eighteen hundred and thirty-seven; the Cayuse Indian war of eighteen hundred and forty-seven and eighteen hundred and forty-eight, on the Pacific coast; the Florida wars with the Seminole Indians, from eighteen hundred and forty-two to eighteen hundred and fifty-eight, inclusive; the Texas and New Mexico Indian war of eighteen hundred and forty-nine to eighteen hundred and fifty-six; the California Indian disturbances of eighteen hundred and fifty-one and eighteen hundred and fifty-two; the Utah Indian disturbances of eighteen hundred and fifty to eighteen hundred and fifty-three, inclusive, and the Oregon and Washington Territory Indian wars from eighteen hundred and fifty-one to eighteen hundred and fifty-six, inclusive; and also to include the surviving widows of such officers and enlisted men: Provided, That such widows have not remarried: And provided further, That where there is no record of enlistment or muster into the service of the United States in any of the wars mentioned in this Act the record of pay by the United States shall be accepted as full and satisfactory proof of such enlistment and service: And provided further, That all contracts heretofore made between the beneficiaries under this Act and pension attorneys and claim agents are hereby declared null and void.

Act June 27, 1902, c. 1156, 32 Stat. 399.

Act July 27, 1892, c. 277, mentioned in this act, grants pensions to the officers and men of the Indian wars from 1832 to 1842, and to their widows, and is set forth in Comp. St. 1901, p. 3273.

ACT MAY 30, 1908, c. 230. [S. 5581.]

An Act Pensioning the Surviving Officers and Enlisted Men of the Texas Volunteers Employed in the Defense of the Frontier of that State against Mexican Marauders and Indian Depredations from Eighteen Hundred and Fifty-Five to Eighteen Hundred and Sixty, Inclusive, and for Other Purposes. (35 Stat. 553.)

Extension of Indian war pensions to Texas volunteers who served in defense of frontier against Mexican marauders and Indian depredations; pensions to widows; proof of enlistment or muster; contracts with pension attorneys and claim agents, void.

Be it enacted, &c., That the provisions, limitations, and benefits of an Act entitled "An Act granting pensions to survivors of the Indian wars of eighteen hundred and thirty-two to eighteen hundred and forty-two, inclusive, known as the Black Hawk war, Creek war, Cherokee disturbances, and the Seminole war," approved July twenty-seventh, eighteen hundred and ninety-two, be, and the same are hereby, extended from the date of the passage of this Act to the surviving officers and enlisted men of the Texas volunteers who served in the defense of the frontier of that State against Mexican marauders and Indian depredations from the year eighteen hundred and fifty-five to the year eighteen hundred and sixty, inclusive; and also to include the surviving widows of such of said officers and enlisted men: Provided, That such widows have not remarried: Provided further, That where there is no record of enlistment or muster into the service of the United States

in the service mentioned in this Act the fact of reimbursement to Texas by the United States, as evidenced by the muster rolls and vouchers on file in the War Department, shall be accepted as full and satisfactory proof of such enlistment and service: And provided further, That all contracts heretofore made between the beneficiaries under this Act and pension attorneys and claim agents are hereby declared null and void.

Act May 30, 1908, c. 230, 35 Stat. 553.

Act June 27, 1892, c. 277, mentioned in this act, is set forth in Comp. St. 1901, p. 3273.

Sec. 4744. [*As amended* 1882.]

Special service in investigating suspected attempts at fraud.

A provision similar to Rev. St. § 4744, as originally enacted, contained in Rev. St. § 474. Comp. St. 1901, p. 269, is not referred to in Act July 25, 1882, c. 349, which amends Rev. St. § 4744, to read as set forth in Comp. St. 1901, p. 3276.

Provisions for per diem allowance to special examiners detailed for the purpose of making investigations of matters pertaining to the Pension Bureau, such as are authorized by Rev. St. § 4744, Comp. St. 1901, p. 3276, are contained in the legislative, executive, and judicial appropriation act for the fiscal year ending June 30, 1886, Act March 3, 1885, c. 343, § 1, 23 Stat. 418; and the subsequent similar appropriation acts contain provisions for per diem of such examiners. The legislative, executive, and judicial appropriation act for the fiscal year ending June 30, 1912, Act March 4, 1911, c. 237, § 1, 36 Stat. 1216, makes appropriations for per diem, when absent from home and traveling on duty outside the District of Columbia, for special examiners, or other persons employed in the Bureau of Pensions, detailed for the purpose of making special investigations pertaining to said Bureau, in lieu of expenses for subsistence, not exceeding $3 per day, and for actual and necessary expenses for transportation and assistance, and any other necessary expenses, including telegrams.

Sec. 4751.

Penalties, how to be sued for, etc.

The provisions of Rev. St. § 4751, set forth in Comp. St. 1901, p. 3281, relating to the recovery, disposition, etc., of penalties and forfeitures incurred under Rev. St. §§ 2461, 2462, and 2463, may be regarded as superseded by the provision of Act April 30, 1878, c. 76, § 2, set forth in Comp. St. 1901, p. 1528, that all moneys collected for depredations upon the public lands shall be covered into the Treasury as other moneys received from the sale of public lands. And Rev. St. § 4751, was expressly repealed, so far as it relates to the States of California, Oregon, Nevada, and Washington Territory, by Act June 3, 1878, c. 151, § 5, set forth in Comp. St. 1901, p. 1530; and the act last mentioned is amended, so as to be applicable to all the public land states, by Act Aug. 4, 1892, c. 375, § 2, set forth in Comp. St. 1901, p. 1547.

Sec. 4755.

Navy pensions payable from fund.

The appropriations for Army and Navy pensions in the annual pensions appropriation acts are accompanied by a proviso that the appropriation for Navy pensions shall be paid from the income of the Navy pension fund, so far as the same shall be sufficient for that purpose. The provision for the fiscal year ending June 30, 1912, is by Act March 3, 1911, c. 227, 36 Stat. 1085.

Sec. 4765.

ACT AUG. 23, 1894, c. 319.

Administration of oaths to pensioners and their witnesses in execution of vouchers by fourth-class postmasters.

Subsequent provisions similar to those of this act, set forth in Comp. St. 1901, p. 3285, authorizing rural free delivery carriers to administer oaths to pensioners and witnesses in execution of their vouchers, are contained in Act June 25, 1910, c. 413, § 2, set forth below.

ACT JUNE 25, 1910, c. 413, § 2. [H. R. 20578.]

Administration of oaths to pensioners and their witnesses in execution of vouchers by rural free delivery carriers.

Sec. 2. That hereafter, in addition to the officers now authorized to administer oaths in such cases, rural free delivery carriers of the United States are hereby required, empowered, and authorized to administer any and all oaths required to be made by pensioners and their witnesses in the execution of their vouchers, with like effect and force as officers having a seal, and they are authorized to charge and receive for each voucher not exceeding twenty-five cents, to be paid by the pensioner.

Act June 25, 1910, c. 413, § 2, 36 Stat. 843.

This section is part of the pension appropriation act for the fiscal year ending June 30, 1911, cited above.

Sec. 4766. [*As amended* 1882, 1899.]

Pensions to be paid only to persons entitled, etc.

Pensioners admitted to the Soldiers' Home, who have not contributed to its funds, are required to surrender their pensions to the Home during the time they remain therein and voluntarily receive its benefits, by Rev. St. § 4820, set forth in Comp. St. p. 3332.

Provisions for payment of pensions of inmates of the National Home for Disabled Volunteer Soldiers, contained in Act Feb. 26, 1881, c. 80, § 2, and Act Aug. 7, 1882, c. 433, are set forth in Comp. St. 1901, p. 3345; of pensions of such inmates who become insane and are admitted to the Government Hospital for the Insane, contained in Rev. St. § 4839, as amended by Act Feb. 2, 1909, c. 58, are set forth post, under Title LIX, "Hospitals, Asylums, and Cemeteries," c. 4; and of the balance of pension money due any deceased inmate of such National Home, contained in Act July 1, 1902, c. 1351, are also set forth post, under said Title LIX, c. 3.

Pensioners who are inmates of any State soldiers' and sailors' home, etc., are to have their pensions paid to them directly, by a provision of Act May 28, 1908, c. 208, set forth below.

Appropriations "for examination and inspection of pension agencies, as provided by the final provision of" Act Aug. 8, 1882, amending Rev. St. § 4766, which is incorporated in that section as set forth in Comp. St. 1901, p. 3286, were made by the annual pension appropriation acts, down to the act for the fiscal year 1911, Act June 25, 1910, c. 413, 36 Stat. 843.

ACT MAY 28, 1908, c. 208. [H. R. 16268.]

Pensions to inmates of state soldiers' and sailors' homes, etc., to be paid to them directly.

* * That from and after the passage of this Act all pensioners who may be inmates of any soldiers' and sailors' home, or other institution maintained by any State for the benefit of dependent or other disabled volunteer soldiers, shall have their respective pensions paid to

them directly instead of to the treasurer or other officer of the home or institution at which they may be respectively located.

Act May 28, 1908, c. 208, 35 Stat. 419.

This is a proviso annexed to an appropriation for pensions in the pension appropriation act for the fiscal year ending June 30, 1909, cited above.

Sec. 4767.

Blanks for vouchers.

Franked or penalty envelopes are to be furnished to pensioners to be used for the return of their vouchers, by a provision of Act March 4, 1909, c. 302, set forth below.

ACT MARCH 4, 1909, c. 302. [H. R. 26203.]

Franked or penalty envelopes for return of vouchers.

* * That the Secretary of the Interior shall hereafter furnish free to all pensioners franked or penalty envelopes, properly addressed, to be used by said pensioners only for the return of their pension vouchers: * *

Act March 4, 1909, c. 302, 35 Stat. 1058.

This is a proviso annexed to an appropriation for expenses of payment of pensions in the pension appropriation act for the fiscal year ending June 30, 1910, cited above.

A previous provision in the same language, except the word "hereafter," was contained in the similar appropriation act for the preceding year, Act May 28, 1908, c. 208, 35 Stat. 420.

By a provision of the pension appropriation act for the fiscal year ending June 30, 1912, the Commissioner of Pensions is directed to formulate and embrace in his next annual report a simplified plan for the payment of pensions whereby all preliminary vouchers shall be abolished and the only vouchers required shall be attached to or a part of the payment checks. Act March 3, 1911, c. 227, 36 Stat. 1085.

Sec. 4774.

ACT JULY 25, 1882, c. 349, § 4.

Boards of examining surgeons; reviewing boards; examinations; fees; expert surgeons; fees for examination of non-resident claimants.

Provisions for the appointment of three members of a board of pension appeals by the Secretary of the Interior at a compensation of $2,000 each are contained in the legislative, executive, and judicial appropriation act for the fiscal year ending June 30, 1885, Act July 7, 1884, c. 331, 23 Stat. 185. Subsequent similar appropriation acts from time to time increased the membership of the board and provided for their compensation. But the transfer of the additional members of the board to places in the classified service of the Department was authorized by Act May 22, 1908, c. 186, § 1, 35 Stat. 224; vacancies on the board are not to be filled, by a provision of Act June 17, 1910, c. 297, § 1, and the duties of the board are transferred, on July 1, 1911, to the office of the Assistant Attorney General for the Department, by a provision of Act March 4, 1911, c. 237, § 1, both which provisions are set forth ante, under Title XI, "The Department of the Interior," c. 1.

ACT FEB. 12, 1901, c. 363.

Examining surgeons; fees; reports.

The provisions of this act set forth in Comp. St. 1901, p. 3291, are repeated in the same language in the pensions appropriation acts for the subsequent fiscal years. The provisions for the fiscal year ending June 30, 1909, contained in Act May 28, 1908, c. 208, which are made permanent by the insertion of the word "hereafter," are set forth below.

ACT MAY 28, 1908, c. 208. [H. R. 16268.]

Examining surgeons; fees; reports; special examiners' reports; inspection by applicant or his attorney.

* * And hereafter each member of each examining board shall receive the sum of three dollars for the examination of each applicant whenever five or a less number shall be examined on any one day and one dollar for the examination of each additional applicant on such day: Provided, That if twenty or more applicants appear on one day no fewer than twenty shall, if practicable, be examined on said day, and that if fewer examinations be then made, twenty or more having appeared, then there shall be paid for the first examinations made on the next examination day the fee of one dollar only until twenty examinations shall have been made, and the fee shall be three dollars when the examination is made by one surgeon, and the fee for each examination at the claimant's residence provided his residence is outside of the corporate limits of the place of the regular meeting of the examining board or of the place of residence of the surgeon, making the examination shall be five dollars in addition to the payment of the actual traveling expenses of the surgeon: Provided further, That no fee shall be paid to any member of an examining board unless personally present and assisting in the examination of applicant: And provided further, That the report of such examining surgeons shall specifically state the rating which in their judgment the applicant is entitled to, and the report of such examining surgeons shall specifically and accurately set forth the physical condition of the applicant, each and every existing disability being fully and carefully described. The reports of the special examiners of the Bureau of Pensions shall be open to inspection and copy by the applicant or his attorney, under such rules and regulations as the Secretary of the Interior may prescribe: * *

Act May 28, 1908, c. 208, 35 Stat. 419.

These are provisions accompanying an appropriation for fees and expenses of examining surgeons in the pension appropriation act for the fiscal year ending June 30, 1909, cited above.

Previous similar provisions, contained in Act Feb. 12, 1901, c. 363, are set forth in Comp. St. 1901, pp. 3291, 3292, and were repeated, but without the word "hereafter," in the pension appropriation acts for the subsequent years.

Sec. 4775.

ACT FEB. 12, 1901, c. 363.

Report of special examiners; inspection by claimant or attorney.

The provision of this act set forth in Comp. St. 1901, p. 3292, for inspection of reports of special examiners by applicants or attorneys, which was originally enacted by Act April 4, 1900, c. 158, 31 Stat. 60, was repeated in the same language in the pension appropriation acts for the subsequent fiscal years, down to and including the year 1909. In the appropriation for that year, by Act May 28, 1908, c. 208, this provision is included with others relating to examining surgeons, made permanent by the insertion of the word "hereafter," and is set forth with them ante, under Rev. St. § 4774.

A similar provision relating to reports of examining surgeons, contained in Act July 18, 1894, c. 141, is set forth in Comp. St. 1901, p. 3291.

Sec. 4780.

Establishment of pension agencies.

Appropriations "for examination and inspection of pension agencies, as provided by the final provision of" Act Aug. 8, 1882, amending Rev.

St. § 4766, which is incorporated in that section as set forth in Comp. St. 1901, p. 3286, were made by the annual pension appropriation acts, down to the act for the fiscal year 1911, Act June 25, 1910, c. 413, 36 Stat. 843.

Sec. 4785.

ACT JAN. 25, 1879, c. 23, § 4.

Compensation for prosecuting claims for arrears of pensions prohibited.

Contracts with pension attorneys and claim agents by beneficiaries under acts extending the provisions granting pensions to survivors of certain Indian wars to other Indian wars, etc., are declared void by provisions of those acts, Act June 27, 1902, c. 1156, and Act May 30, 1908, c. 230, set forth ante, under Rev. St. § 4740.

Attorneys prosecuting claims under Act Feb. 28, 1903, c. 858, § 1, amending Rev. St. § 4708, as amended by Act March 3, 1901, c. 865, § 1, Comp. St. 1901, p. 3247, authorizing the restoration of pensions to widows on renewed widowhood, are prohibited from receiving any fees by section 3 of said Act Feb. 28, 1903, c. 858, set forth ante, under Rev. St. § 4708.

No pension attorney, claim agent, or other person is entitled to compensation for services in presenting any claim or securing any pension under Act Feb. 6, 1907, c. 468, granting pensions to persons who served in the civil war or in the war with Mexico who have reached the age of 62 years or over, by section 3 of that act, set forth ante, under Rev. St. § 4698.

Compensation to a pension attorney, claim agent, or other person for procuring pension legislation is prohibited, and contracting for, receiving, etc., such compensation is made punishable, by a provision of Act May 28, 1908, c. 208, set forth below.

ACT MAY 28, 1908, c. 208. [H. R. 16268.]

Compensation for procuring pension legislation prohibited; penalty.

* * That hereafter no pension attorney, claim agent, or other person shall be entitled to receive any compensation for services rendered in securing the introduction of a bill or the passage thereof through Congress granting pension or increase of pension, and any person who shall, directly or indirectly, contract for, demand, receive, or retain any compensation for such services shall be deemed guilty of an offense, and upon conviction thereof shall, for each and every such offense, be fined not exceeding five hundred dollars or imprisoned not exceeding two years, or both, in the discretion of the court.

Act May 28, 1908, c. 208, 35 Stat. 419.

This is a proviso annexed to an appropriation for fees and expenses of examining surgeons in the pensions appropriation act for the fiscal year ending June 30, 1910, cited above. Other provisions immediately preceding this in the same act are set forth ante, under Rev. St. § 4774.

A previous provision in the same language was enacted in Act March 10, 1902, c. 147, 32 Stat. 62, and was repeated in the pensions appropriation act for the fiscal year 1904, next following, and was also repeated, but without the word "hereafter," in the similar acts for the subsequent fiscal years, until in the act for the year 1909, it is re-enacted, with "hereafter" inserted, as set forth here.

TITLE LVIII.

THE PUBLIC HEALTH.

Sec. 4794.

Erection of quarantine warehouses.

Provisions for the establishment and management of quarantine stations, grounds, and anchorages, are contained in Act June 19, 1906, c. 3433, set forth post, under Rev. St. § 4796.

Sec. 4796.

ACT APRIL 29, 1878, c. 66, §§ 2, 3.

Reports of vessels leaving infected ports; health reports; duties of Surgeon-General of Marine Hospital Service.

The Marine Hospital Service is designated the Public Health and Marine Hospital Service of the United States, and the Supervising Surgeon-General is to be known as the Surgeon General of the Public Health and Marine Hospital Service of the United States, and the duties of said Surgeon General and other officers of the service are prescribed by Act July 1, 1902, c. 1370, set forth below.

Duties of Marine Hospital and customs officers, etc.; compensation.

See note under preceding section of this act, and also provisions of Act July 1, 1902, c. 1370, set forth below.

ACT FEB. 15, 1893, c. 114, §§ 4, 10.

Duties of Marine Hospital Service; sanitary reports by consuls; domestic sanitary reports.

The Marine Hospital Service is designated the Public Health and Marine Hospital Service of the United States, and the Supervising Surgeon-General is to be known as the Surgeon-General of the Public Health and Marine Service of the United States, and his duties are prescribed, by Act July 1, 1902, c. 1370, set forth below.

Establishment of quarantine grounds, etc., authorized; trespasses on grounds; violation of quarantine laws; penalty.

Provisions for the establishment of quarantine stations, and quarantine grounds and anchorages, and the control and management thereof, are contained in Act June 19, 1906, c. 3433, set forth below.

Violations of this act, or of any rule or regulation made in accordance therewith, are punishable, by provisions of said Act June 19, 1906, c. 3433, § 4, set forth below.

ACT JULY 1, 1902, c. 1370.

An Act to Increase the Efficiency and Change the Name of the United States Marine-Hospital Service. (32 Stat. 712.)

Public Health and Marine-Hospital Service; titles of officers; transfer of duties.

Be it enacted, &c., That the United States Marine-Hospital Service shall hereafter be known and designated as the Public Health and Marine-Hospital Service of the United States, and the Supervising Surgeon-General and the officers now or hereafter commissioned under the Act of January fourth, eighteen hundred and eighty-nine, entitled "An Act to regulate appointments in the Marine-Hos-

pital Service of the United States," and Acts amendatory thereof, shall hereafter be known as the Surgeon-General, surgeons, passed assistant surgeons, and assistant surgeons of the Public Health and Marine-Hospital Service of the United States. Nothing in this Act contained shall be held or construed to discharge any of the officers above named, or any of the acting assistant surgeons, pharmacists, and other employees of the Marine-Hospital Service, or to deprive any officer of his commission or the benefits derived by longevity of service. The care of sick and disabled seamen and all other duties now required by law to be performed by the Marine-Hospital Service shall hereafter be performed by the Public Health and Marine-Hospital Service, and all funds and appropriations now provided by law for use by the Marine-Hospital Service and all properties and rights pertaining to said service shall be available for use for like purposes and in like manner, under the Treasury Department, by the Public Health and Marine-Hospital Service.

Act July 1, 1902, c. 1370, § 1, 32 Stat. 712.

The provisions of law relating to the Marine Hospital Service prior to this act are contained in Rev. St. §§ 4801–4813, and acts supplementary to and amendatory thereof, set forth in Comp. St. 1901, pp. 3320–3328.

Act Jan. 4, 1889, c. 19, mentioned in this section, provides for the appointment and promotion of medical officers of the service, and is set forth in Comp. St. 1901, p. 3325.

The appointment of a Supervising Surgeon-General of the Service was authorized by Act March 3, 1875, c. 130, § 1, set forth in Comp. St. 1901, p. 3321.

Provisions for physical and mental examination of all alien passengers arriving by medical officers of the Marine-Hospital Service are contained in Act Feb. 20, 1907, c. 1134, § 17, ante, under Title XXIX, "Immigration," subchapter "Regulation and Restriction of Immigration in General."

The funds and appropriations provided by law for use by the Marine-Hospital Service, mentioned in this section, included the receipts for tonnage duties provided for by Act June 26, 1884, c. 121, of which so much as necessary was appropriated, by section 15 of that act, set forth in Comp. St. 1901, p. 2851, for the expense of maintaining the Marine-Hospital Service; and the appropriations for the purpose, subsequent to this act, were directed to be paid from the permanent appropriations for the service, the provision for the fiscal year ending June 30, 1906, being by Act Feb. 3, 1905, c. 297, § 1, 33 Stat. 650. But subsequent to the act last mentioned, and in connection with deficiency appropriations for maintenance and expenses of the service for the fiscal years 1905 and 1906, additional to the tonnage tax so appropriated, which were stated to be made necessary by decrease in the tonnage tax, and added expense in the maintenance of the service, and additional expenditures entailed under this act, so much of said Act June 26, 1884, c. 121, § 15, as made such permanent appropriation of the receipts for duties on tonnage was repealed, and the Secretary of the Treasury was required to submit to Congress, in the Book of Estimates, detailed estimates of the expenses of maintaining the service, by provisions of Act March 3, 1905, c. 1484, § 1, set forth ante, under Title XLVIII, "Regulation of Commerce and Navigation," c. 3, and Title XLI, "Appropriations."

The service is to remain under the jurisdiction of the Treasury Department until otherwise specifically provided, by a provision of Act March 18, 1904, c. 716, § 1, set forth below.

Salaries and allowances.

Sec. 2. That the salary of the Surgeon-General of the Public Health and Marine-Hospital Service shall be five thousand dollars per annum, and the salaries and allowances of the commissioned medical

officers of said service shall be the same as now provided by regulations of the Marine-Hospital Service.

Act July 1, 1902, c. 1370, § 2, 32 Stat. 712.

The salary of the Supervising Surgeon-General of the Service was fixed at $4,000 per annum, by Act March 3, 1875, c. 130, § 1, set forth in Comp. St. 1901, p. 3321.

See notes under preceding section of this act.

Assistant Surgeons-General; assistants; pay and allowances; rank.

Sec. 3. That commissioned medical officers, when detailed by the Surgeon-General for duty in the Public Health and Marine-Hospital Bureau at Washington, District of Columbia, in charge of the administrative divisions thereof, namely, marine hospitals and relief, domestic quarantine, foreign and insular quarantine, personnel and accounts, sanitary reports and statistics, and scientific research, shall, while thus serving, be assistant surgeons-general of the Public Health and Marine-Hospital Service, but their pay and allowances shall be the same as now provided by regulations of the Marine-Hospital Service for officers in charge of said divisions; and the senior officer thus serving shall be the assistant within the meaning of section one hundred and seventy-eight, Revised Statutes of the United States: Provided, however, That no such officer shall be detailed in charge of said divisions who is below the rank of passed assistant surgeon.

Act July 1, 1902, c. 1370, § 3, 32 Stat. 712.

Provisions for the detail of officers from the Service for duty in the Bureau are contained in Act March 3, 1891, c. 541, Act July 31, 1894, c. 174, § 1, and Act March 2, 1895, c. 177, § 1, set forth in Comp. St. 1901, pp. 3325, 3326.

Rev. St. § 178, mentioned in this section, is set forth in Comp. St. 1901, p. 90. It provides that in case of the death, resignation, absence, or sickness of the chief of any bureau, etc., the "assistant" or deputy, etc., shall perform the duties of such chief, etc., until a successor is appointed, etc.

See notes under section 1 of this act.

Use of Service in time of war.

Sec. 4. That the President is authorized, in his discretion, to utilize the Public Health and Marine-Hospital Service in times of threatened or actual war to such extent and in such manner as shall in his judgment promote the public interest without, however, in any wise impairing the efficiency of the service for the purposes for which the same was created and is maintained.

Act July 1, 1902, c. 1370, § 4, 32 Stat. 713.

See notes under section 1 of this act.

Hygienic laboratory; advisory board; members; compensation and expenses; vacancies.

Sec. 5. That there shall be an advisory board for the hygienic laboratory provided by the Act of Congress approved March third, nineteen hundred and one, for consultation with the Surgeon-General of the Public Health and Marine-Hospital Service relative to the investigations to be inaugurated, and the methods of conducting the same, in said laboratory. Said board shall consist of three competent experts, to be detailed from the Army, the Navy, and the Bureau of Animal Industry by the Surgeon-General of the Army, the Surgeon-General of the Navy, and the Secretary of Agriculture, respectively, which experts, with the director of the said laboratory, shall be ex officio members of the board, and serve without additional compensa-

tion. Five other members of said board shall be appointed by the Surgeon-General of the Public Health and Marine-Hospital Service, with the approval of the Secretary of the Treasury, who shall be skilled in laboratory work in its relation to the public health, and not in the regular employment of the Government. The said five members shall each receive compensation of ten dollars per diem while serving in conference, as aforesaid, together with allowance for actual and necessary traveling expenses and hotel expenses while in conference. Said conference is not to exceed ten days in any one fiscal year. The term of service of the five members of said board, not in the regular employment of the Government, first appointed shall be so arranged that one of said members shall retire each year, the subsequent appointments to be for a period of five years. Appointments to fill vacancies occurring in a manner other than as above provided shall be made for the unexpired term of the member whose place has become vacant.

Act July 1, 1902, c. 1370, § 5, 32 Stat. 713.

The act authorizing the hygienic laboratory is Act March 3, 1901, c. 853, § 1, 31 Stat. 1137.

Provisions for printing the bulletins of the hygienic laboratory and of the yellow fever institute of the Public Health and Marine-Hospital Service are contained in Res. Feb. 24, 1905, No. 21, § 1, set forth ante. under Title XLV, "Public Printing, Advertisements, and Public Documents."

See notes under section 1 of this act.

Chiefs of divisions of hygienic laboratory; pay; director of laboratory.

Sec. 6. That there shall be appointed by the Surgeon-General, with the approval of the Secretary of the Treasury, whenever, in the opinion of the Surgeon-General, commissioned medical officers of the Public Health and Marine-Hospital Service are not available for this duty by detail, competent persons to take charge of the divisions, respectively, of chemistry, zoology, and pharmacology of the hygienic laboratory, who shall each receive such pay as shall be fixed by the Surgeon-General, with the approval of the Secretary of the Treasury. The director of the said laboratory shall be an officer detailed from the corps of commissioned medical officers of the Public Health and Marine-Hospital Service, as now provided by regulations for said detail from the Marine-Hospital Service, and while thus serving shall have the pay and emoluments of a surgeon: Provided, That all commissioned officers of the Public Health and Marine-Hospital Service not below the grade of passed assistant surgeon shall be eligible to assignment to duty in charge of the said divisions of the hygienic laboratory, and while serving in such capacity shall be entitled to the pay and emoluments of their rank.

Act July 1, 1902, c. 1370, § 6, 32 Stat. 713.

See notes under sections 1 and 5 of this act.

Conferences with State and Territorial boards of health.

Sec. 7. That when, in the opinion of the Surgeon-General of the Public Health and Marine-Hospital Service of the United States, the interests of the public health would be promoted by a conference of said service with State or Territorial boards of health, quarantine authorities, or State health officers, the District of Columbia included, he may invite as many of said health and quarantine authorities as he deems necessary or proper to send delegates, not more than one from

each State or Territory and District of Columbia, to said conference: Provided, That an annual conference of the health authorities of all the States and Territories and the District of Columbia shall be called, each of said States, Territories, and the District of Columbia to be entitled to one delegate: And provided further, That it shall be the duty of the said Surgeon-General to call a conference upon the application of not less than five State or Territorial boards of health, quarantine authorities, or State health officers, each of said States and Territories joining in such request to be represented by one delegate.

Act July 1, 1902, c. 1370, § 7, 32 Stat. 713.
See notes under section 1 of this act.

Uniform registration of mortality, morbidity, and vital statistics; collection, compilation, and publication.

Sec. 8. That to secure uniformity in the registration of mortality, morbidity, and vital statistics it shall be the duty of the Surgeon-General of the Public Health and Marine-Hospital Service, after the annual conference required by section seven to be called, to prepare and distribute suitable and necessary forms for the collection and compilation of such statistics, and said statistics, when transmitted to the Public Health and Marine-Hospital Bureau on said forms, shall be compiled and published by the Public Health and Marine-Hospital Service as a part of the health reports published by said service.

Act July 1, 1902, c. 1370, § 8, 32 Stat. 714
See notes under section 1 of this act.

The collection of vital statistics annually by the Census Office is provided for by Act March 6, 1902, c. 139, § 8, set forth ante, under Title XXXI, "The Census." And State authorities are requested to cooperate with the Census Office in securing a uniform system of registration of births and deaths, etc., by Res. Feb. 11, 1903, No. 7, also set forth ante, under Title XXXI, "The Census."

Regulations by President; report of Surgeon-General.

Sec. 9. That the President shall from time to time prescribe rules for the conduct of the Public Health and Marine-Hospital Service. He shall also prescribe regulations respecting its internal administration and discipline, and the uniforms of its officers and employees. It shall be the duty of the Surgeon-General to transmit annually to the Secretary of the Treasury, for transmission by said Secretary to Congress, a full and complete report of the transactions of said service, including a detailed statement of receipts and disbursements.

Act July 1, 1902, c. 1370, § 9, 32 Stat. 714.

The President is authorized, in case of threatened or actual epidemic of certain diseases specified, to use appropriations made for the purpose in preventing and suppressing the spread thereof, by provisions of Act March 4, 1911, c. 285, § 1, set forth below.

Provisions for printing the annual report of the Surgeon-General are contained in Res. Feb. 24, 1905, No. 21, § 2, set forth ante, under Title XLV, "Public Printing, Advertisements, and Public Documents."

See notes under section 1 of this act.

ACT MARCH 18, 1904, c. 716, § 1. [H. R. 9480.]

Service to remain under jurisdiction of Treasury Department.

Office of Surgeon-General of Public Health and Marine-Hospital Service: * * and said Service shall remain under the jurisdiction of

the Treasury Department until otherwise hereafter specifically provided by law.

Act March 18, 1904, c. 716, § 1, 33 Stat. 104. Act Feb. 3, 1905, c. 297, § 1, 33 Stat. 650.

This is a provision, following appropriations for the Surgeon-General and clerks and employés in his office, in the legislative, executive, and judicial appropriation act for the fiscal year ending June 30, 1905, repeated in the similar appropriation act for the fiscal year ending June 30, 1906, cited above.

ACT JUNE 19, 1906, c. 3433. [S. 4250.]

An Act to Further Protect the Public Health and Make More Effective the National Quarantine. (34 Stat. 299.)

Quarantine stations, grounds, and anchorages; establishment, control, and management.

Be it enacted, &c., That the Secretary of the Treasury shall have the control, direction, and management of all quarantine stations, grounds, and anchorages established by authority of the United States, and as soon as practicable after the approval of this Act shall select and designate such suitable places for them and establish the same at such points on or near the coast line of the United States or the border of the United States and a foreign country, as in his judgment are best suited for the same and necessary to prevent the introduction of yellow fever into the United States, and, in his discretion, he may also establish at the group of islands known as the Dry Tortugas, at the western end of the Florida reef, and at such other point or points on or near the coast line of the United States (not to exceed four in the aggregate) as he deems necessary, quarantine grounds, stations, and anchorages, whereat or whereto infected vessels bound for any port in the United States may be detained or sent for the purpose of being disinfected, having their cargoes disinfected and discharged, if necessary, and their sick treated in hospitals until all danger of infection or contagion from such vessels, their cargoes, passengers, or crews has been removed.

Act June 19, 1906, c. 3433, § 1, 34 Stat. 299.

Land and water selected for quarantine stations to be transferred from other departments to Secretary of the Treasury, or to be acquired by purchase or condemnation.

Sec. 2. That in cases in which the title to the land and water so selected and designated is in the United States it shall be the duty of the department, bureau, or official of the United States having custody or possession of such land and water, or any part thereof, not used by the Government for other purposes designated by law, or possession of said Dry Tortugas Islands, on demand of the Secretary of the Treasury, to deliver the same into his custody and possession for the use of the Public Health and Marine-Hospital Service, evidencing such delivery by a suitable instrument in writing to be delivered to the Secretary of the Treasury. That in cases in which the title to such land and water, or any part thereof, is in any other owner than the United States it shall be the duty of the Secretary of the Treasury to secure the title and possession of the same to the United States for the use of the Public Health and Marine-Hospital Service of the United States, by purchase at a reasonable price, if possible; but if, in his judgment, the price demanded for such property be excessive,

he is hereby authorized to apply to the Attorney-General of the United States to cause to be instituted, in the proper tribunal, condemnation proceedings in the name of the United States for the purpose of acquiring for the United States the title and possession of such land and water, and said Attorney-General shall, as soon as possible after such application by the Secretary of the Treasury, cause such proceedings to be instituted and conducted to a conclusion, and the custody and possession of such land and water, when duly acquired in accordance with the award made in such condemnation proceedings, shall be delivered to the Secretary of the Treasury for the use of the Public Health and Marine-Hospital Service.

Act June 19, 1906, c. 3433, § 2, 34 Stat. 299.

Notice by publication of selection of places for quarantine stations and anchorages; establishment of instrumentalities for disinfecting vessels and cargoes, hospital buildings, etc.; treatment of sick and eradication of disease.

Sec. 3. That on acquiring possession of any land and water in accordance with the provisions of this Act for the purpose of establishing thereat a quarantine station and anchorage, the Secretary of the Treasury shall cause to be published in such newspapers as he may think proper, once a week for four successive weeks, a notice of the selection and designation of such places for quarantine stations and anchorages, with a description of the boundaries of such quarantine stations and anchorages, and such rules and regulations as he shall adopt and promulgate, requiring vessels with yellow fever among their passengers or crews to go to specified quarantine stations and anchorages, to be dealt with there before visiting any port of the United States. He shall establish at such quarantine stations and anchorages all necessary instrumentalities for disinfecting vessels and their cargoes, and where the same shall be required shall erect the necessary hospital buildings and install the necessary furniture and fittings for receiving and treating the sick among the passengers and crews of vessels going to such quarantine stations and anchorages, and provide for the separation of those among their passengers and crews who are suffering from yellow fever from those who are in good health, and shall further provide for doing all things necessary to eradicate such disease from such vessels, their cargoes, passengers, and crews.

Act June 19, 1906, c. 3433, § 3, 34 Stat. 300.

Unauthorized entry within or departure from quarantine grounds or anchorages, punishable; penalty; masters or owners of vessels violating this or other acts, or making false statement as to sanitary condition of vessel or its contents or as to health of passenger or person thereon, punishable; penalty.

Sec. 4. That any vessel, or any officer of any vessel, or other person other than State health or quarantine officers, entering within the limits of any quarantine grounds and anchorages, or any quarantine station and anchorage, or departing therefrom, in disregard of the quarantine rules and regulations or without the permission of the officer in charge of such quarantine ground and anchorage, or of such quarantine station and anchorage, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not more than three hundred dollars or by imprisonment for not more than

one year, or both, in the discretion of the court. That any master or owner of any vessel violating any provision of this Act, or any provision of an Act entitled "An Act granting additional powers and imposing additional duties on the Marine-Hospital Service," approved February fifteenth, eighteen hundred and ninety-three, or violating any rule or regulation made in accordance with this Act or said Act of February fifteenth, eighteen hundred and ninety-three, relating to the inspection of vessels, or to the prevention of the introduction of contagious or infectious diseases into the United States, or any master, owner, or agent of any vessel making a false statement relative to the sanitary condition of such vessel or its contents, or as to the health of any passenger or person thereon shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not more than five hundred dollars or imprisonment for not more than one year, or both, in the discretion of the court.

Act June 19, 1906, c. 3433, § 4, 34 Stat. 300.

Act Feb. 15, 1893, c. 114, mentioned in this section, is set forth, as amended by subsequent acts, in Comp. St. 1901, pp. 3312–3318.

Acquisition of quarantine stations and plants already established by State or local authorities; obtaining title thereto or possession and use thereof.

Sec. 5. That in any place where a quarantine station and plant is already established by State or local authorities it shall be the duty of the Secretary of the Treasury, before selecting and designating a quarantine station and grounds and anchorage for vessels, to examine such established stations and plants, with a view of obtaining a transfer of the site and plants to the United States, and whenever the proper authorities shall be ready to transfer the same or surrender the use thereof to the United States, the Secretary of the Treasury is authorized to obtain title thereto or possession and use thereof, and to pay a reasonable compensation therefor, if, in his opinion, such purchase or use will be necessary to the United States for quarantine purposes and the quarantine stations established by authority of this Act shall, when so established, be used to prevent the introduction of all quarantinable diseases.

Act June 19, 1906, c. 3433, § 5, 34 Stat. 301.

Jurisdiction over established station, etc., acquired, to be ceded before payment of compensation therefor.

Sec. 6. That whenever any established station, or any land or water, or any part thereof, shall be acquired by the United States under the provisions of this Act, jurisdiction over the same shall be ceded to the United States by any State in which the same is situated before any compensation therefor shall be paid.

Act June 19, 1906, c. 3433, § 6, 34 Stat. 301.

Appropriation for carrying act into effect, and for preventing importation of, eradicating, preventing spread of, and destroying causes of yellow fever and other quarantinable diseases.

Sec. 7. That the sum of five hundred thousand dollars, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the purpose of carrying into effect the provisions of this Act, as well as for the purpose generally of preventing the importation of yellow fever and other quarantin-

able diseases into the United States, and for the further purposes, in cooperation with State or municipal health authorities, of eradicating them should they be imported, of preventing their spread from one State into another State, and of destroying their causes.

Act June 19, 1906, c. 3433, § 7, 34 Stat. 301.

The President is authorized, in case of threatened or actual epidemic of certain diseases specified, to use certain appropriations in preventing and suppressing the spread thereof, by provisions of Act March 4, 1911, c. 285, § 1, set forth below.

ACT MARCH 4, 1911, c. 285, § 1. [H. R. 32909.]

Marine hospitals; admission of persons with infectious, etc., diseases, for study.

For maintenance of marine hospitals, including subsistence, and for all other necessary miscellaneous expenses which are not included under special heads, two hundred and thirty-seven thousand dollars: Provided, That there may be admitted into said hospitals, for study, persons with infectious or other diseases affecting the public health, and not to exceed ten cases in any one hospital at one time;

Act March 4, 1911, c. 285, § 1, 36 Stat. 1394.

These are provisions of the sundry civil appropriation act for the fiscal year ending June 30, 1912, cited above.

Use of appropriations for prevention or suppression of spread of epidemics.

Prevention of epidemics: The President of the United States is hereby authorized, in case of threatened or actual epidemic of cholera, typhus fever, yellow fever, smallpox, bubonic plague, Chinese plague, or black death, to use the unexpended balance of the sums appropriated and reappropriated by the sundry civil appropriation Act approved June twenty-fifth, nineteen hundred and ten, or so much thereof as may be necessary, in aid of State and local boards, or otherwise, in his discretion, in preventing and suppressing the spread of the same, including pay and allowances of all officers and employees of the Public Health and Marine-Hospital Service assigned to duty in preventing and suppressing the spread of the same; and in such emergency in the execution of any quarantine laws which may be then in force.

Act March 4, 1911, c. 285, § 1, 36 Stat. 1394.

These are further provisions of the sundry civil appropriation act for the fiscal year ending June 30, 1912, cited above.

Provisions similar, to a greater or less extent, were contained in the sundry civil appropriation acts for previous fiscal years, each reappropriating the unexpended balance of the sums appropriated and reappropriated by the act for the preceding year.

TITLE LIX.

HOSPITALS, ASYLUMS, AND CEMETERIES.

CHAPTER ONE.

Hospital Relief for Seamen.

Sec. 4802.

Supervising Surgeon of Marine Hospital Service.

The United States Marine Hospital Service is to be designated as the Public Health and Marine Hospital Service of the United States, and the Supervising Surgeon-General is to be known as the Surgeon-General of the Public Health and Marine Hospital Service of the United States, by Act July 1, 1902, c. 1370, § 1, set forth ante, under Title LVIII, "The Public Health."

ACT MARCH 3, 1875, c. 130, § 1.

Supervising Surgeon-General of Marine Hospital Service; salary; appointment.

See note under Rev. St. § 4802, above.

The salary of the Surgeon-General of the service is fixed at $5,000 per annum, by Act July 1, 1902, c. 1370, § 2, ante, under Title LVIII, "The Public Health."

Sec. 4806.

ACT JAN. 4, 1889, c. 19.

Medical officers of Marine Hospital Service; appointment after examination.

The United States Marine Hospital Service is to be designated as the Public Health and Marine Hospital Service of the United States, and the officers of said service are to be known as the Surgeon-General, surgeons, passed assistant surgeons, and assistant surgeons of the Public Health and Marine Hospital Service of the United States, by Act July 1, 1902, c. 1370, § 1, ante, under Title LVIII, "The Public Health."

ACT MARCH 3, 1891, c. 541.

Details from Marine Hospital Service.

The commissioned medical officers, when detailed by the Surgeon-General for duty in the Public Health and Marine Hospital Bureau at Washington, in charge of the administrative divisions thereof, are, while thus serving, assistant surgeons general of the Public Health and Marine Hospital Service, their pay and allowance to be the same as already provided by the regulations of the service for officers in charge of said divisions, and the senior officer thus serving is an "assistant," within the meaning of Rev. St. § 178, by Act July 1, 1902, c. 1370, § 1, ante, under Title LVIII, "The Public Health."

Sec. 4811.

Government of Naval Asylum.

The employment of beneficiaries for performance of services in and about the Naval Home, their compensation to be paid from the appropriation for support of the Home, is authorized by a provision of Act March 4, 1911, c. 239, set forth below.

ACT MARCH 4, 1911, c. 239. [H. R. 32212.]

Employment of beneficiaries in Naval Home for performance of services in and about Home.

* * That for the performance of such additional services in and about the Naval Home as may be necessary the Secretary of the Navy is authorized to employ, on the recommendation of the governor, beneficiaries in said Home, whose compensation shall be fixed by the Secretary and paid from the appropriation for the support of the Home.

Act March 4, 1911, c. 239, 36 Stat. 1270.

This is a proviso annexed to an appropriation for the Naval Home, Philadelphia, Pa., to be paid out of the income from the naval pension fund, in the naval appropriation act for the fiscal year ending June 30, 1912, cited above. Provisions in the same language were made by the similar acts for several preceding years.

CHAPTER TWO.

The Soldiers' Home.

Sec. 4819.

Deduction from pay.

So much of Rev. St. § 4819, Comp. St. 1901, p. 3331, as requires deduction from pay of retired enlisted men of the Army, for the Soldiers' Home, is repealed by a provision of Act June 12, 1906, c. 3078, set forth below.

ACT JUNE 12, 1906, c. 3078. [H. R. 14397.]

Repeal in part of Rev. St. § 4819; deduction from pay of retired enlisted men.

* * That so much of section forty-eight hundred and nineteen, Revised Statutes, as requires that twelve and one-half cents per month be deducted from the pay of retired enlisted men of the Army and passed to the credit of the Commissioners of the Soldiers' Home in the District of Columbia, be, and the same is hereby, repealed.

Act June 12, 1906, c. 3078, 34 Stat. 242.

This is a proviso annexed to an appropriation for pay of enlisted men in the Army appropriation act for the fiscal year ending June 30, 1907, cited above.

Rev. St. § 4819, repealed in part by this provision, is set forth in Comp. St. 1901, p. 3331.

Sec. 4824.

ACT MARCH 3, 1883, c. 130, § 10.

Board of commissioners.

Duties prescribed by statute for the Commanding General of the Army as a member of the Board of Commissioners of the Soldiers' Home are to be performed by the Chief of Staff or other officer designated by the President, by a provision of Act Feb. 14, 1903, c. 553, § 4, set forth ante, under Title XIV, "The Army," c. 1.

CHAPTER THREE.

The National Home for Disabled Volunteer Soldiers.

Sec. 4826.

Election of citizen managers.

Appointments of members of the Board of Managers of the National Home for Disabled Volunteer Soldiers are made by Res. May 20, 1908, No. 24, 35 Stat. 576, Res. March 5, 1910, No. 15, 36 Stat. 876, and Res. March 4, 1911, No. 19, 36 Stat. 1459.

Sec. 4829. [*As amended* 1892, 1897.]

Officers of the National Home.

The officers of the National Home for Disabled Volunteers and officers under the Board of Managers are required to be appointed, so far as practicable, from persons whose military or naval service would render them eligible, if disabled and not otherwise provided for, for admission to the Home, by Act June 28, 1902, c. 1301, § 1, set forth below.

Appropriations for salaries of officers and employés of the Board of Managers are made each year in the sundry civil appropriation acts. The provision for the fiscal year ending June 30, 1912, is by Act March 4, 1911, c. 285, § 1, 36 Stat. 1412.

ACT JUNE 28, 1902, c. 1301, § 1.

Officers of National Home and officers under Board of Managers; qualifications.

Hereafter the officers of the National Home for Disabled Volunteer Soldiers, and officers under the Board of Managers thereof, shall be appointed, so far as may be practicable, from persons whose military or naval service would render them eligible, if disabled and not otherwise provided for, for admission to the Home, and they may be appointed, removed, and transferred, from time to time, as the interests of the institution may require, by the Board of Managers.

Act June 28, 1902, c. 1301, § 1, 32 Stat. 472.

This is a provision of the sundry civil appropriation act for the fiscal year ending June 30, 1903, cited above. Rev. St. § 4829, Comp. St. 1901, p. 3339, enumerates the officers of the Home, and provides that they shall be appointed from honorably discharged soldiers.

Sec. 4830.

Sites for homes may be purchased, and buildings erected.

Appropriations for buildings, etc., at branches of the Home, are available immediately, by a provision of Act March 3, 1903, c. 1007, § 1, set forth below.

Appropriations for repairs for any of the branches are not to be used for the construction of any new building, by a provision of Act March 4, 1911, c. 285, § 1, set forth below.

ACT MARCH 3, 1903, c. 1007, § 1.

Appropriations for buildings, etc., of Branch Homes to be immediately available.

Appropriations herein, or that may hereafter be made, for construction of buildings and appurtenances at any of the Branches of

the National Home for Disabled Volunteer Soldiers, shall be available immediately after the approval of the Act containing the same.

Act March 3, 1903, c. 1007, § 1, 32 Stat. 1137.

This is a provision of the sundry civil appropriation act for the fiscal year ending June 30, 1904, cited above.

Such appropriations continue available until expended, by a provision of Act June 6, 1900, c. 785, § 1, set forth in Comp. St. 1901, p. 3342.

ACT MARCH 4, 1911, c. 285, § 1. [H. R. 32909.]

Appropriations for repairs of Branch Homes not to be used for construction of new building.

* * That no part of the appropriations for repairs for any of the Branch Homes shall be used for the construction of any new building.

Act March 4, 1911, c. 285, § 1, 36 Stat. 1409.

This is a proviso annexed to an appropriation for repairs at one of the branches, in the sundry civil appropriation act for the fiscal year ending June 30, 1912, cited above. A provision in the same language was contained in the similar appropriation acts for several preceding years.

Sec. 4831.

Funds for support of Home.

The annual appropriation for the support of the Home in the sundry civil appropriation acts for recent years is followed by a proviso, "That no part of the foregoing appropriations shall be expended for any purpose at any branch of the National Home for Disabled Volunteers that maintains or permits to be maintained on its premises a bar, canteen, or other place where beer, wine, or other intoxicating liquors are sold." The provision for the fiscal year ending June 30, 1912, is by Act March 4, 1911, c. 285, § 1, 36 Stat. 1412.

Sec. 4832.

What persons are entitled to benefit of National Home.

Provisions for admission to the Home of certain classes of discharged soldiers and sailors, in addition to those previously admissible, contained in Act May 27, 1908, c. 200, § 1, and Act March 4, 1909, c. 299, § 1, are set forth below.

ACT AUG. 7, 1882, c. 433.

Payment of pensions of inmates of National Home.

Any balance of pension money due a member of the National Home at the time of his death is to be paid to his widow, minor children, or dependent mother or father, and should no widow, etc., be found within one year from the time of the death of the pensioner, such balance is to be paid into the post fund of the branch where the pensioner was an inmate, to be used for the common benefit of the members of the Home, subject to reclamation by the widow, etc., by Act July 1, 1902, c. 1351, set forth below.

Provisions relating to the disposition of pensions of inmates of the National Home who become insane and are admitted to the Government Hospital for the Insane, are contained in further provisions of Act Aug. 7, 1882, c. 433, as amended by Act Feb. 20, 1905, c. 593, set forth post, under chapter 4 of this Title.

Similar provisions relating to the disposition of all personal property of members of the Home, on their death leaving no heirs at law or next of kin, including money, etc., not disposed of by will, contained in Act June 25, 1910, c. 384, § 1, are set forth below.

ACT JULY 1, 1902, c. 1351.

Payment of balance of pension due deceased inmate of National Home to widow, etc., or into post fund of Home.

Hereafter any balance of pension money due a member of the National Home for Disabled Volunteer Soldiers at the time of his death

shall be paid to his widow, minor children or dependent mother or father in the order named, and should no widow, minor child, or dependent parent be discovered within one year from the time of the death of the pensioner, said balance shall be paid to the post fund of the Branch of said National Home of which the pensioner was a member at the time of his death, to be used for the common benefit of the members of the Home under the direction of the Board of Managers, subject to future reclamation by the relatives hereinbefore designated, upon application filed with the Board of Managers within five years after the pensioner's death.

Act July 1, 1902, c. 1351, 32 Stat. 564.

This is a provision of the deficiency appropriation act for the fiscal year ending June 30, 1902, and prior years, cited above.

ACT MAY 27, 1908, c. 200, § 1. [H. R. 21260.]

Additional persons entitled to benefits of Home.

In addition to those classes of discharged soldiers and sailors now admissible to the National Home for Disabled Volunteer Soldiers, all honorably discharged soldiers who served in the regular or volunteer forces of the United States in any of the campaigns against hostile Indians who are now disabled by age, disease, or otherwise, and by reason of such disability are incapable of earning a living, shall hereafter be admitted thereto.

Act May 27, 1908, c. 200, § 1, 35 Stat. 372.

This is a provision of the sundry civil appropriation act for the fiscal year ending June 30, 1909, cited above.

ACT MARCH 4, 1909, c. 299, § 1. [H. R. 28245.]

Additional persons entitled to benefits of Home.

In addition to those classes of discharged soldiers and sailors now admissible to the National Home for Disabled Volunteer Soldiers, all honorably discharged soldiers and sailors who have served in the Philippines, in China, or in Alaska, who are now or who hereafter may become disabled by disease or otherwise, and by reason of such disability are incapable of earning a living, shall hereafter be admitted thereto.

Act March 4, 1909, c. 299, § 1, 35 Stat. 1012.

This is a provision of the sundry civil appropriation act for the fiscal year ending June 30, 1910, cited above.

ACT JUNE 25, 1910, c. 384, § 1. [H. R. 25552.]

Disposition of personal property of members of National Home, on death leaving no heirs at law or next of kin, for use of post fund of Home.

Hereafter the application of any person for membership in the National Home for Disabled Volunteer Soldiers and the admission of the applicant thereunder shall be and constitute a valid and binding contract between such applicant and the Board of Managers of said home that on the death of said applicant while a member of such home, leaving no heirs at law nor next of kin, all personal property owned by said applicant at the time of his death, including money or choses in action held by him and not disposed of by will, whether such property be the proceeds of pensions or otherwise derived, shall vest in and become the property of said Board of Managers for the sole use and benefit of the post fund of said home, the proceeds to be disposed of and distributed among the several branches as may be

ordered by said Board of Managers, and that all personal property of said applicant shall, upon his death, while a member, at once pass to and vest in said Board of Managers, subject to be reclaimed by any legatee or person entitled to take the same by inheritance at any time within five years after the death of such member. The Board of Managers is directed to so change the form of application for membership as to give reasonable notice of this provision to each applicant and as to contain the consent of the applicant to accept membership upon the conditions herein provided.

Act June 25, 1910, c. 384, § 1, 36 Stat. 736.

These are provisions of the sundry civil appropriation act for the fiscal year ending June 30, 1911, cited above.

Sec. 4834.

Duties of board of managers.

Provisions for printing, for the use of the National Homes, 500 copies, in addition to the usual number, of the annual report of the Board of Managers, required by Rev. St. § 4834, Comp. St. 1901, p. 3347, are contained in Res. March 31, 1904, No. 15, set forth ante, under Title XLV, "Public Printing, Advertisements, and Public Documents."

Sec. 4837.

ACT AUG. 27, 1888, c. 914, § 1.

Aid to State Homes; regulations by managers of National Home; inspection.

The sundry civil appropriation acts and various deficiency appropriation acts for several years preceding the fiscal year 1905 make appropriations for continuing aid to State or Territory Homes, in conformity with Act Aug. 27, 1888, c. 914, § 1, set forth in Comp. St. 1901, p. 3352, with a proviso annexed to each appropriation that one-half of any sum or sums retained by State Homes on account of pensions received from inmates shall be deducted from the aid so provided for. To the similar appropriations for the year 1905 and subsequent years to and including 1909, a different proviso relating to the regulations of such Homes respecting pensions of inmates was annexed, and also a further proviso forbidding apportionment of any part of the appropriation to any such Home that maintains a bar or canteen where intoxicating liquors are sold. To the appropriations for the fiscal years 1910 and subsequent years, two provisos are annexed, as follows:

"Provided, That no part of this appropriation shall be apportioned to any state or territorial home that maintains a bar or canteen where intoxicating liquors are sold: Provided further, That for any sum or sums collected in any manner from inmates of such state or territorial homes to be used for the support of said homes a like amount shall be deducted from the aid herein provided for, but this proviso shall not apply to any state or territorial home into which the wives or widows of soldiers are admitted and maintained."

The provision for the fiscal year ending June 30, 1912, is by Act March 4, 1911, c. 285, § 1, 36 Stat. 1412.

CHAPTER FOUR.

The Government Hospital for the Insane.

Sec. 4839.

[Amended. Act Feb. 2, 1909, c. 58.]

This section, set forth in Comp. St. 1901, p. 3354, is amended by Act Feb. 2, 1909, c. 58, set forth below.

ACT FEB. 2, 1909, c. 58. [H. R. 12899.]

An Act to Provide for a Disbursing Officer for the Government Hospital for the Insane. (35 Stat. 592.)

Amendment of Rev. St. § 4839.

Be it enacted, &c., That section forty-eight hundred and thirty-nine of the Revised Statutes be, and the same is hereby, amended so as to read as follows:

The superintendent; appointment and duties of disbursing agent; disbursement of pension money of inmates.

"Sec. 4839. The chief executive officer of the Government Hospital for the Insane shall be a superintendent, who shall be appointed by the Secretary of the Interior, shall be entitled to a salary of four thousand dollars a year, and shall give bond for the faithful performance of his duties in such sum and with such securities as may be required by the Secretary of the Interior. The superintendent shall be a well-educated physician, possessing competent experience in the care and treatment of the insane; he shall reside on the premises and devote his whole time to the welfare of the institution; he shall, subject to the approval of the board of visitors, appoint a responsible disbursing agent for the institution, who shall give a bond satisfactory to the Secretary of the Interior, and the said superintendent shall engage and discharge all needful and useful employees in the care of the insane and all laborers on the farm and determine their wages and duties; he shall also be an ex officio secretary of the board of visitors. The said disbursing agent, under the direction of the superintendent, shall have the custody of and pay out all moneys appropriated by Congress for the Government Hospital for the Insane, or otherwise received for the purposes of tne hospital, and all moneys received by the superintendent in behalf of the hospital or its patients, and keep an accurate account or accounts thereof. The said disbursing agent shall deposit in the Treasury of the United States, under the direction of the superintendent, all funds now in the hands of the superintendent or which may hereafter be intrusted to him by or for the use of patients, which shall be kept in a separate account; and the said disbursing agent is authorized to draw therefrom, under the direction of the said superintendent, from time to time, under such regulations as the Secretary of the Interior may prescribe, for the use of such patients, but not to exceed for any one patient the amount intrusted to the superintendent on account of such patient. During the time that any pensioner shall be an inmate of the Government Hospital for the Insane, all money due or becoming due upon his or her pension shall be paid by the pension agent to the superintendent or disbursing agent of the hospital, upon a certificate by such superintendent that the pensioner is an inmate of the hospital and is living, and such pension money shall be by said superintendent or disbursing agent disbursed and used, under regulations to be prescribed by the Secretary of the Interior, for the benefit of the pensioner, and, in case of a male pensioner, his wife, minor children, and dependent parents, or, if a female pensioner, her minor children, if any, in the order named, and to pay his or her board and maintenance in the hospital, the remainder of such pension money, if any, to be placed to the credit of the pensioner and to be paid to the pensioner or the guard-

ian of the pensioner in the event of his or her discharge from the hospital; or, in the event of the death of said pensioner while an inmate of said hospital, shall, if a female pensioner, be paid to her minor children, and, in the case of a male pensioner, be paid to his wife, if living; if no wife survives him, then to his minor children; and in case there is no wife nor minor children, then the said unexpended balance to his or her credit shall be applied to the general uses of said hospital: Provided, That in the case of any pensioner transferred to the hospital from the National Home for Disabled Volunteer Soldiers any pension money to his credit at said Home at the time of his said transfer shall be transferred with him to said hospital and placed to his credit therein, to be expended as hereinbefore provided, and in case of his return from said hospital to the Home any balance to his credit at said hospital shall in like manner be transferred to said Home, to be expended in accordance with the rules established in regard thereto, and this provision shall also be applicable to all unexpended pension money heretofore paid to the officers of said hospital on account of pensioners who were but are not now inmates thereof."

Act Feb. 2, 1909, c. 58, § 1, 35 Stat. 592.

Rev. St. § 4839, amended by this act, is set forth in Comp. St. 1901, p. 3354. The amendment, besides increasing the salary of the superintendent from $2,500 to $4,000 a year, adds the provisions for the appointment, etc., of a disbursing agent for the Hospital, his duties, etc., and for the disbursement, etc., of pensions of inmates.

The provisions of this section as so amended relating to pensions of inmates, beginning with the words "During the time that any pensioner," etc., to the end of the section as set forth here, re-enact in substance provisions contained in the amendment of Act Aug. 7, 1882, c. 433, § 1, by Act Feb. 20, 1905, c. 593, set forth post, under Rev. St. § 4858, with the addition, after the word "superintendent," of the words "or disbursing agent," as set forth here.

The salary of the superintendent is fixed at $5,000 per annum by a provision of Act March 4, 1911, c. 285, § 1, set forth below.

Repeal.

Sec. 2. That all provisions of law inconsistent with this Act are hereby repealed.

Act Feb. 2, 1909, c. 58, § 2, 35 Stat. 593.

ACT MARCH 4, 1911, c. 285, § 1. [H. R. 32909.]

Salary of superintendent.

The salary of the superintendent of the hospital is hereby fixed at five thousand dollars per annum.

Act March 4, 1911, c. 285, § 1, 36 Stat. 1422.

This is a provision of the sundry civil appropriation act for the fiscal year ending June 30, 1912, cited above.

Sec. 4843. [*As amended* 1900.]

Admission of insane persons of the Army, Navy, Marine Corps, etc.

Provisions subsequent to Rev. St. § 4843, Comp. St. 1901, p. 3356, prescribing what persons may be admitted to the hospital, are contained in Act June 16, 1880, c. 235, set forth below, and in other statutes referred to under that act.

The care, etc., of insane natives of the Philippine Islands serving in the Army at an asylum in the Islands is provided for by a provision of Act May 11, 1908, c. 163, set forth below.

ACT JUNE 16, 1880, c. 235.

Admissions limited.

Current expenses, Government Hospital for the Insane. * * That hereafter the admissions to the hospital shall be limited to such persons as are entitled to treatment therein under the provisions of title fifty-nine, chapter four, of the Revised Statutes of the United States, and under the act approved March third, eighteen hundred and seventy-five, chapter one hundred and fifty-six, second session, Forty-third Congress.

Act June 16, 1880, c. 235, 21 Stat. 275.

This is a proviso annexed to an appropriation for expenses of the hospital in the sundry civil appropriation act for the fiscal year ending June 30, 1881, cited above.

Rev. St. Title 59, c. 4, mentioned in this provision, including sections 4838–4858 of the Revised Statutes, is set forth in Comp. St. 1901, pp. 3354–3363.

Act March 3, 1875, c. 156, § 5, also mentioned in this provision, providing for admission to the hospital of insane patients of the Marine-Hospital Service, afterwards designated the Public Health and Marine-Hospital Service, is set forth in Comp. St. 1901, p. 3324.

Subsequent provisions for the admission to the hospital of insane inmates of the Soldiers' Home are contained in Act July 7, 1884, c. 332, set forth ante, under chapter 2 of this Title; and of insane inmates of the National Home for Disabled Volunteer Soldiers, in Act Aug. 7, 1882, c. 433, § 1, amended by Act Feb. 20, 1905, c. 593, set forth at the end of this chapter.

ACT MAY 11, 1908, c. 163. [H. R. 17288.]

Care of insane natives of Philippine Islands serving in Army, at asylum in Islands.

* * That hereafter the Secretary of War may, in his discretion, contract for the care, maintenance, and treatment of the insane natives of the Philippine Islands serving in the Army of the United States at any asylum in the Philippine Islands in all cases which he is now authorized by law to cause to be sent to the Government Hospital for the Insane in the District of Columbia.

Act May 11, 1908, c. 163, 35 Stat. 122.

This is a proviso annexed to an appropriation for the Medical and Hospital Department in the Army appropriation act for the fiscal year ending June 30, 1909, cited above.

A provision in the same language, except the word "hereafter," was contained in the similar act for the preceding year, Act March 2, 1907, c. 2511, 34 Stat. 1173.

Sec. 4844.

Admission of the indigent insane of the District of Columbia.

Proceedings for the admission to the hospital of the indigent insane resident in the District of Columbia, mentioned in Rev. St. § 4844, set forth in Comp. St. 1901, p. 3357, were prescribed by sections of the Revised Statutes following said section 4844. These provisions were superseded by those of Act Jan. 31, 1899, c. 78, set forth in Comp. St. 1901, pp. 3359, 3360, which changed the proceedings for admission to the hospital, but they became operative again by the repeal of said Act Jan. 31, 1899, c. 78, §§ 1–6, 8, by a provision of Act March 3, 1903, c. 1006, § 1, set forth post, under Rev. St. § 4850. But all previous provisions relating to such proceedings may be regarded as superseded by Act Feb. 23, 1905, c. 738, § 1, also set forth post, under Rev. St. § 4850.

Provisions for the apprehension and detention of insane persons in the District of Columbia, and for their temporary commitment to the Gov-

ernment Hospital for the Insane, are contained in Act April 27, 1904, c. 1618, set forth post, under Rev. St. § 4850.

Provisions relating to payment of the expenses of indigent persons admitted to the hospital from the District of Columbia are contained in a paragraph of Act July 31, 1876, c. 246, set forth post, under Rev. St. § 4858, and other acts referred to under that paragraph.

Secs. 4845-4848.

[Superseded. Act Feb. 23, 1905, c. 738, § 1.]

These sections of the Revised Statutes prescribed the proceedings for the admission to the hospital of indigent insane persons residing in the District of Columbia, as authorized by Rev. St. § 4844, Comp. St. 1901, p. 3357. They were superseded by Act Jan. 31, 1899, c. 78, Comp. St. 1901, pp. 3359, 3360, which changed the proceedings for admission of such persons, but they became operative again on the repeal of said Act Jan. 31, 1899, c. 78, §§ 1–6, 8, by a provision of Act March 3, 1903, c. 1006, § 1, set forth post, under Rev. St. § 4850. They are again superseded by provisions that such proceedings shall be according to the provisions of the Code for the District of Columbia relating to lunacy proceedings, contained in Act Feb. 23, 1905, c. 738, § 1, also set forth post, under Rev. St. § 4850.

Sec. 4849.

Admission of insane persons having property.

Provisions subsequent to those of Rev. St. § 4849, set forth in Comp. St. 1901, p. 3358, relating to insane persons in the hospital who have property, for the appointment of a committee or trustee of the person and estate of a person adjudged of unsound mind having property, and for the reimbursement of the District of Columbia for costs and expenses incurred, are contained in Act Feb. 23, 1905, c. 738, § 1, set forth post, under Rev. St. § 4850.

Sec. 4850.

Admission of nonresidents of District.

Subsequent provisions that indigent insane persons not residing in the District of Columbia, admitted to the hospital as provided by Rev. St. § 4850, set forth in Comp. St. 1901, p. 3358, may be returned to their places of residence or to their friends, contained in Act Jan. 31, 1899, c. 78, § 7, and not repealed by the provision of Act March 3, 1903, c. 1006, § 1, set forth below, which repealed the other sections of that act, are set forth below.

ACT JAN. 31, 1899, c. 78.

Secs. 1–6. [Repealed. Act March 3, 1903, c. 1006, § 1.]

Sections 1–6 and 8 of Act Jan. 31, 1899, c. 78, set forth in Comp. St. 1901, pp. 3359, 3360, prescribing the proceedings for the admission of insane persons to the hospital, being the whole of said act except section 7 thereof, are repealed by a provision of Act March 3, 1903, c. 1006, § 1, set forth below. And by a provision of said act last mentioned, preceding said repealing clause, thereafter proceedings by the Commissioners of the District of Columbia to commit indigent insane persons, and insane persons having violent or dangerous tendencies, to the hospital, were to be taken in the equity court of the District, and to be in conformity with the law in force in the District on Jan. 30, 1899. But this provision is superseded by Act Feb. 23, 1905, c. 738, § 1, set forth below.

Return of indigent non-resident insane persons to places of residence or to friends.

Sec. 7. That it shall be the duty of the Commissioners of the District of Columbia, so soon as practicable, to return to their places of

residence or to their friends all indigent insane persons not residing in the District at the time they became insane who are now detained in the Government Hospital for the Insane, or who shall be committed to the said hospital to be temporarily cared for, as provided in section forty-eight hundred and fifty of the Revised Statutes of the United States, and all necessary expenses incurred by the Commissioners in ascertaining the locality where such persons or their friends belong and in returning them to such locality shall be defrayed by the District of Columbia.

Act Jan. 31, 1899, c. 78, § 7, 30 Stat. 811.

This section is not repealed by Act March 3, 1903, c. 1006, § 1, set forth below.

Rev. St. § 4850, mentioned in this section, providing for admission to the hospital of non-residents with a view to their return to their friends or to their places of residence, is set forth in Comp. St. 1901, p. 3358.

Appropriations for deportation from the District of nonresident insane persons, in accordance with this act, are made in the District of Columbia appropriation acts. The provision for the fiscal year ending June 30, 1910, is by Act March 3, 1909, c. 250, 35 Stat. 723.

Sec. 8. [Repealed. Act March 3, 1903, c. 1006.]

This section, repealing provisions inconsistent with the act, is itself repealed, with sections 1–6, by the provision of Act March 3, 1903, c. 1006, § 1, set forth below.

ACT MARCH 3, 1903, c. 1006, § 1.

Repeal of Act Jan. 31, 1899, c. 78, §§ 1-6, 8; proceedings for admission of insane persons.

That sections one, two, three, four, five, six, and eight of the Act of Congress approved January thirty-first, eighteen hundred and ninety-nine, entitled "An Act to change the proceedings for admission to the Government Hospital for the Insane in certain cases, and for other purposes," and all other Acts or parts of Acts inconsistent herewith, be, and the same are hereby, repealed.

Act March 3, 1903, c. 1006, § 1, 32 Stat. 1043.

This is a provision of the deficiency appropriation act for the fiscal year ending June 30, 1903, cited above.

Act Jan. 31, 1899, c. 78, §§ 1–6, 8, repealed by this provision, are set forth in Comp. St. 1901, pp. 3359, 3360.

In connection with such repeal, another paragraph of the same act, immediately preceding the paragraph set forth here, provided that thereafter proceedings by the Commissioners of the District of Columbia to commit indigent insane persons, and insane persons having violent or dangerous tendencies, to the hospital, should be taken in the equity court of the District, and should be in conformity with the law in force in the District on Jan. 30, 1899. But this is superseded by Act Feb. 23, 1905, c. 738, set forth below.

Provisions for the apprehension and detention of insane persons in the District of Columbia, and for their temporary commitment to the Government Hospital for the Insane, are contained in Act April 27, 1904, c. 1618, set forth below.

ACT APRIL 27, 1904, c. 1618. [H. R. 8692.]

An Act to Authorize the Apprehension and Detention of Insane Persons in the District of Columbia, and Providing for Their Temporary Commitment in the Government Hospital for the Insane, and for Other Purposes. (33 Stat. 316.)

Apprehension and detention of insane persons found on any street or other public highway or in any public building or other public place in District of Columbia.

Be it enacted, &c., That any member of the Metropolitan police of the District of Columbia or any other officer in said District authorized to make arrests is hereby authorized and empowered to apprehend and detain, without warrant, any insane person or person of unsound mind found on any street, avenue, alley, or other public highway, or found in any public building or other public place within the District of Columbia; and it shall be the duty of the policeman or officer so apprehending or detaining any such person to immediately file his affidavit with the major and superintendent of said Metropolitan police that he believes said person to be insane or of unsound mind, incapable of taking care of himself or herself or his or her property, and if permitted to remain at large or to go unrestrained in the District of Columbia the rights of persons and of property will be jeopardized or the preservation of public peace imperiled and the commission of crime rendered probable: Provided, however. That it shall be the duty of the major and superintendent of the said Metropolitan police to forthwith notify the husband or wife or some near relative or friend of the person so apprehended and detained whose address may be known to the said major and superintendent or whose address can by reasonable inquiry be ascertained by him.

Act April 27, 1904, c. 1618, § 1, 33 Stat. 316.

Apprehension and detention of insane persons found elsewhere in District of Columbia than in places mentioned in section 1.

Sec. 2. That the major and superintendent of said Metropolitan police is hereby authorized to order the apprehension and detention, without warrant, of any indigent person alleged to be insane or of unsound mind or any alleged insane person of homicidal or otherwise dangerous tendencies found elsewhere in the District of Columbia than in the places mentioned in section one hereof whenever two or more responsible residents of the District of Columbia shall make and file affidavits with said major and superintendent of the Metropolitan police setting forth that they believe the person therein named to be insane or of unsound mind, the length of time they have known such person, that they believe such person to be incapable of managing his or her own affairs, and that such person is not fit to be at large or to go unrestrained, and if such person is permitted to remain at liberty in the District of Columbia the rights of persons and of property will be jeopardized or the preservation of public peace imperiled and the commission of crime rendered probable, and that such person is a fit subject for treatment on account of his or her mental condition: Provided, however, That before the major and superintendent of the said Metropolitan police shall order the apprehension and detention of any person upon the affidavits of the aforesaid residents or in case of arrest as provided in section one, he shall, in addition thereto, require the certificate of at least two physicians who shall certify that they have examined the person alleged to be insane or of unsound mind, and that such person should not be allowed to remain at liberty and go unrestrained, and that such person is a fit subject for treatment on account of his or her mental condition.

Act April 27, 1904, c. 1618, § 2, 33 Stat. 317.

Temporary detention of alleged insane persons in Government Hospital for Insane.

Sec. 3. That the Commissioners of the District of Columbia are hereby authorized to place in the Government Hospital for the Insane in said District, and the superintendent of said hospital is hereby authorized to receive, upon the written request of the said Commissioners, for a period of time not exceeding thirty days, indigent persons alleged to be insane or of unsound mind, residents of or found within the District of Columbia, and alleged insane persons of homicidal or otherwise dangerous tendencies, residents of or found within the said District, so apprehended and detained as provided in sections one and two of this Act, pending the formal commitment of such persons to said hospital as provided by law, or their transportation to their homes when their places of residence are ascertained by the proper officials charged by law with that duty.

Act April 27, 1904, c. 1618, § 3, 33 Stat. 317.

Temporary commitment of persons apprehended as insane to other hospital, or detention in police station, etc.; discharge of person certified to be not insane.

Sec. 4. That the Commissioners of the District of Columbia may authorize the temporary commitment of any of the above-mentioned insane persons or persons of unsound mind so apprehended and detained as provided in sections one and two of this Act (for a period of time not exceeding thirty days) in any other hospital in said District which, in the judgment of the health officer of said District, is properly constructed and equipped for the reception and care of such persons, and the official in charge of which, for the time being, is willing to receive such persons pending the temporary commitment or the formal commitment of such persons, as provided by law, to the Government Hospital for the Insane or to any other hospital or insane asylum; or any such alleged insane person or person of unsound mind apprehended under sections one and two of this Act may be detained in any police station or house of detention in said District pending the completion of arrangements for his or her temporary detention in the Government Hospital for the Insane or any other hospital or insane asylum; and such persons may be detained in any police station or house of detention in said District until formally committed to the Government Hospital for the Insane or any other hospital or asylum, in the manner provided by law, in case he or she can not be provided for by the said Government Hospital for the Insane and no arrangement can be made for his or her temporary detention in any other hospital or asylum: Provided, however, That if, pending the formal commitment of such alleged insane person or person of unsound mind to the Government Hospital for the Insane or to any other hospital or asylum, the superintendent of said Government Hospital for the Insane, in the case of the commitment of a person to said hospital under the provisions of this Act, or if two or more physicians in regular attendance at any other hospital or asylum where any person is committed under the provisions of this Act, or if two or more surgeons of the police and fire departments, in the case of any person detained at any police station house or house of detention under the provisions of this Act, shall certify in writing to the Commissioners of the District of Columbia that such person is not insane or that he or she has recovered his or her

reason, the official in charge of the Government Hospital for the Insane or the hospital or asylum in which such person is confined, or the major and superintendent of said Metropolitan police, if such person be confined in a police station house or in a house of detention, shall discharge such alleged insane person or person of unsound mind forthwith and immediately report such action to the Commissioners of the District of Columbia.

Act April 27, 1904, c. 1618, § 4, 33 Stat. 317.

Certificate by physician as to sanity or insanity; qualifications of physician.

Sec. 5. That for the purposes of this Act no certificate as to the sanity or the insanity of any person shall be valid which has been issued (a) by a physician who has not been regularly licensed to practice medicine in the District of Columbia, unless he be a commissioned surgeon of the United States Army, Navy, or Public Health and Marine-Hospital Service; or (b) by a physician who is not a permanent resident of the District of Columbia; or (c) by a physician who has not been actively engaged in the practice of his profession for at least three years; or (d) by a physician who is related by blood or by marriage to the person whose mental condition is in question. Nor shall any certificate alleging the insanity of any person be valid which has been issued by a physician who is financially interested in the hospital or asylum in which the alleged insane person is to be confined, or who is professionally or officially connected therewith.

Act April 27, 1904, c. 1618, § 5, 33 Stat. 318.

Making affidavit for apprehension, etc., of any person as insane, etc., without probable cause, or making false certificate as to sanity or insanity, punishable; penalty.

Sec. 6. That any person who makes an affidavit, as required by section one or two of this Act, by which he or she secures or attempts to secure the apprehension, detention, or restraint of any other person in the District of Columbia without probable cause for believing such person to be insane or of unsound mind, or any physician who knowingly makes any false certificate as to the sanity or insanity of any other person shall, upon conviction thereof, be fined not more than five hundred dollars or imprisoned not more than three years, or both.

Act April 27, 1904, c. 1618, § 6, 33 Stat. 318.

Repeal.

Sec. 7. That all Acts and parts of Acts inconsistent with the provisions of this Act be, and the same are hereby, repealed.

Act April 27, 1904, c. 1618, § 7, 33 Stat. 318.

ACT FEB. 23, 1905, c. 738. [S. 6244.]

An Act to Change the Lunacy Proceedings in the District of Columbia where the Commissioners of said District are the Petitioners, and for Other Purposes. (33 Stat. 740.)

Proceedings in lunacy on petition of Commissioners of District of Columbia; jurors; appointment of committee or trustee of person adjudged insane having property, and reimbursement of costs and expenses incurred.

Be it enacted, &c., That hereafter the proceedings instituted upon petition of the Commissioners of the District of Columbia to determine the mental condition of alleged indigent insane persons and

persons alleged to be insane, with homicidal or otherwise dangerous tendencies, shall be according to the provisions of the code of law for the District of Columbia relating to lunacy proceedings: Provided, That the jury to be used in case the said Commissioners are the petitioners shall be impaneled by the United States marshal for said District, upon order of the court, from the jurors in attendance upon the criminal courts of said District, who shall perform such services in addition to and as part of their duties in said criminal courts: Provided further, That during such time as jurors are not in attendance upon said criminal courts the court may direct the said marshal to impanel the jurors in attendance upon the police court of said District, who shall perform such duties in addition to and as part of their duties in said police court; or the said court may direct a special jury to be summoned for such inquisitions. In case any such person adjudged to be of unsound mind has property, real or personal, the equity court of said District shall have full power in the same cause to appoint a committee or trustee of the person and estate of such person, proceeding to the provisions of said code, and such committee or trustee shall reimburse, out of the funds of the lunatic, the District of Columbia for all court costs expended or incurred by it and for all moneys by it expended or costs incurred in caring for and treating such insane person up to the time of such appointment.

Act Feb. 23, 1905, c. 738, § 1, 33 Stat. 740.

Previous to this act, proceedings to commit to the hospital insane persons such as are described therein were directed to be taken in the equity court of the District of Columbia, and to be in conformity with the law in force in the District on Jan. 30, 1899, by a provision of Act March 3, 1903, c. 1006, § 1, 32 Stat. 1043; a further provision of which act, repealing Act Jan. 31, 1899, c. 78, §§ 1–6, 8, Comp. St. 1901, pp. 3359, 3360, which had changed such proceedings, is set forth above.

The law in force in the District of Columbia on Jan. 30, 1899, relating to such proceedings, was contained in Rev. St. §§ 4845–4848, and subsequent provisions enacted before that date, which were superseded by said Act Jan. 31, 1899, c. 78, Comp. St. 1901, pp. 3359, 3360, until the repeal of sections 1–6, 8, thereof, by Act March 3, 1903, c. 1006, § 1, as stated above.

The provisions of the Code for the District of Columbia relating to lunacy proceedings, referred to in this section, are contained in Act March 3, 1901, c. 854, §§ 167–171, 31 Stat. 1217, amended, before the passage of this act, by Act June 30, 1902, c. 1329, 31 Stat. 520, 524, 527, by striking out said sections 167–171, and inserting new sections 115a–115e. Under said Code as originally enacted, such proceedings were in the probate court; by the amended provisions, they are in the equity court, as was provided also in regard to proceedings for commitment to the Government Hospital for the Insane, by Act March 3, 1903, c. 1006, § 1, 32 Stat. 1043.

Previous provisions similar to those of the provisos of this section, relating to impaneling juries in such proceedings from the jurors in attendance upon the criminal courts or the police court of the District, were contained in Act July 7, 1898, c. 571, 30 Stat. 666. They may be regarded as superseded by this act.

Previous provisions relating to insane persons having property, admitted to the Government Hospital for the Insane, are contained in Rev. St. § 4849, set forth in Comp. St. 1901, p. 3358.

Discharge of person adjudged of unsound mind, as cured; sworn statement and order of court thereon restoring such person to former legal status.

Sec. 2. That in case any person adjudged to be of unsound mind in the District of Columbia who is committed to the Government

Hospital for the Insane, or any other institution, recovers his or her reason, and who is discharged from such institutions as cured, the superintendent of said Government Hospital for the Insane, or the official in charge of any such other institution where such person has been under treatment and has been so discharged, shall immediately thereafter file with the clerk of the supreme court of the District of Columbia his sworn statement that such person, in his opinion, was at the time of his discharge of sound mind, and such statement shall be sufficient to authorize the court to pass an order declaring such person to be restored to his or her former legal status as a person of sound mind.

Act Feb. 23, 1905, c. 738, § 2, 33 Stat. 740.

Sec. 4854.

Admission of pay patients.

Proceedings for the admission of independent or pay patients, as well as of indigent insane persons, were prescribed by Act Jan. 31, 1899, c. 78, set forth in Comp. St. 1901, pp. 3359, 3360, but sections 1–6 of that act, relating to such proceedings, are repealed by a provision of Act March 3, 1903, c. 1006, § 1, set forth ante, under Rev. St. § 4850.

Sec. 4858.

ACT JULY 31, 1876, c. 246.

Expense of indigent insane admitted from District of Columbia.

Government Hospital for the Insane.—For the support, clothing and medical and moral treatment * * of the indigent insane of the District of Columbia in the Government Hospital for the insane * *; and one half of the expense of the indigent persons who may be hereafter admitted from the District of Columbia shall be paid from the treasury of said District. * *

Act July 31, 1876, c. 246, 19 Stat. 108.

This is a provision of the sundry civil appropriation act for the fiscal year ending June 30, 1877, cited above. It is repeated in the similar act for the fiscal year next following, Act March 2, 1877, c. 105, 19 Stat. 347, with a proviso annexed that thereafter such indigent persons should be admitted only upon order of the executive authority of the District; but this proviso may be regarded as superseded by the subsequent provisions relating to such admission.

A further provision for charging one-half of the expense of the indigent patients from the District of Columbia against the appropriations to be paid toward the expenses of the District by the general government, contained in Act March 3, 1879, c. 182, § 1, is set forth in Comp. St. 1901, p. 3363.

ACT AUG. 7, 1882, c. 433, § 1.

Sale of surplus products and waste material; insane inmates of National Home entitled to admission to hospital.

The proviso annexed to the paragraph of Act Aug. 7, 1882, c. 433, § 1, set forth in Comp. St. 1901, p. 3364, is stricken out, and a different proviso inserted, by Act Feb. 20, 1905, c. 593, set forth below.

ACT FEB. 20, 1905, c. 593. [H. R. 12152.]

An Act Relating to the Payment and Disposition of Pension Money Due to Inmates of the Government Hospital for the Insane. (33 Stat. 731.)

Amendment of Act Aug. 7, 1882, c. 433, § 1; disposition of pension money of inmates.

Be it enacted, &c., That the proviso in the Act approved August seventh, eighteen hundred and eighty-two, appearing on page three hundred and thirty of the Twenty-second Statutes at Large, and relating to pensions of inmates of the Government Hospital for the Insane, is hereby stricken out and the following inserted:

"Provided, That in addition to the persons now entitled to admission to said hospital, any inmate of the National Home for Disabled Volunteer Soldiers who is now or may hereafter become insane shall, upon an order of the president of the Board of Managers of the said National Home, be admitted to said hospital and treated therein. During the time that any pensioner shall be an inmate of the Government Hospital for the Insane all money due or becoming due upon his or her pension shall be paid by the pension agent to the superintendent of the hospital, upon a certificate by such superintendent that the pensioner is an inmate of the hospital and is living, and such pension money shall be by said superintendent disbursed and used, under regulations to be prescribed by the Secretary of the Interior, for the benefit of the pensioner, and, in the case of a male pensioner, his wife, minor children, and dependent parents, or, if a female pensioner, her minor children, if any, in the order named, and to pay his or her board and maintenance in the hospital; the remainder of such pension money, if any, to be placed to the credit of the pensioner and to be paid to the pensioner or the guardian of the pensioner in the event of his or her discharge from the hospital; or, in the event of the death of said pensioner while an inmate of said hospital, shall, if a female pensioner, be paid to her minor children, and, in the case of a male pensioner, be paid to his wife, if living; if no wife survives him, then to his minor children; and in case there is no wife nor minor children, then the said unexpended balance to his or her credit shall be applied to the general uses of said hospital: Provided further, That in the case of pensioners transferred to the hospital from the National Home for Disabled Volunteer Soldiers, any pension money to his credit at said Home at the time of his said transfer shall be transferred with him to said hospital and placed to his credit therein, to be expended as hereinbefore provided; and in case of his return from said hospital to the Home, any balance to his credit at said hospital shall, in like manner, be transferred to said Home, to be expended in accordance with the rules established in regard thereto. This provision shall also be applicable to all unexpended pension money heretofore paid to the officers of the said hospital on account of pensioners who were but are not now inmates thereof."

Act Feb. 20, 1905, c. 593, 33 Stat. 731.

The proviso in Act Aug. 7, 1882, c. 433, § 1, stricken out by this act, is contained in the paragraph of said act set forth in Comp. St. 1901, p. 3364.

The latter part of said proviso as amended by this act, relating to pensions of inmates, beginning with the words "During the time that any pensioner," etc., to the end of the proviso as set forth here, is re-enacted in substantially the same language, with the addition, after the word "superintendent" in two places, of the words "or disbursing agent," by the amendment of Rev. St. § 4839 by Act Feb. 2, 1909, c. 58, set forth ante, under Rev. St. § 4839.

Further provisions for the disposition of moneys belonging to de-

ceased inmates deposited in the Treasury by the superintendent as agent, prior to and after the date of this act, are contained in a paragraph of Act June 30, 1906, c. 3914, § 1, set forth below.

ACT JUNE 30, 1906, c. 3914, § 1. [H. R. 19844.]

Disposition of moneys belonging to deceased inmates; claims thereto.

All moneys belonging to deceased inmates of the Government Hospital for the Insane and deposited in the Treasury by the superintendent as agent prior to February twentieth, nineteen hundred and five, shall, if unclaimed by the legal heirs of such inmate within the period of five years from the date of the passage of this Act, be covered into the Treasury, and all moneys so deposited by the superintendent as agent after February twentieth, nineteen hundred and five, and belonging to inmates who have died since that time, or may hereafter die, shall likewise be covered into the Treasury unless claimed by his or her legal heirs within five years from the death of the inmate. And the superintendent of the Government Hospital for the Insane is hereby authorized and directed, under such regulations as may be prescribed by the Secretary of the Interior, to make diligent inquiry in every instance after the death of an inmate to ascertain the whereabouts of his or her legal heirs. Claims may be presented hereunder at any time, and when established by competent proof in any case more than five years after the death of an inmate shall be certified to Congress for consideration.

Act June 30, 1906, c. 3914, § 1, 34 Stat. 730.

These are provisions accompanying an appropriation for the Hospital in the sundry civil appropriation act for the fiscal year 1907, cited above.

ACT FEB. 1, 1907, c. 441. [S. 4267.]

An Act to Prohibit the Sale of Intoxicating Liquors near the Government Hospital for the Insane and the Home for the Aged and Infirm. (34 Stat. 870.)

Sale of intoxicating liquor near Hospital for Insane, etc., unlawful.

Be it enacted, &c., That it shall be unlawful to sell, either by wholesale or retail, intoxicating liquor of any kind at any point between the Government Hospital for the Insane and the Home for the Aged and Infirm, or within a radius of one-half mile of the boundaries of either of the said properties.

Act Feb. 1, 1907, c. 441, 34 Stat. 870.

CHAPTER FIVE.

The Columbia Institution for the Deaf.

Sec. 4859.

Establishment of the Columbia Institution for the Deaf and Dumb.

The institution is to be designated as the Columbia Institution for the Deaf, by a provision of Act March 4, 1911, c. 285, § 1, set forth below.

ACT MARCH 4, 1911, c. 285, § 1. [H. R. 32909.]

Institution to be known and designated as Columbia Institution for the Deaf.

From and after the passage of this Act the Columbia Institution for the Deaf and Dumb shall be known and designated as the Columbia Institution for the Deaf.

Act March 4, 1911, c. 285, § 1, 36 Stat. 1422.

This is a provision of the sundry civil appropriation act for the fiscal year ending June 30, 1912, cited above.

Sec. 4864.

ACT MARCH 1, 1901, c. 670, § 1.

Admission of deaf mutes from District of Columbia.

The appropriation made by the provision of this act, set forth in Comp. St. 1901, p. 3368, is repeated in the subsequent District of Columbia appropriation acts. The provision for the fiscal year ending June 30, 1912, is by Act March 2, 1911, c. 192, § 1, 36 Stat. 989.

The appropriation for the fiscal year ending June 30, 1906, with a provision for the education of colored deaf-mute children belonging to the District in some other school, contained in Act March 3, 1905, c. 1406, § 1, is set forth below.

ACT MARCH 3, 1905, c. 1406, § 1.

Education of colored deaf-mute children of District of Columbia.

For expenses attending the instruction of deaf and dumb persons admitted to the Columbia Institution for the Deaf and Dumb from the District of Columbia, under section forty-eight hundred and sixty-four of the Revised Statutes, and as provided for in the Act approved March first, nineteen hundred and one, and this provision shall apply to appropriations made for the same object for the fiscal years nineteen hundred and four and nineteen hundred and five, ten thousand five hundred dollars, or so much thereof as may be necessary. And the directors of said institution are hereby authorized to provide for the education of colored deaf-mute children properly belonging to the District of Columbia, in the Maryland School for Colored Deaf-Mutes, or some other suitable school, at a cost not exceeding the per capita expense of educating the State pupils in such school.

Act March 3, 1905, c. 1406, § 1, 33 Stat. 901.

These are provisions of the District of Columbia appropriation act for the fiscal year ending June 30, 1906, cited above.

Appropriations for the purpose authorized by this act are made in the subsequent similar acts. The provision for the fiscal year ending June 30, 1912, is by Act March 2, 1911, c. 192, § 1, 36 Stat. 989.

Sec. 4869.

Education of indigent blind persons.

The permanent indefinite appropriation for the instruction of indigent blind children of the District of Columbia, mentioned in the note under this section in Comp. St. 1901, p. 3371, is repealed, and an appropriation for such purpose for the fiscal year 1909 is made, by a provision of Act May 26, 1908, c. 198, § 1, set forth below.

ACT MAY 26, 1908, c. 198, § 1. [H. R. 20063.]

Instruction of indigent blind children of District of Columbia; repeal of permanent indefinite appropriation.

For the instruction of indigent blind children of the District of Columbia, in Maryland or some other State, under a contract to be entered into by the Commissioners of the District of Columbia, six thou-

sand dollars, or so much thereof as may be necessary, and the indefinite permanent annual appropriation provided for this purpose is hereby repealed, to take effect on and after July first, nineteen hundred and eight.

Act May 26, 1908, c. 198, § 1, 35 Stat. 295.

This is a provision of the District of Columbia appropriation act for the fiscal year ending June 30, 1909, cited above.

The indefinite permanent appropriation repealed by this provision is part of Rev. St. § 3689, set forth in Comp. St. 1901, p. 2469.

The appropriation by this act is repeated in the similar act for the subsequent fiscal years. The provision for the fiscal year ending June 30, 1912, is by Act March 2, 1911, c. 192, § 1, 36 Stat. 989.

[CHAPTER FIVE A.]

[American Printing House for the Blind.]

ACT MARCH 3, 1879, c. 186, § 2.

Investment of fund.

On the maturity and redemption of the bonds in which the sum of $250,000 appropriated by this act, set forth in Comp. St. 1901, pp. 3372-3374, was invested, as provided by section 2 of the act, that sum is set apart as a perpetual trust fund, and the sum of $10,000, equivalent to 4 per cent. on the principal, is appropriated, as a permanent annual appropriation for the purposes of said act, by Act June 25, 1906, c. 3536, set forth below.

ACT JUNE 25, 1906, c. 3536. [H. R. 16290.]

An Act to Modify the Requirements of the Act Entitled "An Act to Promote the Education of the Blind," Approved March Third, Eighteen hundred and seventy-nine. (34 Stat. 460.)

Fund to promote education of the blind set apart as a perpetual trust fund; permanent annual appropriation equivalent to four per cent. thereon.

Be it enacted, &c., That the sum of two hundred and fifty thousand dollars heretofore invested in United States registered four per centum bonds,, funded loan of nineteen hundred and seven, inscribed "Secretary of the Treasury, trustee—interest to the Treasurer of the United States for credit of appropriation 'To promote the education of the blind,'" shall upon the maturity and redemption of said bonds on the first day of July, nineteen hundred and seven, in lieu of reinvestment in other Government bonds, be set apart and credited on the books of the Treasury Department as a perpetual trust fund; and the sum of ten thousand dollars, being equivalent to four per centum on the principal of said trust fund, be, and the same is hereby, appropriated, out of any moneys in the Treasury not otherwise appropriated, and such appropriation shall be deemed a permanent annual appropriation and shall be expended in the manner and for the purposes authorized by the Act approved March third, eighteen hundred and seventy-nine, entitled "An Act to promote the education of the blind," approved March third, eighteen hundred and seventy-nine.

Act June 25, 1906, c. 3536, 34 Stat. 460.

Act March 3, 1879, c. 186, mentioned in this act, is set forth in Comp. St. 1901, pp. 3372-3374.

CHAPTER SIX.

National Cemeteries.

Sec. 4870.

How lands for cemeteries may be acquired.

Provisions for the acceptance by the United States Government of the confederate cemetery at Springfield, Mo., and for the care, etc., thereof, by the keeper of the national cemetery which it adjoins, are contained in Act March 3, 1911, c. 211, 36 Stat. 1077.

Sec. 4875.

Salary of superintendents.

A superintendent of Antietam battlefield is provided for by Act June 28, 1902, c. 1301, § 1, set forth below.

ACT JUNE 28, 1902, c. 1301, § 1.

Superintendent of Antietam battlefield.

* * For pay of superintendent of Antietam battlefield, said superintendent to perform his duties under the direction of the Quartermaster's Department and to be selected and appointed by the Secretary of War, at his discretion, the person selected and appointed to this position to be an honorably discharged Union soldier, one thousand five hundred dollars.

Act June 28, 1902, c. 1301, § 1, 32 Stat. 464.

This is a provision of the sundry civil appropriation act for the fiscal year ending June 30, 1903, cited above. It is repeated in the similar appropriation acts for the subsequent fiscal years. The provision for the fiscal year ending June 30, 1912, is by Act March 4, 1911, c. 285, § 1, 36 Stat. 1400.

Sec. 4876.

ACT JULY 24, 1876, c. 226, § 1.

Care and maintenance of cemeteries.

Appropriations for maintaining and improving national cemeteries, etc., are made in the annual sundry civil appropriation acts. The provision for the fiscal year ending June 30, 1912, is by Act March 4, 1911, c. 285, § 1, 36 Stat. 1399, 1400.

The use of any part of such appropriations in the maintenance of more than a single approach to any national cemetery is forbidden by a provision of Act June 25, 1910, c. 384, § 1, set forth below.

ACT JUNE 25, 1910, c. 384, § 1. [H. R. 25552.]

Appropriations for cemeteries not to be expended for maintenance of more than a single approach.

No part of any appropriation for national cemeteries or the repair of roadways thereto shall be expended in the maintenance of more than a single approach to any national cemetery.

Act June 25, 1910, c. 384, § 1, 36 Stat. 723.

This is a provision of the sundry civil appropriation act for the fiscal year ending June 30, 1911, cited above. It is repeated in the similar act for the fiscal year ending June 30, 1912, Act March 4, 1911, c. 285, § 1, 36 Stat. 1400.

Sec. 4882.

ACT MARCH 2, 1895, c. 189.

Encroachments by railroads on rights of way to national cemeteries.

The provision of the paragraph of Act March 2, 1895, c. 189, set forth in Comp. St. 1901, p. 3379, is repeated in the sundry civil appropriation acts for the subsequent fiscal years. The recent acts contain a further proviso, that no part of the sum appropriated shall be used for repairing any roadway within the corporate limits of any city, town, or village. The provision for the fiscal year ending June 30, 1912 is by Act March 4, 1911, c. 285, § 1, 36 Stat. 1399.

[TITLE LIX A.]

[REFORMATORY INSTITUTIONS.]

[CHAPTER A.]

[National Training School for Boys.]

ACT MAY 3, 1876, c. 90. [*As amended* 1900.]

An Act Revising and Amending the Various Acts Establishing and Relating to the Reform-School in the District of Columbia. (19 Stat. 49.)

Board of trustees; appointment; president.

Be it enacted, &c., That the institution known as the Reform-School of the District of Columbia shall be in the charge of, and governed and managed by, a board of seven trustees, who shall be appointed by the President of the United States, upon the recommendation of the Attorney-General, each for the term of three years, but in such a manner that the terms of not more than three of them shall expire within any one or the same year; that one of the trustees shall be elected president of the board, whose duty shall be prescribed by the board.

Act May 3, 1876, c. 90, § 1, 19 Stat. 49.

One of the Commissioners of the District of Columbia is to be a trustee, of the school, by a provision of Act June 4, 1880, c. 121, set forth below.

The school is to be designated as the National Training School for Boys, by a provision of Act May 27, 1908, c. 200, § 1, set forth below.

Board of trustees a corporation; corporate powers.

Sec. 2. That the board of trustees shall be a corporation by the name of the "Board of Trustees of the Reform-School of the District of Columbia," for the purpose of taking and holding, in trust for the United States property of every description which has been purchased, appropriated, or set apart for the use of the institution, or which may hereafter be purchased, appropriated, or set apart for its use, or given or bequeathed to it, or to the said board, for its use, with all power necessary to carry this purpose into effect, and to protect and preserve such property, including the land and buildings, fences, stock, fruit, crops, and trees of all kinds.

Act May 3, 1876, c. 90, § 2, 19 Stat. 49.

See notes under preceding section of this act.

Superintendent and other employés.

Sec. 3. That the board of trustees may appoint a superintendent, two or more teachers or assistants, and a matron whose salaries are fixed by law; they may also employ two or more master-mechanics, a farmer, a gardner, and such other persons, as servants and laborers,

as may be necessary, and fix their compensation, subject to the approval of the Attorney General.

Act May 3, 1876, c. 90, § 3, 36 Stat. 49.

Treasurer; bond; duties.

Sec. 4. That the board of trustees shall appoint a treasurer, who shall, before entering upon the duties of his office, give a bond to the United States with two or more sureties, to be approved by the First Comptroller of the Treasury, in the sum of twenty thousand dollars, or a larger sum, at the option of the said Comptroller, conditioned that he shall faithfully account for all the money received by him as treasurer; and it shall be his duty to keep a clear and full record of his accounts as treasurer, and report an abstract of the same to the board of trustees once in every two months, and shall also make an annual report to the board of trustees.

Act May 3, 1876, c. 90, § 4, 36 Stat. 49.

Superintendent's bond.

Sec. 5. That before entering upon the duties of his office, the superintendent shall give a bond to the board of trustees, with sureties, to be approved by the Attorney General of the United States, in the sum of three thousand dollars, conditioned that he shall faithfully account for all money received by him, and faithfully perform all the duties incumbent on him as superintendent of said Reform-School.

Act May 3, 1876, c. 90, § 5, 19 Stat. 50.

Powers and duties of superintendent and subordinate officers.

Sec. 6. That the superintendent shall reside at the institution constantly and that he, with such subordinate officers as may be appointed in accordance with the third section of this act, shall have the charge and custody of the boys; shall govern them in accordance with such rules and regulations as the board of trustees may prescribe in its by-laws; shall employ them in agricultural, mechanical or other labor; shall give them instruction in reading, writing, arithmetic, geography, and such other studies and in such arts and trades as the trustees may direct; and shall employ such methods of discipline as will, as far as possible, reform their characters, preserve their health, promote regular improvement in their studies and employments, and secure in them fixed habits of religion, morality, and industry.

Act May 3, 1876, c. 90, § 6, 19 Stat. 50.

Duties of superintendent as to lands and other property of institution; books of account; register of boys.

Sec. 7. That the superintendent shall have charge of the lands, buildings, furniture, tools, implements, stock, provisions, and every other species of property pertaining to the institution, within the precincts thereof, under the board of trustees, including the farm in possession of the board where the school was first located; and he shall keep in suitable books, regular and complete accounts of all his receipts and expenditures, and of all the property intrusted to him, so as to show clearly the income and expenses of the institution; and he shall account, in such manner as the trustees may prescribe, for all the money received by him from the proceeds of the institution or otherwise; and he shall keep a register of the names and ages of all boys committed to the institution, with the dates of their admission

and discharge, and such particulars of their history before and after leaving the institution as he can obtain.

His books and all documents relating to the Reform-School shall at all times, be open to the inspection of the trustees, who shall, once or more in every month, carefully examine his accounts, and the vouchers and documents connected therewith, and make a record of the result of such examination; and, once in every three months, the institution shall be thoroughly examined in all its departments by three or more of the trustees, and a report of such examination shall be made to the board.

Act May 3, 1876, c. 90, § 7, 19 Stat. 50.

An annual report by the officers of the school to the Commissioners of the District of Columbia, embracing an inventory of all personal property, etc., is required by a provision of Act March 3, 1881, c. 134, § 1, set forth below.

The proceeds of farm and shops are to be covered into the Treasury, to be divided between the District of Columbia and the United States, by a provision of Act Aug. 6, 1890, c. 724, § 1, set forth below.

Boys who may be committed to school; commitment by court or judge, or by president of board of trustees.

Sec. 8. That whenever any boy under the age of seventeen years shall be brought before any court of the District of Columbia, or any Judge of such court, and shall be convicted of any crime or misdemeanor punishable by fine or imprisonment, other than imprisonment for life, such court or Judge, in lieu of sentencing him to imprisonment in the county jail, or fining him, may commit him to the Reform School, to remain until he shall arrive at the age of twenty-one years, unless sooner discharged by the board of trustees. And the judges of the criminal and police courts of the District of Columbia shall have power to commit to the Reform School, first, any boy under seventeen years of age who may be liable to punishment by imprisonment under any existing law of the District of Columbia, or any law that may be enacted and in force in said District; second, any boy under seventeen years of age, with the consent of his parent or guardian, against whom any charge of committing any crime or misdemeanor shall have been made, the punishment of which, on conviction, would be confinement in jail or prison; third, any boy under seventeen years of age who is destitute of a suitable home and adequate means of obtaining an honest living, or who is in danger of being brought up, or is brought up, to lead an idle or vicious life; fourth, any boy under seventeen years of age who is incorrigible, or habitually disregards the commands of his father or mother, or guardian, who leads a vagrant life, or resorts to immoral places or practices, or neglects or refuses to perform labor suitable to his years and condition, or to attend school. And the president of the board of trustees may also commit to the Reform School such boys as are mentioned in the foregoing third and fourth classes upon application or complaint in writing of a parent, or guardian, or relative having charge of such boy, and upon such testimony in regard to the facts stated as shall be satisfactory to him; and for taking testimony in such cases, he is hereby empowered to administer oaths.

Act May 3, 1876, c. 90, § 8, 19 Stat. 50; Act June 5, 1900, c. 715, 31 Stat. 266.

The amendment of this section by Act June 5, 1900, c. 715, cited above,

consists principally in the change of "sixteen" to "seventeen" in the several places where that word occurs in the amended section as set forth here.

Period of detention.

Sec. 9. That every boy sent to the Reform School shall remain until he is twenty-one years of age, unless sooner discharged or bound as an apprentice.

Act May 3, 1876, c. 90, § 9, 19 Stat. 51; Act June 5, 1900, c. 715, 31 Stat. 267.

No boys beyond number that can be properly accommodated to be sent to the school by courts.

Sec. 10. That whenever there shall be as large a number of boys in the school as can be properly accommodated, it shall be the duty of the president of the board of trustees to give notice to the criminal and police courts of the fact, whereupon no boys shall be sent to the schools by the said courts until notice shall be given them by the president of the board that more can be received.

Act May 3, 1876, c. 90, § 10, 19 Stat. 51.

Enticing boy from school or harboring, etc., escaped boy, a misdemeanor; punishment; arrest and return of escaped boys.

Sec. 11. That if any person shall entice, or attempt to entice, away from said school any boy legally committed to the same, or shall harbor, conceal, or aid in harboring or concealing any boy who shall have escaped from said school, such person shall, upon conviction thereof, be deemed guilty of a misdemeanor, and shall pay a fine of not less than ten nor more than one hundred dollars, which shall be paid to the treasurer of the board of trustees; and any policeman shall have power, and it is hereby made his duty, to arrest any boy, when in his power so to do, who shall have escaped from said school, and return him thereto.

Act May 3, 1876, c. 90, § 11, 19 Stat. 51.

Employment and instruction of boys; apprenticing; indentures.

Sec. 12. That the trustees shall have full power to place any boy committed as herein described, during his minority, at such employment and cause him to be instructed in such branches of useful knowledge, as may be suitable to his years and capacity, as they may see fit; and they may, with the consent of any such boy, bind him out as an apprentice during his minority, or for a shorter period, to learn such trade and employment as in their judgment will tend to his future benefit; and the president of the board shall, for such purpose, have power to execute and deliver, on behalf of the said board, indentures of apprenticeship for any such boy; and such indentures shall have the same force and effect as other indentures of apprenticeship under the laws of the District of Columbia, and be filed and kept among the records in the office of the Reform-School and it shall not be necessary to record or file them elsewhere.

Act May 3, 1876, c. 90, § 12, 19 Stat. 51.

Provisions for release on parole of boys committed to the school are contained in Act Feb. 26, 1909, c. 217, set forth below.

Support of boys sent to school by District of Columbia.

Sec. 13. That for the support of the boys sent to the Reform-School, as hereinbefore mentioned the District of Columbia shall pay to the

board of trustees two dollars for each boy per week; and it shall be the duty of the superintendent to make out and render to the proper officers monthly accounts at the close of each month for the support of the boys in said school, which shall be paid on demand; and, if not paid within ten days from the time the account is presented, shall draw interest at the rate of one per centum per month until paid.

Act May 3, 1876, c. 90, § 13, 19 Stat. 51; Act March 3, 1879, c. 182, 20 Stat. 404; Act March 3, 1879, c. 183, 20 Stat. 417.

Contracts and purchases for school; president of board its executive officer; annual reports.

Sec. 14. That all contracts and purchases made for or on account of the institution shall be made in the name of the board and by whomsoever the board may direct. The president of the board shall be its executive officer, and it shall be his duty to make an annual report to the Attorney General, to be accompanied by the annual report of the superintendent and treasurer.

Act May 3, 1876, c. 90, § 14, 19 Stat. 51.

By-laws, rules, and regulations.

Sec. 15. That the board of trustees may make such by-laws, rules, and regulations for their own and the government of the institution, its officers, employés, and inmates, as they may deem necessary and proper.

Act May 3, 1876, c. 90, § 15, 19 Stat. 52.

Consulting trustees.

Sec. 16. That two consulting trustees shall be appointed, namely, one Senator of the United States, by the presiding officer of the Senate, for the term of four years, and one member of the House of Representatives, by the Speaker thereof, for the term of two years.

Act May 3, 1876, c. 90, § 16, 19 Stat. 52.

Repeal.

Sec. 17. That all acts and parts of acts incompatible with this act are hereby repealed.

Act May 3, 1876, c. 90, § 17, 19 Stat. 52.

ACT JUNE 4, 1880, c. 121.

One of the Commissioners of the District of Columbia to be a trustee.

* * That one of the Commissioners of the District of Columbia, to be selected by the Board of Commissioners, shall be a trustee, with all the powers, privileges, and duties of other trustees of said Reform School. * *

Act June 4, 1880, c. 121, 21 Stat. 156.

This is a provision of the District of Columbia appropriation act for the fiscal year ending June 30, 1881, cited above.

ACT MARCH 3, 1881, c. 134, § 1.

Report by officers to Commissioners of District of Columbia.

* * And hereafter the officers of the Reform School shall at the end of each fiscal year make a report to the Commissioners of the District of Columbia, which shall embrace a full and complete inventory of all the personal property in detail, the number of employés, and number of days each is employed during the year and price paid each, and the amount of garden, field, and other products produced,

together with the disposition made of said personal property, products, and so forth.

Act March 3, 1881, c. 134, § 1, 21 Stat. 50.

This is a provision of the District of Columbia appropriation act for the fiscal year ending June 30, 1882, cited above.

ACT AUG. 6, 1890, c. 724, § 1.

Disposition of proceeds of farm and shops.

* * That hereafter the proceeds of farm and shops shall be covered back into the Treasury, to be divided equally between the District of Columbia and the United States.

Act Aug. 6, 1890, c. 724, § 1, 26 Stat. 307.

This is a proviso annexed to the appropriations for the Reform School in the District of Columbia appropriation act for the fiscal year ending June 30, 1891, cited above.

ACT MAY 27, 1908, c. 200, § 1. [H. R. 21260.]

Reform School of the District of Columbia designated the National Training School for Boys.

From and after the passage of this Act the Reform School of the District of Columbia shall be known and designated as the National Training School for Boys.

Act May 27, 1908, c. 200, § 1, 35 Stat. 380.

This is a provision following the appropriations under the heading, "Reform School, District of Columbia," in the sundry civil appropriation act for the fiscal year ending June 30, 1909, cited above.

An appropriation for the school for the fiscal year 1912, under a contract to be made with the authorities thereof, contained in Act March 2, 1911, c. 192, § 1, is set forth below.

ACT FEB. 26, 1909, c. 217. [H. R. 27425.]

An Act to Provide for the Parole of Juvenile Offenders Committed to the National Training School for Boys, Washington, District of Columbia, and for Other Purposes. (35 Stat. 657.)

Release on parole of male juvenile offenders committed to school.

Be it enacted, &c., That every male juvenile offender who is now or may hereafter be committed to the National Training School for Boys, and who has by his conduct given sufficient evidence that he has reformed, may be released on parole as hereinafter provided.

Act Feb. 26, 1909, c. 217, § 1, 35 Stat. 657.

Board of trustees authorized to parol boys.

Sec. 2. That if it shall appear to the satisfaction of the board of trustees of said school that there is reasonable probability that any boy detained in the said school will, if conditionally released, remain at liberty without violating the laws, then said board of trustees may in its discretion parole such boy under such conditions and regulations as the said board of trustees may deem proper: Provided, That the parole of all such juvenile offenders committed by courts other than those of the District of Columbia shall be subject to the approval of the Attorney-General of the United States.

Act Feb. 26, 1909, c. 217, § 2, 35 Stat. 657.

Repeal.

Sec. 3. That all Acts and parts of Acts inconsistent with this Act are hereby repealed.

Act Feb. 26, 1909, c. 217, § 3, 35 Stat. 657.

ACT MARCH 2, 1911, c. 192, § 1. [H. R. 31856.]

Care and maintenance of boys committed by courts of District of Columbia; contract with authorities of school.

For National Training School for Boys: For care and maintenance of boys committed to the National Training School for Boys by the courts of the District of Columbia under a contract to be made by the Board of Charities with the authorities of said National Training School for Boys, forty thousand dollars, or so much thereof as may be necessary.

Act March 2, 1911, c. 192, § 1, 36 Stat. 998.

This is a provision of the District of Columbia appropriation act for the fiscal year ending June 30, 1912, cited above.

[CHAPTER B.]

[Reform School for Girls.]

ACT JULY 9, 1888, c. 595. [*As amended* 1901.]

An Act to Incorporate the Reform School for Girls of the District of Columbia. (25 Stat. 245.)

Board of trustees; incorporation.

Be it enacted, &c., That Samuel S. Shellabarger, Augustus S. Worthington, Adoniram J. Huntington, William C. Dodge, Mills Dean, Owen G. Staples, James E. Fitch, Thomas P. Morgan, and Alexander Graham Bell, and their successors, be, and they are hereby, created a body corporate to be known as the Board of Trustees of the Girl's Reform School of the District of Columbia.

Act July 9, 1888, c. 595, § 1, 25 Stat. 245.

Corporate powers; property.

Sec. 2. That said corporation is hereby authorized and empowered to establish and maintain a reform school for girls at any place within the District of Columbia, subject to the approval of the Commissioners thereof, and for that purpose may take and receive by gift, grant, or devise, such real estate and personal property as may be necessary for the purposes of said corporation: Provided, That at the dissolution of said corporation, or if it should cease for the space of six months to maintain a reform school for girls, all the property, real and personal, of said corporation shall vest in the United States.

Act July 9, 1888, c. 595, § 2, 25 Stat. 245.

Powers of board of trustees as to girls.

Sec. 3. That the said board of trustees shall have the same power and authority in relation to girls as the board of trustees of the Reform School of the District of Columbia now possess in relation to boys.

Act July 9, 1888, c. 595, § 3, 25 Stat. 246.

Officers and employés; appointment; compensation.

Sec. 4. That said board of trustees shall have authority to appoint such officers, agents, teachers, and other employés as may be

necessary, and fix the rate of compensation of the same, subject to the approval of the Commissioners of the District of Columbia.

Act July 9, 1888, c. 595, § 4, 25 Stat. 246.

By-laws, rules, and regulations.

Sec. 5. That the said board of trustees shall have authority to make such by-laws and rules and regulations as shall be necessary for the government of the officers, teachers, employés, and inmates of the school, and from time to time alter, amend, and change the same.

Act July 9, 1888, c. 595, § 5, 25 Stat. 246.

Provisions relating to Reform School made applicable.

Sec. 6. That all the sections of the act of May third, eighteen hundred and seventy-six, entitled, "An act revising and amending the various acts establishing and relating to the Reform School of the District of Columbia," not inconsistent with the provisions of this act, are hereby made applicable to the Reform School for Girls of the District of Columbia, except the word "girls" shall be understood wherever the word "boys" occur in said act, and the words "eighteen years" wherever the words "sixteen years" occur.

Act July 9, 1888, c. 595, § 6, 25 Stat. 246.

Act May 3, 1876, c. 90, mentioned in this section, is set forth ante, under chapter A of this Title. The words "sixteen years" wherever they occurred in section 8 of that act as originally enacted, were changed to "seventeen years" by amendment of said section by Act June 5, 1900, c. 715, incorporated in the section as there set forth.

Sections 8, 9, and 15 of said Act May 3, 1876, c. 90, as applicable to the Reform School for Girls, are amended by Act Feb. 25, 1901, c. 478, set forth below.

Organization of board of trustees; president; terms of office; appointment of successors.

Sec. 7. That within thirty days after this act is passed said trustees shall meet and organize by electing a president; and they shall draw lots and decide the length of service of said trustees. Three of said trustees shall serve for one year, three for two years, and three for three years, and their successors in office shall be appointed in like manner as the trustees of the Reform School of the District of Columbia are now appointed.

Act July 9, 1888, c. 595, § 7, 25 Stat. 246.

Right to amend or repeal act.

Sec. 8. That Congress shall have the right to alter, amend, or repeal this act at any time.

Act July 9, 1888, c. 595, § 8, 25 Stat. 246.

ACT FEB. 25, 1901, c. 478.

An Act Supplemental to an Act Entitled "An Act to Incorporate the Reform School for Girls of the District of Columbia," Approved July Ninth, Eighteen hundred and eighty-eight. (31 Stat. 809.)

Amendment of Act May 3, 1876, c. 90, §§ 8, 9, 15, as applicable to Reform School for girls.

Be it enacted, &c., That sections eight, nine, and fifteen of the Act entitled "An Act revising and amending the various Acts establishing and relating to the Reform School of the District of Columbia," approved May third, eighteen hundred and seventy-six, which Act was

made applicable to the Reform School for Girls by the sixth section of the Act to which this Act is a supplement, be, and they are hereby, amended as applicable to the said Reform School for Girls, so as to read as follows:

Girls who may be committed to school; commitment by court or judge, or by president of board of trustees.

"Sec. 8. That whenever any girl under the age of seventeen years shall be brought before any court of the District of Columbia or any judge of such court, and shall be convicted of any crime or misdemeanor punishable by fine or imprisonment other than imprisonment for life, such court or judge, in lieu of sentencing her to imprisonment in the county jail or fining her, may commit her to the Reform School for Girls, to remain until she shall arrive at the age of twenty-one years unless sooner discharged by the board of trustees. And the judges of the criminal and police courts of the District of Columbia shall have power to commit to the Reform School for Girls, first, any girl under seventeen years of age who may be liable to punishment by imprisonment under any existing law of the District of Columbia or any law that may be enacted and in force in said District; second, any girl under seventeen years of age, with the consent of her parent or guardian, against whom any charge of crime or misdemeanor shall have been made, upon probable cause shown to the satisfaction of the court; third, any girl under seventeen years of age who is destitute of a suitable home and adequate means of obtaining an honest living or who is in danger of being brought up, or is brought up, to lead an idle or vicious life; fourth, any girl under seventeen years of age who is incorrigible or habitually disregards the commands of her father or mother or guardian, who leads a vagrant life, or resorts to immoral places or practices, or neglects or refuses to perform labor suitable to her years and condition or to attend school. And the president of the board of trustees may also commit to the Reform School for Girls such girls as are mentioned in the foregoing third and fourth classes upon application or complaint, in writing, of a parent or guardian or relative having charge of such girl, and upon such testimony in regard to the facts stated as shall be satisfactory to him; and for taking testimony in such cases he is hereby empowered to administer oaths."

Period of detention.

"Sec. 9. That every girl sent to the Reform School for Girls shall remain until she is twenty-one years of age unless sooner discharged or bound as an apprentice."

By-laws, rules, and regulations; release of girls.

"Sec. 15. That the board of trustees may make such by-laws, rules, and regulations for their own government and that of the institution, its officers, employés, and inmates, the employment, discipline, instruction, education, removal, and absolute, temporary, or conditional release of all girls committed to the school as they may deem necessary and proper and as are not contrary to the Constitution and to the laws of the District of Columbia."

Act Feb. 25, 1901, c. 478, 31 Stat. 809.
Act May 3, 1876, c. 90, sections 8, 9, and 15 of which are amended

by this act as applicable to the Reform School for Girls, is set forth ante, under chapter A of this Title.

Subsequent provisions for release on parole of girls committed to the school are contained in Act April 15, 1910, c. 164, set forth below.

ACT APRIL 15, 1910, c. 164. [S. 5287.]

An Act to Parole Juvenile Offenders. (36 Stat. 300.)

Release on parole of female juvenile offenders committed to school.

Be it enacted, &c., That every female juvenile offender who is now or may hereafter be committed to the Reform School for Girls of the District of Columbia, and who has by her conduct given sufficient evidence that she has reformed, may be released on parole as hereinafter provided.

Act April 15, 1910, c. 164, § 1, 36 Stat. 300.

Board of trustees authorized to parole girls.

Sec. 2. That if it shall appear to the satisfaction of the board of trustees of said school that there is reasonable probability that any girl detained in the said school will, if conditionally released, remain at liberty without violating the laws, then said board of trustees may, in its discretion, parole such girl under such conditions and regulations as the said board of trustees may deem proper: Provided, That the parole of all such juvenile offenders committed by courts other than those of the District of Columbia shall be subject to the approval of the Attorney-General of the United States.

Act April 15, 1910, c. 164, § 2, 36 Stat. 300.

Repeal.

Sec. 3. That all Acts and parts of Acts inconsistent with this Act are hereby repealed.

Act April 15, 1910, c. 164, § 3, 36 Stat. 300.

TITLE LX.

PATENTS, TRADE-MARKS, AND COPYRIGHTS.

CHAPTER ONE.

Patents.

SEC. 4883. [*As amended* 1888.]

[Amended. Act April 11, 1902, c. 417.]

This section is further amended by Act April 11, 1902, c. 417, set forth below.

ACT APRIL 11, 1902, c. 417.

An Act to Amend Section Forty-Eight Hundred and Eighty-Three of the Revised Statutes, Relating to the Signing of Letters Patent for Inventions. (32 Stat. 95.)

Amendment of Rev. St. § 4883.

Be it enacted, &c., That section forty-eight hundred and eighty-three of the Revised Statutes be, and is hereby, amended so as to read as follows:

Patents, how issued, attested, and recorded.

"Sec. 4883. All patents shall be issued in the name of the United States of America, under the seal of the Patent Office, and shall be signed by the Commissioner of Patents, and they shall be recorded, together with the specifications, in the Patent Office in books to be kept for that purpose."

Act April 11, 1902, c. 417, 32 Stat. 95.

Rev. St. § 4883, amended by this section, is set forth, as previously amended by Act Feb. 18, 1888, c. 15, in Comp. St. 1901, p. 3381. Before the amendment by this act, the section required patents to be signed by the Secretary of the Interior or one of the assistant secretaries, and countersigned by the Commissioner of Patents.

SEC. 4885.

[Amended. Act May 23, 1908, c. 189.]

This section, set forth in Comp. St. 1901, p. 3382, is amended by Act May 23, 1908, c. 189, set forth below.

ACT MAY 23, 1908, c. 189. [H. R. 17703.]

An Act to Amend Section Forty-Eight Hundred and Eighty-Five of the Revised Statutes. (35 Stat. 246.)

Amendment of Rev. St. § 4885.

Be it enacted, &c., That section forty-eight hundred and eighty-five of the Revised Statutes be, and the same hereby is, amended to read as follows:

Time of issue of patent; payment of final fee.

"Sec. 4885. Every patent shall issue within a period of three months from the date of the payment of the final fee, which fee shall be paid not later than six months from the time at which the application was passed and allowed and notice thereof was sent to the applicant or his agent; and if the final fee is not paid within that period the patent shall be withheld."

Act May 23, 1908, c. 189, 35 Stat. 246.

Rev. St. § 4885, amended by this act, is set forth in Comp. St. 1901, p. 3382.

Sec. 4887. [*As amended* 1897.]

[Amended. Act March 3, 1903, c. 1019.]

This section is further amended by Act March 3, 1903, c. 1019, § 1, set forth below.

ACT MARCH 3, 1903, c. 1019.

An Act to Effectuate the Provisions of the Additional Act of the International Convention for the Protection of Industrial Property. (32 Stat. 1225.)

Amendment of Rev. St. § 4887.

Be it enacted, &c., That section forty-eight hundred and eighty-seven of the Revised Statutes is amended by changing the word "seven" to "twelve," and by inserting after the word "months" the words "in cases within the provisions of section forty-eight hundred and eighty-six of the Revised Statutes, and four months, in cases of designs," and by adding the following words: "An application for patent for an invention or discovery or for a design filed in this country by any person who has previously regularly filed an application for a patent for the same invention, discovery, or design in a foreign country which, by treaty, convention, or law, affords similar privileges to citizens of the United States shall have the same force and effect as the same application would have if filed in this country on the date on which the application for patent for the same invention, discovery, or design was first filed in such foreign country, provided the application in this country is filed within twelve months in cases within the provisions of section forty-eight hundred and eighty-six of the Revised Statutes, and within four months in cases of designs, from the earliest date on which any such foreign application was filed. But no patent shall be granted on an application for patent for an invention or discovery or a design which had been patented or described in a printed publication in this or any foreign country more than two years before the date of the actual filing of the application in this country, or which had been in public use, or on sale in this country for more than two years prior to such filing;" so that the section so amended shall read:

Patents for inventions previously patented abroad.

"Sec. 4887. No person otherwise entitled thereto shall be debarred from receiving a patent for his invention or discovery, nor shall any patent be declared invalid by reason of its having been first patented or caused to be patented by the inventor or his legal representatives or assigns in a foreign country, unless the application for said foreign patent was filed more than twelve months, in cases within the provisions of section forty-eight hundred and eighty-six of the Revised

Statutes, and four months in cases of designs, prior to the filing of the application in this country, in which case no patent shall be granted in this country.

"An application for patent for an invention or discovery or for a design filed in this country by any person who has previously regularly filed an application for a patent for the same invention, discovery, or design in a foreign country which, by treaty, convention, or law, affords similar privileges to citizens of the United States shall have the same force and effect as the same application would have if filed in this country on the date on which the application for patent for the same invention, discovery, or design was first filed in such foreign country, provided the application in this country is filed within twelve months in cases within the provisions of section forty-eight hundred and eighty-six of the Revised Statutes, and within four months in cases of designs, from the earliest date on which any such foreign application was filed. But no patent shall be granted on an application for patent for an invention or discovery or a design which had been patented or described in a printed publication in this or any foreign country more than two years before the date of the actual filing of the application in this country, or which had been in public use or on sale in this country for more than two years prior to such filing."

Act March 3, 1903, c. 1019, § 1, 32 Stat. 1225.

This section further amends Rev. St. § 4887, set forth, as amended by Act March 3, 1897, c. 391, § 3, in Comp. St. 1901, p. 3382.

Rev. St. § 4886, mentioned in this section, is set forth in Comp. St. 1901, p. 3382.

Sec. 2. [Amends Rev. St. § 4892.]
Sec. 3. [Amends Rev. St. § 4896.]
Sec. 4. [Amends Rev. St. § 4902.]

Sec. 4892.

[Amended. Act March 3, 1903, c. 1019, § 2.]

This section is amended by Act March 3, 1903, c. 1019, § 2, set forth below.

ACT MARCH 3, 1903, c. 1019, § 2.

Amendment of Rev. St. § 4892.

Sec. 2. That section forty-eight hundred and ninety-two of the Revised Statutes is amended by inserting after the words "notary public" the words "judge or magistrate having an official seal and authorized to administer oaths," and by adding at the end thereof the words "whose authority shall be proved by certificate of a diplomatic or consular officer of the United States;" so that the section so amended shall read:

Oath required from applicant.

"Sec. 4892. The applicant shall make oath that he does verily believe himself to be the original and first inventor or discoverer of the art, machine, manufacture, composition, or improvement for which he solicits a patent; that he does not know and does not believe that the same was ever before known or used; and shall state of what country he is a citizen. Such oath may be made before any person within the United States authorized by law to administer oaths, or, when the applicant resides in a foreign country, before any minister,

chargé d'affaires, consul, or commercial agent holding commission under the Government of the United States, or before any notary public, judge, or magistrate having an official seal and authorized to administer oaths in the foreign country in which the applicant may be, whose authority shall be proved by certificate of a diplomatic or consular officer of the United States."

Act March 3, 1903, c. 1019, § 2, 32 Stat. 1226.

Rev. St. § 4892, amended by this section, is set forth in Comp. St. 1901, p. 3384.

Sec. 4896. [*As amended* 1899.]

[Amended. Act March 3, 1903, c. 1019, § 3.]

This section is further amended by Act March 3, 1903, c. 1019, § 3, and Act May 23, 1908, c. 188, set forth below.

ACT MAY 23, 1908, c. 188. [H. R. 15841.]

An Act to Amend Section Forty-Eight Hundred and Ninety-Six of the Revised Statutes. (35 Stat. 245.)

Amendment of Rev. St. § 4896.

Be it enacted, &c., That section forty-eight hundred and ninety-six of the Revised Statutes be, and the same is hereby, amended so that the section shall read as follows:

When, and on what oath, executor or administrator or guardian, etc., of insane person may obtain patent; foreign executor or administrator.

"Sec. 4896. When any person, having made any new invention or discovery for which a patent might have been granted, dies before a patent is granted the right of applying for and obtaining the patent shall devolve on his executor or administrator, in trust for the heirs at law of the deceased, in case he shall have died intestate; or if he shall have left a will disposing of the same, then in trust for his devisees in as full manner and on the same terms and conditions as the same might have been claimed or enjoyed by him in his lifetime; and when any person having made any new invention or discovery for which a patent might have been granted becomes insane before a patent is granted the right of applying for and obtaining the patent shall devolve on his legally appointed guardian, conservator, or representative in trust for his estate in as full manner and on the same terms and conditions as the same might have been claimed or enjoyed by him while sane; and when the application is made by such legal representatives the oath or affirmation required to be made shall be so varied in form that it can be made by them. The executor or administrator duly authorized under the law of any foreign country to administer upon the estate of the deceased inventor shall, in case the said inventor was not domiciled in the United States at the time of his death, have the right to apply for and obtain the patent. The authority of such foreign executor or administrator shall be proved by certificate of a diplomatic or consular officer of the United States.

"The foregoing section, as to insane persons, is to cover all applications now on file in the Patent Office or which may be hereafter made."

Act May 23, 1908, c. 188, 35 Stat. 245.

Rev. St. § 4896, amended by this section, was enacted originally as section 34 of Act July 8, 1870, c. 230, 16 Stat. 202, and was carried into

the Revised Statutes in the language set forth in the note under Rev. St. § 4896, in Comp. St. 1901, p. 3386. Thereafter said section 34 of Act July 8, 1870, was amended, by Act Feb. 28, 1889, c. 227, 30 Stat. 915, by inserting a provision for the obtaining of a patent by the guardian, etc., of an inventor who had become insane, which was incorporated in Rev. St. § 4896, as set forth in Comp. St. 1901, p. 3385. A subsequent amendment of Rev. St. § 4896, by Act March 3, 1903, c. 1019, § 3, 32 Stat. 1226, added the provisions for the obtaining of a patent by a foreign executor or administrator, at the end of the section as set forth here; but in setting out the section as so amended in said amendatory act the provision inserted by the previous amendment by said Act Feb. 28, 1899, was not included. The further amendment by this act again inserts said provision, making the section read as set forth here.

Sec. 4902.

[Repealed. Act June 25, 1910, c. 414, § 1.]

This section, set forth in Comp. St. 1901, p. 3388, providing for the filing and effect of caveats, was amended by Act March 3, 1903, c. 1019, § 4, 32 Stat. 1227, but is expressly repealed by Act June 25, 1910, c. 414, § 1, set forth below.

ACT JUNE 25, 1910, c. 414. [H. R. 20585.]

An Act to Repeal Section Forty-nine hundred and two and to Amend Section Forty-nine hundred and thirty-four of the Revised Statutes, Relating to Caveats. (36 Stat. 843.)

Repeal of Rev. Stat. § 4902.

Be it enacted, &c., That section forty-nine hundred and two of the Revised Statutes be, and the same is hereby, repealed.

Act June 25, 1910, c. 414, § 1, 36 Stat. 843.

Rev. St. § 4902, repealed by this section, is set forth in Comp. St. 1901, p. 3388. Before this act, said section was amended by Act March 3, 1903, c. 1019, § 4, 32 Stat. 1227.

Sec. 2. [Amends Rev. St. § 4934.]

Time of taking effect of act; prior caveats not affected.

Sec. 3. That this Act shall take effect July first, nineteen hundred and ten, and shall not apply to any caveat filed prior to said date.

Act June 25, 1910, c. 414, § 3, 36 Stat. 843.

Sec. 4911.

ACT FEB. 9, 1893, c. 74, § 9.

Appeals from Commissioner of Patents.

Appeals from decisions of the Commissioner of Patents on applications for registration of trade-marks are allowed, on complying with the conditions required in case of appeals from decisions in regard to patents, and are governed by the same rules of practice, etc., so far as applicable, by Act Feb. 20, 1905, c. 592, § 9, set forth post, under chapter 2 of this Title.

Sec. 4919.

Suits for infringement; damages.

Provisions allowing recovery of compensation by suit in the Court of Claims for use by the United States of an invention covered by a patent, without license of the owner or lawful right to use the same, are contained in Act June 25, 1910, c. 423, set forth below.

ACT JUNE 25, 1910, c. 423. [H. R. 24649.]

An Act to Provide Additional Protection for Owners of Patents of the United States, and for Other Purposes. (36 Stat. 851.)

Suits in Court of Claims for compensation for use of invention by United States; exceptions; defenses; patents or inventions by employés, etc., of Government.

Be it enacted, &c., That whenever an invention described in and covered by a patent of the United States shall hereafter be used by the United States without license of the owner thereof or lawful right to use the same, such owner may recover reasonable compensation for such use by suit in the Court of Claims: Provided, however, That said Court of Claims shall not entertain a suit or reward compensation under the provisions of this Act where the claim for compensation is based on the use by the United States of any article heretofore owned, leased, used by, or in the possession of the United States: Provided further, That in any such suit the United States may avail itself of any and all defenses, general or special, which might be pleaded by a defendant in an action for infringement, as set forth in Title Sixty of the Revised Statutes, or otherwise: And provided further, That the benefits of this Act shall not inure to any patentee, who, when he makes such claim is in the employment or service of the Government of the United States; or the assignee of any such patentee; nor shall this Act apply to any device discovered or invented by such employé during the time of his employment or service.

Act June 25, 1910, c. 423, 36 Stat. 851.

Sec. 4929.

[Amended. Act May 9, 1902, c. 783.]

This section is amended by Act May 9, 1902, c. 783, set forth below.

ACT MAY 9, 1902, c. 783.

An Act to Amend Section Forty-nine hundred and twenty-nine of the Revised Statutes, Relating to Design Patents. (32 Stat. 193.)

Amendment of Rev. St. § 4929.

Be it enacted, &c., That section forty-nine hundred and twenty-nine of the Revised Statutes be, and the same is hereby, amended so as to read as follows:

Patents for designs authorized.

"Sec. 4929. Any person who has invented any new, original, and ornamental design for an article of manufacture, not known or used by others in this country before his invention thereof, and not patented or described in any printed publication in this or any foreign country before his invention thereof, or more than two years prior to his application, and not in public use or on sale in this country for more than two years prior to his application, unless the same is proved to have been abandoned, may, upon payment of the fees required by law and other due proceedings had, the same as in cases of inventions or discoveries covered by section forty-eight hundred and eighty-six, obtain a patent therefor."

Act May 9, 1902, c. 783, 32 Stat. 193.

Rev. St. § 4929, amended by this section, is set forth in Comp. St. 1901, p. 3398.

Sec. 4934.

Fees in obtaining patents, etc.

The provision of this section, set forth in Comp. St. 1901, p. 3400, prescribing the fee on filing a caveat, is stricken out by amendment by Act June 25, 1910, c. 414, § 2, set forth below.

The rate fixed by this section for recording papers of over 1,000 words is changed by a provision of Act May 27, 1908, c. 200, § 1, set forth below.

ACT MAY 27, 1908, c. 200, § 1. [H. R. 21260.]

Fees for recording papers.

In lieu of the fees fixed by section forty-nine hundred and thirty-four of the Revised Statutes for recording assignments, agreements, powers of attorney, or other papers in the Patent Office the following shall hereafter be the rates:

For recording every assignment, agreement, power of attorney, or other paper, of three hundred words or under, one dollar; of over three hundred and under one thousand words, two dollars; and for each additional thousand words or fraction thereof, one dollar.

Act May 27, 1908, c. 200, § 1, 35 Stat. 343.

This is a provision of the sundry civil appropriation act for the fiscal year ending June 30, 1909, cited above.

Rev. St. § 4934, mentioned in this provision, is set forth in Comp. St. 1901, p. 3400.

ACT JUNE 25, 1910, c. 414, § 2. [H. R. 20585.]

Amendment of Rev. St. § 4934; provision for fee on filing caveat stricken out.

Sec. 2. That section forty-nine hundred and thirty-four of the Revised Statutes be amended by striking out the following:

"On filing each caveat, ten dollars."

Act June 25, 1910, c. 414, § 2, 36 Stat. 843.

Sec. 4935.

Mode of payment.

Rev. St. § 4935, Comp. St. 1901, p. 3400. relating to payment of patent fees, is made applicable to trade-mark fees, by Act Feb. 20, 1905, c. 592, § 15, set forth post, under chapter 2 of this Title.

Sec. 4936.

Refunding.

Rev. St. § 4936, Comp. St. 1901, p. 3400, relating to repayment of patent fees paid by mistake, is made applicable to trade-mark fees, by Act Feb. 20, 1905, c. 592, § 15, set forth post, under chapter 2 of this Title.

CHAPTER TWO.

Trade-Marks.

Secs. 4937-4947.

ACT MARCH 3, 1881, c. 138.

[Superseded. Act Feb. 20, 1905, c. 592.]

The provisions of Act March 3, 1881, c. 138, set forth in Comp. St. 1901, pp. 3401–3404, are superseded by the more comprehensive provisions relating to the same subject of Act Feb. 20, 1905, set forth below, section 30 of which repeals all acts and parts of acts inconsistent

with that act except so far as the same may apply to certificates of registration issued under said Act March 3, 1881, c. 138, or Act Aug. 5, 1882, c. 393, Comp. St. 1901, p. 3404.

ACT FEB. 20, 1905, c. 592. [H. R. 16560.] [*As amended* 1906, H. R. 15911, 1907, H. R. 25474, 1909, S. 3969, 1911, H. R. 24749.]

An Act to Authorize the Registration of Trade-Marks Used in Commerce with Foreign Nations or Among the Several States or with Indian Tribes, and to Protect the Same. (33 Stat. 724.)

Registration of trade-marks authorized; requisites of application therefor; fees and other requirements.

Be it enacted, &c., That the owner of a trade-mark used in commerce with foreign nations, or among the several States, or with Indian tribes, provided such owner shall be domiciled within the territory of the United States, or resides in or is located in any foreign country which, by treaty, convention, or law, affords similar privileges to the citizens of the United States, may obtain registration for such trade-mark by complying with the following requirements: First, by filing in the Patent Office an application therefor, in writing, addressed to the Commissioner of Patents, signed by the applicant, specifying his name, domicile, location, and citizenship; the class of merchandise and the particular description of goods comprised in such class to which the trade-mark is appropriated; a statement of the mode in which the same is applied and affixed to goods, and the length of time during which the trade-mark has been used; a description of the trade-mark itself shall be included, if desired by the applicant or required by the Commissioner, provided such description is of a character to meet the approval of the Commissioner. With this statement shall be filed a drawing of the trade-mark, signed by the applicant, or his attorney, and such number of specimens of the trade-mark as actually used as may be required by the Commissioner of Patents. Second, by paying into the Treasury of the United States the sum of ten dollars, and otherwise complying with the requirements of this Act and such regulations as may be prescribed by the Commissioner of Patents.

Act Feb. 20, 1905, c. 592, § 1, 33 Stat. 724. Act May 4, 1906, c. 2081, § 1, 34 Stat. 168. Act Feb. 18, 1909, c. 144, 35 Stat. 628.

This section, as originally enacted, contained, after the words "description of goods comprised in such class to which the trade-mark is appropriated," as a further clause, the words "a description of the trade-mark itself"; and to this clause was added, by the amendment of the section by Act May 4, 1906, c. 2081, § 1, cited above, the words "only when needed to express colors not shown in the drawing." By the further amendment of said Act May 4, 1906, c. 2081, § 1, by Act Feb. 18, 1909, c. 144, also cited above, the whole clause was omitted, and after the sentence next following it was inserted the provision, "a description of the trade-mark itself shall be included, if desired by the applicant or required by the Commissioner, provided such description is of a character to meet the approval of the Commissioner," making the section read as set forth here.

Other sections of said amendatory Act May 4, 1906, c. 2081, are set forth below. By section 2 thereof, classes of merchandise are to be established for the purpose of trade-mark registration. And by section 3 thereof, any owner of a trade-mark having a manufacturing establishment in the United States is to have the same rights and privileges as to registration and protection of trade-marks on the product of such establishment, that are accorded to owners of trade-marks domiciled in the United States by this act.

The Commissioner of Patents is authorized to make regulations for proceedings for registration of trade-marks under this act, by section 26 of this act, set forth below.

Declaration accompanying application; verification thereof.

Sec. 2. That the application prescribed in the foregoing section, in order to create any right whatever in favor of the party filing it, must be accompanied by a written declaration verified by the applicant, or by a member of the firm or an officer of the corporation or association applying, to the effect that the applicant believes himself or the firm, corporation, or association in whose behalf he makes the application to be the owner of the trade-mark sought to be registered, and that no other person, firm, corporation, or association, to the best of the applicant's knowledge and belief, has the right to use such trade-mark in the United States, either in the identical form or in such near resemblance thereto as might be calculated to deceive; that such trade-mark is used in commerce among the several States, or with foreign nations, or with Indian tribes, and that the description and drawing presented truly represent the trade-mark sought to be registered. If the applicant resides or is located in a foreign country, the statement required shall, in addition to the foregoing, set forth that the trade-mark has been registered by the applicant, or that an application for the registration thereof has been filed by him in the foreign country in which he resides or is located, and shall give the date of such registration, or the application therefor, as the case may be, except that in the application in such cases it shall not be necessary to state that the mark has been used in commerce with the United States or among the States thereof. The verification required by this section may be made before any person within the United States authorized by law to administer oaths, or, when the applicant resides in a foreign country, before any minister, chargé d'affaires, consul, or commercial agent holding commission under the Government of the United States, or before any notary public, judge, or magistrate having an official seal and authorized to administer oaths in the foreign country in which the applicant may be whose authority shall be proved by a certificate of a diplomatic or consular officer of the United States.

Act Feb. 20, 1905, c. 592, § 2, 33 Stat. 724. Act Feb. 18, 1909, c. 144, 35 Stat. 627.

The amendment of this section by Act Feb. 18, 1909, c. 144, cited above, consists in striking out, in the first clause, after the words "has the right to," the words "such use," and inserting instead thereof the words "use such trade-mark in the United States," as set forth here.

Designation by foreign applicant of person on whom process or notice of proceedings may be served.

Sec. 3. That every applicant for registration of a trade-mark, or for renewal of registration of a trade-mark, who is not domiciled within the United States, shall, before the issuance of the certificate of registration, as hereinafter provided for, designate, by a notice in writing, filed in the Patent Office, some person residing within the United States on whom process or notice of proceedings affecting the right of ownership of the trade-mark of which such applicant may claim to be the owner, brought under the provisions of this Act or under other laws of the United States, may be served, with the same force and effect as if served upon the applicant or registrant in person. For the purposes of this Act it shall be deemed sufficient to serve such notice upon such applicant, registrant, or representative by leaving a copy of such process or notice

addressed to him at the last address of which the Commissioner of Patents has been notified.

Act Feb. 20, 1905, c. 592, § 3, 33 Stat. 725.

Effect to be given to application where previous application has been filed in foreign country affording similar privileges to citizens of the United States; limitations, and restrictions on issue of certificates in such cases.

Sec. 4. That an application for registration of a trade-mark filed in this country by any person who has previously regularly filed in any foreign country which, by treaty, convention, or law, affords similar privileges to citizens of the United States an application for registration of the same trade-mark shall be accorded the same force and effect as would be accorded to the same application if filed in this country on the date on which application for registration of the same trade-mark was first filed in such foreign country: Provided, That such application is filed in this country within four months from the date on which the application was first filed in such foreign country: And provided, That certificate of registration shall not be issued for any mark for registration of which application has been filed by an applicant located in a foreign country until such mark has been actually registered by the applicant in the country in which he is located.

Act Feb. 20, 1905, c. 592, § 4, 33 Stat. 725.

The certificate of registration of a trade-mark previously registered in a foreign country ceases to be in force when the trade-mark ceases to be protected in such foreign country, by a provision of section 12 of this act, set forth below.

Trade-marks which may be registered.

Sec. 5. That no mark by which the goods of the owner of the mark may be distinguished from other goods of the same class shall be refused registration as a trade-mark on account of the nature of such mark unless such mark—

(a) Consists of or comprises immoral or scandalous matter.

(b) Consists of or comprises the flag or coat of arms or other insignia of the United States, or any simulation thereof, or of any State, or municipality, or of any foreign nation or of any design or picture that has been or may hereafter be adopted by any fraternal society as its emblem: Provided, That trade-marks which are identical with a registered or known trade-mark owned and in use by another, and appropriated to merchandise of the same descriptive properties, or which so nearly resemble a registered or known trade-mark owned and in use by another, and appropriated to merchandise of the same descriptive properties, as to be likely to cause confusion or mistake in the mind of the public, or to deceive purchasers, shall not be registered: Provided, That no mark which consists merely in the name of an individual, firm, corporation, or association, not written, printed, impressed, or woven in some particular or distinctive manner or in association with a portrait of the individual or merely in words or devices which are descriptive of the goods with which they are used, or of the character or quality of such goods, or merely a geographical name or term, shall be registered under the terms of this Act: Provided, further, That no portrait of a living individual may be registered as a trade-mark, except by the consent of such individual, evidenced by an instrument in writing:

And provided further, That nothing herein shall prevent the registration of any mark used by the applicant or his predecessors, or by those from whom title to the mark is derived, in commerce with foreign nations or among the several States, or with Indian tribes, which was in actual and exclusive use as a trade-mark of the applicant or his predecessors from whom he derived title, for ten years next preceding February twentieth, nineteen hundred and five: Provided further, that nothing herein shall prevent the registration of a trade-mark otherwise registrable because of its being the name of the applicant or a portion thereof.

Act Feb. 20, 1905, c. 592, § 5, 33 Stat. 725. Act March 2, 1907, c. 2573, § 1, 34 Stat. 1251. Act Feb. 18, 1911, c. 113, 36 Stat. 918.

The amendment of this section by Act March 2, 1907, c. 2573, § 1, cited above, consists principally in the insertion, in subdivision (b), after the words "or of any foreign nation," preceding the first proviso in the section as originally enacted, of the words "or of any design or picture that has been or may hereafter be adopted by any fraternal society as its emblem," as set forth here.

The further amendment of this section by Act Feb. 18, 1911, c. 113, also cited above consists principally in the addition at the end of the section of the last proviso, as set forth here.

No action or suit is to be maintained under this act in any case when the trade-mark is used in unlawful business, or when any article injurious in itself, or which mark has been used with the design of deceiving the public in the purchase of merchandise, or upon any certificate of registration fraudulently obtained, by section 21 of this act, set forth below.

Examination of application; publication of trade-mark; filing notice of opposition; issue of certificate of registration where no notice of opposition; refusal of application on examination.

Sec. 6. That on the filing of an application for registration of a trade-mark which complies with the requirements of this Act, and the payment of the fees herein provided for, the Commissioner of Patents shall cause an examination thereof to be made; and if on such examination it shall appear that the applicant is entitled to have his trade-mark registered under the provisions of this Act, the Commissioner shall cause the mark to be published at least once in the Official Gazette of the Patent Office. Any person who believes he would be damaged by the registration of a mark may oppose the same by filing notice of opposition, stating the grounds therefor, in the Patent Office within thirty days after the publication of the mark sought to be registered, which said notice of opposition shall be verified by the person filing the same before one of the officers mentioned in section two of this Act. An opposition may be filed by a duly authorized attorney, but said opposition shall be null and void unless verified by the opposer within a reasonable time after such filing. If no notice of opposition is filed within said time, the Commissioner shall issue a certificate of registration therefor, as hereinafter provided for. If on examination an application is refused, the Commissioner shall notify the applicant, giving him his reasons therefor.

Act Feb. 20, 1905, c. 592, § 6, 33 Stat. 726. Act March 2, 1907, c. 2573, § 2, 34 Stat. 1252.

This section is amended by Act March 2, 1907, c. 2573, § 2, cited above. The amendment consists in the insertion, in the section as originally enacted, of the provision, "An opposition may be filed by a duly authorized

attorney, but said opposition shall be null and void unless verified by the opposer within a reasonable time after such filing," as set forth here.

Fees on filing applications for registration, and on filing notice of opposition thereto, are prescribed by sections 1 and 14 of this act.

Notice to applicant of opposition; declaration of interference; examination of interference or opposition; grounds for refusal of registration.

Sec. 7. That in all cases where notice of opposition has been filed the Commissioner of Patents shall notify the applicant thereof and the grounds therefor.

Whenever application is made for the registration of a trade-mark which is substantially identical with a trade-mark appropriated to goods of the same descriptive properties, for which a certificate of registration has been previously issued to another, or for registration of which another has previously made application, or which so nearly resembles such trade-mark, or a known trade-mark owned and used by another, as, in the opinion of the Commissioner, to be likely to be mistaken therefor by the public, he may declare that an interference exists as to such trade-mark, and in every case of interference or opposition to registration he shall direct the examiner in charge of interferences to determine the question of the right of registration to such trade-mark, and of the sufficiency of objections to registration, in such manner and upon such notice to those interested as the Commissioner may by rules prescribe.

The Commissioner may refuse to register the mark against the registration of which objection is filed, or may refuse to register both of two interfering marks, or may register the mark, as a trade-mark, for the person first to adopt and use the mark, if otherwise entitled to register the same, unless an appeal is taken, as hereinafter provided for, from his decision, by a party interested in the proceeding, within such time (not less than twenty days) as the Commissioner may prescribe.

Act Feb. 20, 1905, c. 592, § 7, 33 Stat. 726.

Suits in equity involving interfering registered trade-marks are authorized by section 22 of this act, set forth below.

Appeal from decision of examiner to Commissioner of Patents.

Sec. 8. That every applicant for the registration of a trade-mark, or for the renewal of the registration of a trade-mark, which application is refused, or a party to an interference against whom a decision has been rendered, or a party who has filed a notice of opposition as to a trade-mark, may appeal from the decision of the examiner in charge of trade-marks, or the examiner in charge of interferences, as the case may be, to the Commissioner in person, having once paid the fee for such appeal.

Act Feb. 20, 1905, c. 592, § 8, 33 Stat. 726.

Fees on appeals from the decision of the examiner to the Commissioner of Patents are prescribed by section 14 of this act, set forth below.

Appeal from decision of Commissioner of Patents to Court of Appeals of District of Columbia.

Sec. 9. That if an applicant for registration of a trade-mark, or a party to an interference as to a trade-mark, or a party who has filed opposition to the registration of a trade-mark, or party to an application for the cancellation of the registration of a trade-mark, is dissatisfied with the decision of the Commissioner of Patents, he may appeal

to the court of appeals of the District of Columbia, on complying with the conditions required in case of an appeal from the decision of the Commissioner by an applicant for patent, or a party to an interference as to an invention, and the same rules of practice and procedure shall govern in every stage of such proceedings, as far as the same may be applicable.

Act Feb. 20, 1905, c. 592, § 9, 33 Stat. 727.

Assignments of trade-marks.

Sec. 10. That every registered trade-mark, and every mark for the registration of which application has been made, together with the application for registration of the same, shall be assignable in connection with the good will of the business in which the mark is used. Such assignment must be by an instrument in writing and duly acknowledged according to the laws of the country or State in which the same is executed; any such assignment shall be void as against any subsequent purchaser for a valuable consideration, without notice, unless it is recorded in the Patent Office within three months from date thereof. The Commissioner shall keep a record of such assignments.

Act Feb. 20, 1905, c. 592, § 10, 33 Stat. 727.

A provision for the issue of a certificate of registration to the assignee of the applicant is contained in the next following section of this act.

Fees for recording transfers, etc., are prescribed by section 14 of this act, set forth below.

Certificates of registration and record thereof; copies of records, books, etc., and of certificates of registration, as evidence.

Sec. 11. That certificates of registration of trade-marks shall be issued in the name of the United States of America, under the seal of the Patent Office, and shall be signed by the Commissioner of Patents, and a record thereof, together with printed copies of the drawing and statement of the applicant, shall be kept in books for that purpose. The certificate shall state the date on which the application for registration was received in the Patent Office. Certificates of registration of trade-marks may be issued to the assignee of the applicant, but the assignment must first be entered of record in the Patent Office.

Written or printed copies of any records, books, papers, or drawings relating to trade-marks belonging to the Patent Office, and of certificates of registration, authenticated by the seal of the Patent Office and certified by the Commissioner thereof, shall be evidence in all cases wherein the originals could be evidence; and any person making application therefor and paying the fee required by law shall have certified copies thereof.

Act Feb. 20, 1905, c. 592, § 11, 33 Stat. 727.

Fees for copies of certificates of registration and other papers, and for recording transfers and other papers, are prescribed by section 14 of this act, set forth below.

Duration of certificate of registration, and renewal thereof.

Sec. 12. That a certificate of registration shall remain in force for twenty years, except that in the case of trade-marks previously registered in a foreign country such certificates shall cease to be in force on the day on which the trade-mark ceases to be protected in such foreign country, and shall in no case remain in force more than twenty years, unless renewed. Certificates of registration may be, from time to time renewed for like periods on payment of the renewal fees required

by this Act, upon request by the registrant, his legal representatives, or transferees of record in the Patent Office, and such request may be made at any time not more than six months prior to the expiration of the period for which the certificates of registration were issued or renewed. Certificates of registration in force at the date at which this Act takes effect shall remain in force for the period for which they were issued, but shall be renewable on the same conditions and for the same periods as certificates issued under the provisions of this Act, and when so renewed shall have the same force and effect as certificates issued under this Act.

Act Feb. 20, 1905, c. 592, § 12, 33 Stat. 727.

Certificates of registration issued under previous acts are excepted from the operation of the repeal of all acts and portions thereof inconsistent with this act, by section 30 of this act, set forth below.

Cancellation of registration; proceedings therefor.

Sec. 13. That whenever any person shall deem himself injured by the registration of a trade-mark in the Patent Office he may at any time apply to the Commissioner of Patents to cancel the registration thereof. The Commissioner shall refer such application to the examiner in charge of interferences, who is empowered to hear and determine this question and who shall give notice thereof to the registrant. If it appear after a hearing before the examiner that the registrant was not entitled to the use of the mark at the date of his application for registration thereof, or that the mark is not used by the registrant, or has been abandoned, and the examiner shall so decide, the Commissioner shall cancel the registration. Appeal may be taken to the Commissioner in person from the decision of examiner of interferences.

Act Feb. 20, 1905, c. 592, § 13, 33 Stat. 728.

Cancellation of the certificate of registration, in a suit in equity involving interfering registered trade-marks, is authorized by section 22 of this act, set forth below.

Fees.

Sec. 14. That the following shall be the rates for trade-mark fees:

On filing each original application for registration of a trade-mark, ten dollars: Provided, That an application for registration of a trade-mark pending at the date of the passage of this Act, and on which certificate of registration shall not have issued at such date, may, at the option of the applicant, be proceeded with and registered under the provisions of this Act without the payment of further fee.

On filing each application for renewal of the registration of a trade-mark, ten dollars.

On filing notice of opposition to the registration of a trade-mark, ten dollars.

On an appeal from the examiner in charge of trade-marks to the Commissioner of Patents, fifteen dollars.

On an appeal from the decision of the examiner in charge of interferences, awarding ownership of a trade-mark or canceling the registration of a trade-mark, to the Commissioner of Patents, fifteen dollars.

For certified and uncertified copies of certificates of registration and other papers, and for recording transfers and other papers, the same

fees as required by law for such copies of patents and for recording assignments and other papers relating to patents.

Act Feb. 20, 1905, c. 592, § 14, 33 Stat. 728.

Fees for copies of patents, and for recording assignments and other papers relating to patents, mentioned in this section, are prescribed by Rev. St. § 4934, set forth in Comp. St. 1901, p. 3400.

Application of Rev. St. §§ 4935, 4936, to trade-mark fees.

Sec. 15. That sections forty-nine hundred and thirty-five and forty-nine hundred and thirty-six of the Revised Statutes, relating to the payment of patent fees and to the repayment of fees paid by mistake, are hereby made applicable to trade-mark fees.

Act Feb. 20, 1905, c. 592, § 15, 33 Stat. 728.

Rev. St. §§ 4935, 4936, mentioned in this section, are set forth in Comp. St. 1901, p. 3400.

Registration prima facie evidence of ownership; infringement, and recovery of damages therefor; treble damages.

Sec. 16. That the registration of a trade-mark under the provisions of this Act shall be prima facie evidence of ownership. Any person who shall, without the consent of the owner thereof, reproduce, counterfeit, copy, or colorably imitate any such trade-mark and affix the same to merchandise of substantially the same descriptive properties as those set forth in the registration, or to labels, signs, prints, packages, wrappers, or receptacles intended to be used upon or in connection with the sale of merchandise of substantially the same descriptive properties as those set forth in such registration, and shall use, or shall have used, such reproduction, counterfeit, copy, or colorable imitation in commerce among the several States, or with a foreign nation, or with the Indian tribes, shall be liable to an action for damages therefor at the suit of the owner thereof; and whenever in any such action a verdict is rendered for the plaintiff, the court may enter judgment therein for any sum above the amount found by the verdict as the actual damages, according to the circumstances of the case, not exceeding three times the amount of such verdict, together with the costs.

Act Feb. 20, 1905, c. 592, § 16, 33 Stat. 728.

Damages, in addition to the profits to be accounted for, are recoverable upon a decree for wrongful use of a trade-mark in a suit for an injunction, and the court has the same power to increase such damages as is given by this section in actions at law, by section 19 of this act, set forth below.

Damages are not recoverable in a suit for infringement by a party failing to give the notice of registration prescribed by section 28 of this act, except on proof that defendant was notified of infringement and continued the same after such notice, by a further provision of said section 28, set forth below.

Jurisdiction of suits respecting trade-marks.

Sec. 17. That the circuit and territorial courts of the United States and the supreme court of the District of Columbia shall have original jurisdiction, and the circuit courts of appeal of the United States and the court of appeals of the District of Columbia shall have appellate jurisdiction of all suits at law or in equity respecting trade-marks registered in accordance with the provisions of this Act, arising under the present Act, without regard to the amount in controversy.

Act Feb. 20, 1905, c. 592, § 17, 33 Stat. 728.

Jurisdiction of proceedings to enforce an injunction against infringe-

ment of a registered trade-mark, by punishment for contempt or otherwise, is conferred on the court by which such injunction was granted, or any other circuit court, etc., or a judge thereof, by section 20 of this act, set forth below.

Certiorari for review by Supreme Court of cases arising under act.

Sec. 18. That writs of certiorari may be granted by the Supreme Court of the United States for the review of cases arising under this Act in the same manner as provided for patent cases by the Act creating the circuit court of appeals.

Act Feb. 20, 1905, c. 592, § 18, 33 Stat. 729.

The provisions for review of patent cases by the Supreme Court by writs of certiorari, mentioned in this section, are contained in Act March 3, 1891, c. 517, § 6, set forth in Comp. St. 1901, p. 549.

Power of courts to grant injunctions; recovery of damages in addition to profits to be accounted for; treble damages; assessment of profits and damages.

Sec. 19. That the several courts vested with jurisdiction of cases arising under the present Act shall have power to grant injunctions, according to the course and principles of equity, to prevent the violation of any right of the owner of a trade-mark registered under this Act, on such terms as the court may deem reasonable; and upon a decree being rendered in any such case for wrongful use of a trade-mark the complainant shall be entitled to recover, in addition to the profits to be accounted for by the defendant, the damages the complainant has sustained thereby, and the court shall assess the same or cause the same to be assessed under its direction. The court shall have the same power to increase such damages, in its discretion, as is given by section sixteen of this Act for increasing damages found by verdict in actions of law; and in assessing profits the plaintiff shall be required to prove defendant's sales only; defendant must prove all elements of cost which are claimed.

Act Feb. 20, 1905, c. 592, § 19, 33 Stat. 729.

Section 16 of this act, mentioned in this section, is set forth above.

Damages are not recoverable in a suit for infringement by a party failing to give the notice of registration prescribed by section 28 of this act, except on proof that defendant was notified of infringement, and continued the same after such notice, by a further provision of said section 28, set forth below.

Order for destruction of infringing labels, etc.; service of injunction, and proceedings for enforcement thereof.

Sec. 20. That in any case involving the right to a trade-mark registered in accordance with the provisions of this Act, in which the verdict has been found for the plaintiff, or an injunction issued, the court may order that all labels, signs, prints, packages, wrappers, or receptacles in the possession of the defendant, bearing the trade-mark of the plaintiff or complainant, or any reproduction, counterfeit, copy, or colorable imitation thereof, shall be delivered up and destroyed. Any injunction that may be granted upon hearing, after notice to the defendant, to prevent the violation of any right of the owner of a trade-mark registered in accordance with the provisions of this Act, by any circuit court of the United States, or by a judge thereof, may be served on the parties against whom such injunction may be granted anywhere in the United States where they may be found, and shall be operative, and may be enforced by proceedings to punish for contempt,

or otherwise, by the court by which such injunction was granted, or by any other circuit court, or judge thereof, in the United States, or by the supreme court of the District of Columbia, or a judge thereof. The said courts, or judges thereof, shall have jurisdiction to enforce said injunction, as herein provided, as fully as if the injunction had been granted by the circuit court in which it is sought to be enforced. The clerk of the court or judge granting the injunction shall, when required to do so by the court before which application to enforce said injunction is made, transfer without delay to said court a certified copy of all the papers on which the said injunction was granted that are on file in his office.

Act Feb. 20, 1905, c. 592, § 20, 33 Stat. 729.

Restrictions on actions for infringement.

Sec. 21. That no action or suit shall be maintained under the provisions of this Act in any case when the trade-mark is used in unlawful business, or upon any article injurious in itself, or which mark has been used with the design of deceiving the public in the purchase of merchandise, or has been abandoned, or upon any certificate of registration fraudulently obtained.

Act Feb. 20, 1905, c. 592, § 21, 33 Stat. 729.

Restrictions on registration of marks as trade-marks are contained in section 5 of this act, set forth above.

Suits involving interfering registered trade-marks.

Sec. 22. That whenever there are interfering registered trade-marks, any person interested in any one of them may have relief against the interfering registrant, and all persons interested under him, by suit in equity against the said registrant; and the court, on notice to adverse parties and other due proceedings had according to the course of equity, may adjudge and declare either of the registrations void in whole or in part according to the interest of the parties in the trade-mark, and may order the certificate of registration to be delivered up to the Commissioner of Patents for cancellation.

Act Feb. 20, 1905, c. 592, § 22, 33 Stat. 729.

Existing rights and remedies for wrongful use of trade-mark preserved.

Sec. 23. That nothing in this Act shall prevent, lessen, impeach, or avoid any remedy at law or in equity which any party aggrieved by any wrongful use of any trade-mark might have had if the provisions of this Act had not been passed.

Act Feb. 20, 1905, c. 592, § 23, 33 Stat. 730.

Certificates of registration issued under previous acts are excepted from the operation of the repeal of inconsistent acts and parts of acts by section 30 of this act, set forth below.

Pending applications for registration; amendment and prosecution thereof.

Sec. 24. That all applications for registration pending in the office of the Commissioner of Patents at the time of the passage of this Act may be amended with a view to bringing them, and the certificate issued upon such applications, under its provisions, and the prosecution of such applications may be proceeded with under the provisions of this Act.

Act Feb. 20, 1905, c. 592, § 24, 33 Stat. 730.

Damages from registration procured by false or fraudulent declaration or means; recovery.

Sec. 25. That any person who shall procure registration of a trade-mark, or entry thereof, in the office of the Commissioner of Patents by a false or fraudulent declaration or representation, oral or in writing, or by any false means, shall be liable to pay any damages sustained in consequence thereof to the injured party, to be recovered by an action on the case.

Act Feb. 20, 1905, c. 592, § 25, 33 Stat. 730.

Regulations for proceedings for registration.

Sec. 26. That the Commissioner of Patents is authorized to make rules and regulations, not inconsistent with law, for the conduct of proceedings in reference to the registration of trade-marks provided for by this Act.

Act Feb. 20, 1905, c. 592, § 26, 33 Stat. 730.

Articles imported, copying or simulating, etc., trade-name or registered trade-mark, not admitted to entry.

Sec. 27. That no article of imported merchandise which shall copy or simulate the name of any domestic manufacture, or manufacturer or trader, or of any manufacturer or trader located in any foreign country which, by treaty, convention, or law affords similar privileges to citizens of the United States, or which shall copy or simulate a trade-mark registered in accordance with the provisions of this Act, or shall bear a name or mark calculated to induce the public to believe that the article is manufactured in the United States, or that it is manufactured in any foreign country or locality other than the country or locality in which it is in fact manufactured, shall be admitted to entry at any custom-house of the United States; and, in order to aid the officers of the customs in enforcing this prohibition, any domestic manufacturer or trader, and any foreign manufacturer or trader, who is entitled under the provisions of a treaty, convention, declaration, or agreement between the United States and any foreign country to the advantages afforded by law to citizens of the United States in respect to trade-marks and commercial names, may require his name and residence, and the name of the locality in which his goods are manufactured, and a copy of the certificate of registration of his trade-mark, issued in accordance with the provisions of this Act, to be recorded in books which shall be kept for this purpose in the Department of the Treasury, under such regulations as the Secretary of the Treasury shall prescribe, and may furnish to the Department facsimiles of his name, the name of the locality in which his goods are manufactured, or of his registered trade-mark; and thereupon the Secretary of the Treasury shall cause one or more copies of the same to be transmitted to each collector or other proper officer of customs.

Act Feb. 20, 1905, c. 592, § 27, 33 Stat. 730.

Provisions similar to those of this section were contained in the Tariff Act of 1897, Act July 24, 1897, c. 11, § 11, set forth in Comp. St. 1901, p. 1694.

Notice of registration to be affixed to trade-mark or to package inclosing article; notice of registration or of infringement requisite of recovery of damages.

Sec. 28. That it shall be the duty of the registrant to give notice to the public that a trade-mark is registered, either by affixing thereon

the words "Registered in U. S. Patent Office," or abbreviated thus, "Reg. U. S. Pat. Off.," or when, from the character or size of the trade-mark, or from its manner of attachment to the article to which it is appropriated, this can not be done, then by affixing a label containing a like notice to the package or receptacle wherein the article or articles are inclosed; and in any suit for infringement by a party failing so to give notice of registration no damages shall be recovered, except on proof that the defendant was duly notified of infringement, and continued the same after such notice.

Act Feb. 20, 1905, c. 592, § 28, 33 Stat. 730.

When a trade-mark is to be deemed "affixed" to an article, within the meaning of this act, is defined by the section next following.

Construction of act; definitions.

Sec. 29. That in construing this Act the following rules must be observed, except where the contrary intent is plainly apparent from the context thereof: The United States includes and embraces all territory which is under the jurisdiction and control of the United States. The word "States" includes and embraces the District of Columbia, the Territories of the United States, and such other territory as shall be under the jurisdiction and control of the United States. The terms "person" and "owner," and any other word or term used to designate the applicant or other entitled to a benefit or privilege or rendered liable under the provisions of this Act, include a firm, corporation, or association as well as a natural person. The term "applicant" and "registrant" embrace the successors and assigns of such applicant or registrant. The term "trade-mark" includes any mark which is entitled to registration under the terms of this Act and whether registered or not and a trade-mark shall be deemed to be "affixed" to an article when it is placed in any manner in or upon either the article itself or the receptacle or package or upon the envelope or other thing in, by, or with which the goods are packed or inclosed or otherwise prepared for sale or distribution.

Act Feb. 20, 1905, c. 592, § 29, 33 Stat. 731.

Time of taking effect of act; repeal; exception of certificates of registration issued under previous acts.

Sec. 30. That this Act shall be in force and take effect April first, nineteen hundred and five. All Acts and parts of Acts inconsistent with this Act are hereby repealed except so far as the same may apply to certificates of registration issued under the Act of Congress approved March third, eighteen hundred and eighty-one, entitled "An Act to authorize the registration of trade-marks and protect the same," or under the Act approved August fifth, eighteen hundred and eighty-two, entitled "An Act relating to the registration of trade-marks."

Act Feb. 20, 1905, c. 592, § 30, 33 Stat. 731.

Act March 3, 1881, c. 138, and Act Aug. 5, 1882, c. 393, mentioned in this section, are set forth in Comp. St. 1901, pp. 3401–3405.

ACT MAY 4, 1906, c. 2081. [H. R. 15911.]

An Act to Amend the Laws of the United States Relating to the Registration of Trade-Marks. (34 Stat. 168.)

Be it enacted, &c. [Section 1 amends Act Feb. 20, 1905, c. 592, § 1.]

The amendment by this section of Act Feb. 20, 1905, c. 592, § 1, is incorporated into the section so amended, as set forth above.

Classes of merchandise for purpose of trade-mark registration.

Sec. 2. That the Commissioner of Patents shall establish classes of merchandise for the purpose of trade-mark registration, and shall determine the particular descriptions of goods comprised in each class. On a single application for registration of a trade-mark the trade-mark may be registered at the option of the applicant for any or all goods upon which the mark has actually been used comprised in a single class of merchandise, provided the particular descriptions of goods be stated.

Act May 4, 1906, c. 2081, § 2, 34 Stat. 169.

Owners of trade-marks having manufacturing establishments in United States entitled to registration and protection of trade-marks on products of such establishments.

Sec. 3. That any owner of a trade-mark who shall have a manufacturing establishment within the territory of the United States shall be accorded, so far as the registration and protection of trade-marks used on the products of such establishment are concerned, the same rights and privileges that are accorded to owners of trade-marks domiciled within the territory of the United States by the Act entitled "An Act to authorize the registration of trade-marks used in commerce with foreign nations or among the several States or with Indian tribes, and to protect the same," approved February twentieth, nineteen hundred and five.

Act May 4, 1906, c. 2081, § 3, 34 Stat. 169.

Time of taking effect of act.

Sec. 4. That this Act shall take effect July first, nineteen hundred and six.

Act May 4, 1906, c. 2081, § 4, 34 Stat. 169.

CHAPTER THREE.

Copyrights.

The provisions of Rev. St. §§ 4948–4971, and of subsequent statutes amendatory thereof or additional thereto, relating to copyrights, which were included in this chapter of Compiled Statutes, 1901, are superseded by the provisions relating to the same subject of Act March 4, 1909, c. 320, set forth below, section 63 of which repeals all laws or parts of laws in conflict with the provisions of the act, but provides that causes of action for infringement of copyright theretofore committed shall not be affected.

Besides the acts subsequent to the Revised Statutes which are included in this chapter in Compiled Statutes, 1901, Act March 3, 1905, c. 1432, 33 Stat. 1000, amending Rev. St. 4952, is superseded therewith by said Act March 4, 1909, c. 320, set forth below.

ACT MARCH 3, 1893, c. 215.

An Act Relating to Copyrights. (27 Stat. 743.)

Delivery, before March 1, 1893, of copies not delivered within time limited therefor.

Be it enacted, &c., That any author, inventor, designer, or proprietor of any book, or other article entitled to copyright, who has heretofore failed to deliver in the office of the Librarian of Congress, or in the

mail addressed to the Librarian of Congress, two complete copies of such book, or description or photograph of such article, within the time limited by title sixty, chapter three, of the Revised Statutes relating to copyrights, and the acts in amendment thereof, and has complied with all other provisions thereof, who has, before the first day of March, anno Domini eighteen hundred and ninety-three, delivered at the office of the Librarian of Congress, or deposited in the mail addressed to the Librarian of Congress two complete printed copies of such book, or description, or photograph of such article, shall be entitled to all the rights and privileges of said title sixty, chapter three, of the Revised Statutes and the acts in amendment thereof.

Act March 3, 1893, c. 215, 27 Stat. 743.

ACT MARCH 4, 1909, c. 320. [H. R. 28192.]

An Act to Amend and Consolidate the Acts Respecting Copyright. (35 Stat. 1075.)

Exclusive rights as to copyrighted works; to print, etc., copy, and vend; to translate, dramatize, etc.; to deliver in public, if lecture, etc.; to perform, exhibit, etc., if drama or dramatic work; to perform, or make arrangement or record if musical composition, and to control mechanical reproduction thereof.

Be it enacted, &c., That any person entitled thereto, upon complying with the provisions of this Act, shall have the exclusive right:

(a) To print, reprint, publish, copy, and vend the copyrighted work;

(b) To translate the copyrighted work into other languages or dialects, or make any other version thereof, if it be a literary work; to dramatize it if it be a nondramatic work; to convert it into a novel or other nondramatic work if it be a drama; to arrange or adapt it if it be a musical work; to complete, execute, and finish it if it be a model or design for a work of art;

(c) To deliver or authorize the delivery of the copyrighted work in public for profit if it be a lecture, sermon, address, or similar production;

(d) To perform or represent the copyrighted work publicly if it be a drama or, if it be a dramatic work and not reproduced in copies for sale, to vend any manuscript or any record whatsoever thereof; to make or to procure the making of any transcription or record thereof by or from which, in whole or in part, it may in any manner or by any method be exhibited, performed, represented, produced, or reproduced; and to exhibit, perform, represent, produce, or reproduce it in any manner or by any method whatsoever;

(e) To perform the copyrighted work publicly for profit if it be a musical composition and for the purpose of public performance for profit; and for the purposes set forth in subsection (a) hereof, to make any arrangement or setting of it or of the melody of it in any system of notation or any form of record in which the thought of an author may be recorded and from which it may be read or reproduced: Provided, That the provisions of this Act, so far as they secure copyright controlling the parts of instruments serving to reproduce mechanically the musical work, shall include only compositions published and copyrighted after this Act goes into effect, and shall not include the works of a foreign author or composer unless the foreign state or nation of which such author or composer is a citizen or subject

grants, either by treaty, convention, agreement, or law, to citizens of the United States similar rights: And provided further, and as a condition of extending the copyright control to such mechanical reproductions, That whenever the owner of a musical copyright has used or permitted or knowingly acquiesced in the use of the copyrighted work upon the parts of instruments serving to reproduce mechanically the musical work, any other person may make similar use of the copyrighted work upon the payment to the copyright proprietor of a royalty of two cents on each such part manufactured, to be paid by the manufacturer thereof; and the copyright proprietor may require, and if so the manufacturer shall furnish, a report under oath on the twentieth day of each month on the number of parts of instruments manufactured during the previous month serving to reproduce mechanically said musical work, and royalties shall be due on the parts manufactured during any month upon the twentieth of the next succeeding month. The payment of the royalty provided for by this section shall free the articles or devices for which such royalty has been paid from further contribution to the copyright except in case of public performance for profit: And provided further, That it shall be the duty of the copyright owner, if he uses the musical composition himself for the manufacture of parts of instruments serving to reproduce mechanically the musical work, or licenses others to do so, to file notice thereof, accompanied by a recording fee, in the Copyright Office, and any failure to file such notice shall be a complete defense to any suit, action, or proceeding for any infringement of such copyright.

In case of the failure of such manufacturer to pay to the copyright proprietor within thirty days after demand in writing the full sum of royalties due at said rate at the date of such demand the court may award taxable costs to the plaintiff and a reasonable counsel fee, and the court may, in its discretion, enter judgment therein for any sum in addition over the amount found to be due as royalty in accordance with the terms of this Act, not exceeding three times such amount.

The reproduction or rendition of a musical composition by or upon coin-operated machines shall not be deemed a public performance for profit unless a fee is charged for admission to the place where such reproduction or rendition occurs.

Act March 4, 1909, c. 320, § 1, 35 Stat. 1075.

Rights of author or proprietor of unpublished work not annulled or limited.

Sec. 2. That nothing in this Act shall be construed to annul or limit the right of the author or proprietor of an unpublished work, at common law or in equity, to prevent the copying, publication, or use of such unpublished work without his consent, and to obtain damages therefor.

Act March 4, 1909, c. 320, § 2, 35 Stat. 1076.

Copyright to protect component parts of work already copyrighted; copyright upon composite works or periodicals.

Sec. 3. That the copyright provided by this Act shall protect all the copyrightable component parts of the work copyrighted, and all matter therein in which copyright is already subsisting, but without extending the duration or scope of such copyright. The copyright upon

composite works or periodicals shall give to the proprietor thereof all the rights in respect thereto which he would have if each part were individually copyrighted under this Act.

Act March 4, 1909, c. 320, § 3, 35 Stat. 1076.

Copyright upon all writings of author.

Sec. 4. That the works for which copyright may be secured under this Act shall include all the writings of an author.

Act March 4, 1909, c. 320, § 4, 35 Stat. 1076.

Classification of applications for registration.

Sec. 5. That the application for registration shall specify to which of the following classes the work in which copyright is claimed belongs:

(a) Books, including composite and cyclopædic works, directories, gazetteers, and other compilations;
(b) Periodicals, including newspapers;
(c) Lectures, sermons, addresses, prepared for oral delivery;
(d) Dramatic or dramatico-musical compositions;
(e) Musical compositions;
(f) Maps;
(g) Works of art; models or designs for works of art;
(h) Reproductions of a work of art;
(i) Drawings or plastic works of a scientific or technical character;
(j) Photographs;
(k) Prints and pictorial illustrations:

Provided, nevertheless, That the above specifications shall not be held to limit the subject-matter of copyright as defined in section four of this Act, nor shall any error in classification invalidate or impair the copyright protection secured under this Act.

Act March 4, 1909, c. 320, § 5, 35 Stat. 1076.

Copyright upon compilations, etc., of works in public domain or of copyrighted works; subsisting copyrights not affected.

Sec. 6. That compilations or abridgments, adaptations, arrangements, dramatizations, translations, or other versions of works in the public domain, or of copyrighted works when produced with the consent of the proprietor of the copyright in such works, or works republished with new matter, shall be regarded as new works subject to copyright under the provisions of this Act; but the publication of any such new works shall not affect the force or validity of any subsisting copyright upon the matter employed or any part thereof, or be construed to imply an exclusive right to such use of the original works, or to secure or extend copyright in such original works.

Act March 4, 1909, c. 320, § 6, 35 Stat. 1077.

Copyright not to subsist in works in public domain, or works published prior to act and not already copyrighted, or government publications; effect of publication by government of copyrighted material.

Sec. 7. That no copyright shall subsist in the original text of any work which is in the public domain, or in any work which was published in this country or any foreign country prior to the going into effect of this Act and has not been already copyrighted in the United States, or in any publication of the United States Government, or any reprint, in whole or in part, thereof: Provided, however, That the

publication or republication by the Government, either separately or in a public document, of any material in which copyright is subsisting shall not be taken to cause any abridgement or annulment of the copyright or to authorize any use or appropriation of such copyright material without the consent of the copyright proprietor.

Act March 4, 1909, c. 320, § 7, 35 Stat. 1077.

Authors or proprietors, etc., entitled to copyright; alien authors or proprietors.

Sec. 8. That the author or proprietor of any work made the subject of copyright by this Act, or his executors, administrators, or assigns, shall have copyright for such work under the conditions and for the terms specified in this Act: Provided, however, That the copyright secured by this Act shall extend to the work of an author or proprietor who is a citizen or subject of a foreign state or nation, only:

(a) When an alien author or proprietor shall be domiciled within the United States at the time of the first publication of his work; or

(b) When the foreign state or nation of which such author or proprietor is a citizen or subject grants, either by treaty, convention, agreement, or law, to citizens of the United States the benefit of copyright on substantially the same basis as to its own citizens, or copyright protection substantially equal to the protection secured to such foreign author under this Act or by treaty; or when such foreign state or nation is a party to an international agreement which provides for reciprocity in the granting of copyright, by the terms of which agreement the United States may, at its pleasure, become a party thereto.

The existence of the reciprocal conditions aforesaid shall be determined by the President of the United States, by proclamation made from time to time, as the purposes of this Act may require.

Act March 4, 1909, c. 320, § 8, 35 Stat. 1077.

Copyright secured by publication of work with notice of copyright affixed to copies.

Sec. 9. That any person entitled thereto by this Act may secure copyright for his work by publication thereof with the notice of copyright required by this Act; and such notice shall be affixed to each copy thereof published or offered for sale in the United States by authority of the copyright proprietor, except in the case of books seeking ad interim protection under section twenty-one of this Act.

Act March 4, 1909, c. 320, § 9, 35 Stat. 1077.

Registration of claim to copyright, and issuance of certificate thereof.

Sec. 10. That such person may obtain registration of his claim to copyright by complying with the provisions of this Act, including the deposit of copies, and upon such compliance the register of copyrights shall issue to him the certificate provided for in section fifty-five of this Act.

Act March 4, 1909, c. 320, § 10, 35 Stat. 1078.

Copyright of works not reproduced for sale.

Sec. 11. That copyright may also be had of the works of an author of which copies are not reproduced for sale, by the deposit, with claim of copyright, of one complete copy of such work if it be a lecture or similar production or a dramatic or musical composition; of a photo-

graphic print if the work be a photograph; or of a photograph or other identifying reproduction thereof if it be a work of art or a plastic work or drawing. But the privilege of registration of copyright secured hereunder shall not exempt the copyright proprietor from the deposit of copies under sections twelve and thirteen of this Act where the work is later reproduced in copies for sale.

Act March 4, 1909, c. 320, § 11, 35 Stat. 1078.

Deposit of copies of work after publication; action or proceeding for infringement not maintainable until after deposit of copies and registration.

Sec. 12. That after copyright has been secured by publication of the work with the notice of copyright as provided in section nine of this Act, there shall be promptly deposited in the copyright office or in the mail addressed to the register of copyrights, Washington, District of Columbia, two complete copies of the best edition thereof then published, which copies, if the work be a book or periodical, shall have been produced in accordance with the manufacturing provisions specified in section fifteen of this Act; or if such work be a contribution to a periodical, for which contribution special registration is requested, one copy of the issue or issues containing such contribution; or if the work is not reproduced in copies for sale, there shall be deposited the copy, print, photograph, or other identifying reproduction provided by section eleven of this Act, such copies or copy, print, photograph, or other reproduction to be accompanied in each case by a claim of copyright. No action or proceeding shall be maintained for infringement of copyright in any work until the provisions of this Act with respect to the deposit of copies and registration of such work shall have been complied with.

Act March 4, 1909, c. 320, § 12, 35 Stat. 1078.

Failure to deposit copies; demand therefor; penalty for default after demand.

Sec. 13. That should the copies called for by section twelve of this Act not be promptly deposited as herein provided, the register of copyrights may at any time after the publication of the work, upon actual notice, require the proprietor of the copyright to deposit them, and after the said demand shall have been made, in default of the deposit of copies of the work within three months from any part of the United States, except an outlying territorial possession of the United States, or within six months from any outlying territorial possession of the United States, or from any foreign country, the proprietor of the copyright shall be liable to a fine of one hundred dollars and to pay to the Library of Congress twice the amount of the retail price of the best edition of the work, and the copyright shall become void.

Act March 4, 1909, c. 320, § 13, 35 Stat. 1078.

Postmaster's receipt for articles deposited; transmission by mail without cost to claimant.

Sec. 14. That the postmaster to whom are delivered the articles deposited as provided in sections eleven and twelve of this Act shall, if requested, give a receipt therefor and shall mail them to their destination without cost to the copyright claimant.

Act March 4, 1909, c. 320, § 14, 35 Stat. 1078.

Mechanical work, etc., of printed book or periodical accorded publication to be done within United States; exceptions.

Sec. 15. That of the printed book or periodical specified in section five, subsections (a) and (b) of this Act, except the original text of a book of foreign origin in a language or languages other than English, the text of all copies accorded protection under this Act, except as below provided, shall be printed from type set within the limits of the United States, either by hand or by the aid of any kind of typesetting machine, or from plates made within the limits of the United States from type set therein, or, if the text be produced by lithographic process, or photo-engraving process, then by a process wholly performed within the limits of the United States, and the printing of the text and binding of the said book shall be performed within the limits of the United States; which requirements shall extend also to the illustrations within a book consisting of printed text and illustrations produced by lithographic process, or photo-engraving process, and also to separate lithographs or photo-engravings, except where in either case the subjects represented are located in a foreign country and illustrate a scientific work or reproduce a work of art; but they shall not apply to works in raised characters for the use of the blind, or to books of foreign origin in a language or languages other than English, or to books published abroad in the English language seeking ad interim protection under this Act.

Act March 4, 1909, c. 320, § 15, 35 Stat. 1078.

Affidavit to accompany copies of book deposited.

Sec. 16. That in the case of the book the copies so deposited shall be accompanied by an affidavit, under the official seal of any officer authorized to administer oaths within the United States, duly made by the person claiming copyright or by his duly authorized agent or representative residing in the United States, or by the printer who has printed the book, setting forth that the copies deposited have been printed from type set within the limits of the United States or from plates made within the limits of the United States from type set therein; or, if the text be produced by lithographic process, or photo-engraving process, that such process was wholly performed within the limits of the United States, and that the printing of the text and binding of the said book have also been performed within the limits of the United States. Such affidavit shall state also the place where and the establishment or establishments in which such type was set or plates were made or lithographic process, or photo-engraving process or printing and binding were performed and the date of the completion of the printing of the book or the date of publication.

Act March 4, 1909, c. 320, § 16, 35 Stat. 1079.

Making false affidavit punishable; penalty.

Sec. 17. That any person who, for the purpose of obtaining registration of a claim to copyright, shall knowingly make a false affidavit as to his having complied with the above conditions shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not more than one thousand dollars, and all of his rights and privileges under said copyright shall thereafter be forfeited.

Act March 4, 1909, c. 320, § 17, 35 Stat. 1079.

Form of notice of copyright.

Sec. 18. That the notice of copyright required by section nine of this Act shall consist either of the word "Copyright" or the abbreviation "Copr.", accompanied by the name of the copyright proprietor, and if the work be a printed literary, musical, or dramatic work, the notice shall include also the year in which the copyright was secured by publication. In the case, however, of copies of works specified in subsections (f) to (k), inclusive, of section five of this Act, the notice may consist of the letter C inclosed within a circle, thus: ©, accompanied by the initials, monogram, mark, or symbol of the copyright proprietor: Provided, That on some accessible portion of such copies or of the margin, back, permanent base, or pedestal, or of the substance on which such copies shall be mounted, his name shall appear. But in the case of works in which copyright is subsisting when this Act shall go into effect, the notice of copyright may be either in one of the forms prescribed herein or in one of those prescribed by the Act of June eighteenth, eighteen hundred and seventy-four.

Act March 4, 1909, c. 320, § 18, 35 Stat. 1079.

Place of application of notice of copyright; one notice in each volume or number of newspaper or periodical.

Sec. 19. That the notice of copyright shall be applied, in the case of a book or other printed publication, upon its title-page or the page immediately following, or if a periodical either upon the title-page or upon the first page of text of each separate number or under the title heading, or if a musical work either upon its title-page or the first page of music: Provided, That one notice of copyright in each volume or in each number of a newspaper or periodical published shall suffice.

Act March 4, 1909, c. 320, § 19, 35 Stat. 1079.

Effect of accidental omission of notice of copyright from particular copy or copies of work.

Sec. 20. That where the copyright proprietor has sought to comply with the provisions of this Act with respect to notice, the omission by accident or mistake of the prescribed notice from a particular copy or copies shall not invalidate the copyright or prevent recovery for infringement against any person who, after actual notice of the copyright, begins an undertaking to infringe it, but shall prevent the recovery of damages against an innocent infringer who has been misled by the omission of the notice; and in a suit for infringement no permanent injunction shall be had unless the copyright proprietor shall reimburse to the innocent infringer his reasonable outlay innocently incurred if the court, in its discretion, shall so direct.

Act March 4, 1909, c. 320, § 20, 35 Stat. 1080.

Ad interim protection of book published abroad.

Sec. 21. That in the case of a book published abroad in the English language before publication in this country, the deposit in the copyright office, not later than thirty days after its publication abroad, of one complete copy of the foreign edition, with a request for the reservation of the copyright and a statement of the name and nationality of the author and of the copyright proprietor and of the date of publication of the said book, shall secure to the author or proprietor an ad interim copyright, which shall have all the force and effect given to

copyright by this Act, and shall endure until the expiration of thirty days after such deposit in the copyright office.

Act March 4, 1909, c. 320, § 21, 35 Stat. 1080.

Extension of ad interim protection to full term of copyright.

Sec. 22. That whenever within the period of such ad interim protection an authorized edition of such book shall be published within the United States, in accordance with the manufacturing provisions specified in section fifteen of this Act, and whenever the provisions of this Act as to deposit of copies, registration, filing of affidavit, and the printing of the copyright notice shall have been duly complied with, the copyright shall be extended to endure in such book for the full term elsewhere provided in this Act.

Act March 4, 1909, c. 320, § 22, 35 Stat. 1080.

Duration of copyright; renewal by proprietor; renewal by author or his widow, widower, or children, etc.

Sec. 23. That the copyright secured by this Act shall endure for twenty-eight years from the date of first publication, whether the copyrighted work bears the author's true name or is published anonymously or under an assumed name: Provided, That in the case of any posthumous work or of any periodical, cyclopedic, or other composite work upon which the copyright was originally secured by the proprietor thereof, or of any work copyrighted by a corporate body (otherwise than as assignee or licensee of the individual author) or by an employer for whom such work is made for hire, the proprietor of such copyright shall be entitled to a renewal and extension of the copyright in such work for the further term of twenty-eight years when application for such renewal and extension shall have been made to the copyright office and duly registered therein within one year prior to the expiration of the original term of copyright: And provided further, That in the case of any other copyrighted work, including a contribution by an individual author to a periodical or to a cyclopedic or other composite work when such contribution has been separately registered, the author of such work, if still living, or the widow, widower, or children of the author, if the author be not living, or if such author, widow, widower, or children be not living, then the author's executors, or in the absence of a will, his next of kin shall be entitled to a renewal and extension of the copyright in such work for a further term of twenty-eight years when application for such renewal and extension shall have been made to the copyright office and duly registered therein within one year prior to the expiration of the original term of copyright: And provided further, That in default of the registration of such application for renewal and extension, the copyright in any work shall determine at the expiration of twenty-eight years from first publication.

Act March 4, 1909, c. 320, § 23, 35 Stat. 1080.

Renewal of copyrights subsisting at time act goes into effect.

Sec. 24. That the copyright subsisting in any work at the time when this Act goes into effect may, at the expiration of the term provided for under existing law, be renewed and extended by the author of such work if still living, or the widow, widower, or children of the author, if the author be not living, or if such author, widow, widower, or children be not living, then by the author's executors, or in the absence

of a will, his next of kin, for a further period such that the entire term shall be equal to that secured by this Act, including the renewal period: Provided, however, That if the work be a composite work upon which copyright was originally secured by the proprietor thereof, then such proprietor shall be entitled to the privilege of renewal and extension granted under this section: Provided, That application for such renewal and extension shall be made to the copyright office and duly registered therein within one year prior to the expiration of the existing term.

Act March 4, 1909, c. 320, § 24, 35 Stat. 1080.

Infringement; injunction restraining; damages and profits; impounding during action infringing articles; destruction of infringing copies, etc., and plates, etc.; royalties for use of mechanical reproduction of musical works; rules of procedure.

Sec. 25. That if any person shall infringe the copyright in any work protected under the copyright laws of the United States such person shall be liable:

(a) To an injunction restraining such infringement;

(b) To pay to the copyright proprietor such damages as the copyright proprietor may have suffered due to the infringement, as well as all the profits which the infringer shall have made from such infringement, and in proving profits the plaintiff shall be required to prove sales only and the defendant shall be required to prove every element of cost which he claims, or in lieu of actual damages and profits such damages as to the court shall appear to be just, and in assessing such damages the court may, in its discretion, allow the amounts as hereinafter stated, but in the case of a newspaper reproduction of a copyrighted photograph such damages shall not exceed the sum of two hundred dollars nor be less than the sum of fifty dollars, and such damages shall in no other case exceed the sum of five thousand dollars nor be less than the sum of two hundred and fifty dollars, and shall not be regarded as a penalty:

First. In the case of a painting, statue, or sculpture, ten dollars for every infringing copy made or sold by or found in the possession of the infringer or his agents or employees;

Second. In the case of any work enumerated in section five of this Act, except a painting, statue, or sculpture, one dollar for every infringing copy made or sold by or found in the possession of the infringer or his agents or employees;

Third. In the case of a lecture, sermon, or address, fifty dollars for every infringing delivery;

Fourth. In the case of a dramatic or dramatico-musical or a choral or orchestral composition, one hundred dollars for the first and fifty dollars for every subsequent infringing performance; in the case of other musical compositions, ten dollars for every infringing performance;

(c) To deliver up on oath, to be impounded during the pendency of the action, upon such terms and conditions as the court may prescribe, all articles alleged to infringe a copyright;

(d) To deliver up on oath for destruction all the infringing copies or devices, as well as all plates, molds, matrices, or other means for making such infringing copies as the court may order;

(e) Whenever the owner of a musical copyright has used or per-

mitted the use of the copyrighted work upon the parts of musical instruments serving to reproduce mechanically the musical work, then in case of infringement of such copyright by the unauthorized manufacture, use, or sale of interchangeable parts, such as disks, rolls, bands, or cylinders for use in mechanical music-producing machines adapted to reproduce the copyrighted music, no criminal action shall be brought, but in a civil action an injunction may be granted upon such terms as the court may impose, and the plaintiff shall be entitled to recover in lieu of profits and damages a royalty as provided in section one, subsection (e), of this Act: Provided also, That whenever any person, in the absence of a license agreement, intends to use a copyrighted musical composition upon the parts of instruments serving to reproduce mechanically the musical work, relying upon the compulsory license provision of this Act, he shall serve notice of such intention, by registered mail, upon the copyright proprietor at his last address disclosed by the records of the copyright office sending to the copyright office a duplicate of such notice; and in case of his failure so to do the court may, in its discretion, in addition to sums hereinabove mentioned, award the complainant a further sum, not to exceed three times the amount provided by section one, subsection (e), by way of damages, and not as a penalty, and also a temporary injunction until the full award is paid.

Rules and regulations for practice and procedure under this section shall be prescribed by the Supreme Court of the United States.

Act March 4, 1909, c. 320, § 25, 35 Stat. 1081.

Jurisdiction of courts in enforcing remedies provided.

Sec. 26. That any court given jurisdiction under section thirty-four of this Act may proceed in any action, suit, or proceeding instituted for violation of any provision hereof to enter a judgment or decree enforcing the remedies herein provided.

Act March 4, 1909, c. 320, § 26, 35 Stat. 1082.

Joinder in one action of proceedings for different remedies.

Sec. 27. That the proceedings for an injunction, damages, and profits, and those for the seizure of infringing copies, plates, molds, matrices, and so forth, aforementioned, may be united in one action.

Act March 4, 1909, c. 320, § 27, 35 Stat. 1082.

Willful infringement for profit punishable; penalty; exception of performance of musical works for charitable or educational purposes.

Sec. 28. That any person who willfully and for profit shall infringe any copyright secured by this Act, or who shall knowingly and willfully aid or abet such infringement, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by imprisonment for not exceeding one year or by a fine of not less than one hundred dollars nor more than one thousand dollars, or both, in the discretion of the court: Provided, however, That nothing in this Act shall be so construed as to prevent the performance of religious or secular works such as oratorios, cantatas, masses, or octavo choruses by public schools, church choirs, or vocal societies, rented, borrowed, or obtained from some public library, public school, church choir,

school choir, or vocal society, provided the performance is given for charitable or educational purposes and not for profit.

Act March 4, 1909, c. 320, § 28, 35 Stat. 1082.

Fraudulent notice of copyright, or removal or alteration of notice on copyrighted article, punishable; penalty.

Sec. 29. That any person who, with fraudulent intent, shall insert or impress any notice of copyright required by this Act, or words of the same purport, in or upon any uncopyrighted article, or with fraudulent intent shall remove or alter the copyright notice upon any article duly copyrighted shall be guilty of a misdemeanor, punishable by a fine of not less than one hundred dollars and not more than one thousand dollars. Any person who shall knowingly issue or sell any article bearing a notice of United States copyright which has not been copyrighted in this country, or who shall knowingly import any article bearing such notice or words of the same purport, which has not been copyrighted in this country, shall be liable to a fine of one hundred dollars.

Act March 4, 1909, c. 320, § 29, 35 Stat. 1082.

Importation of article bearing false notice of copyright, or piratical copies of copyrighted work, prohibited.

Sec. 30. That the importation into the United States of any article bearing a false notice of copyright when there is no existing copyright thereon in the United States, or of any piratical copies of any work copyrighted in the United States, is prohibited.

Act March 4, 1909, c. 320, § 30, 35 Stat. 1082.

Importation, during existence of copyright in book, of piratical copies thereof, or of copies not produced in accordance with provisions of section 15 of act; exceptions.

Sec. 31. That during the existence of the American copyright in any book the importation into the United States of any piratical copies thereof or of any copies thereof (although authorized by the author or proprietor) which have not been produced in accordance with the manufacturing provisions specified in section fifteen of this Act, or any plates of the same not made from type set within the limits of the United States, or any copies thereof produced by lithographic or photo-engraving process not performed within the limits of the United States, in accordance with the provisions of section fifteen of this Act, shall be, and is hereby, prohibited: Provided, however, That, except as regards piratical copies, such prohibition shall not apply:

(a) To works in raised characters for the use of the blind;

(b) To a foreign newspaper or magazine, although containing matter copyrighted in the United States printed or reprinted by authority of the copyright proprietor, unless such newspaper or magazine contains also copyright matter printed or reprinted without such authorization;

(c) To the authorized edition of a book in a foreign language or languages of which only a translation into English has been copyrighted in this country.

(d) To any book published abroad with the authorization of the author or copyright proprietor when imported under the circumstances stated in one of the four subdivisions following, that is to say:

First. When imported, not more than one copy at one time, for individual use and not for sale; but such privilege of importation shall not extend to a foreign reprint of a book by an American author copyrighted in the United States;

Second. When imported by the authority or for the use of the United States;

Third. When imported, for use and not for sale, not more than one copy of any such book in any one invoice, in good faith, by or for any society or institution incorporated for educational, literary, philosophical, scientific, or religious purposes, or for the encouragement of the fine arts, or for any college, academy, school, or seminary of learning, or for any State, school, college, university, or free public library in the United States;

Fourth. When such books form parts of libraries or collections purchased en bloc for the use of societies, institutions, or libraries designated in the foregoing paragraph, or form parts of the libraries or personal baggage belonging to persons or families arriving from foreign countries and are not intended for sale: Provided, That copies imported as above may not lawfully be used in any way to violate the rights of the proprietor of the American copyright or annul or limit the copyright protection secured by this Act, and such unlawful use shall be deemed an infringement of copyright.

Act March 4, 1909, c. 320, § 31, 35 Stat. 1082.

Forfeiture and destruction of articles prohibited importation, brought into United States.

Sec. 32. That any and all articles prohibited importation by this Act which are brought into the United States from any foreign country (except in the mails) shall be seized and forfeited by like proceedings as those provided by law for the seizure and condemnation of property imported into the United States in violation of the customs revenue laws. Such articles when forfeited shall be destroyed in such manner as the Secretary of the Treasury or the court, as the case may be, shall direct: Provided, however, That all copies of authorized editions of copyright books imported in the mails or otherwise in violation of the provisions of this Act may be exported and returned to the country of export whenever it is shown to the satisfaction of the Secretary of the Treasury, in a written application, that such importation does not involve willful negligence or fraud.

Act March 4, 1909, c. 320, § 32. 35 Stat. 1083.

Regulations to prevent importation in mails of articles prohibited; notice of such actual or contemplated importation.

Sec. 33. That the Secretary of the Treasury and the Postmaster-General are hereby empowered and required to make and enforce such joint rules and regulations as shall prevent the importation into the United States in the mails of articles prohibited importation by this Act, and may require notice to be given to the Treasury Department or Post-Office Department, as the case may be, by copyright proprietors or injured parties, of the actual or contemplated importation of articles prohibited importation by this Act, and which infringe the rights of such copyright proprietors or injured parties.

Act March 4, 1909, c. 320, § 33, 35 Stat. 1083.

Jurisdiction of actions, etc., under copyright laws.

Sec. 34. That all actions, suits, or proceedings arising under the copyright laws of the United States shall be originally cognizable by the circuit courts of the United States, the District court of any Territory, the supreme court of the District of Columbia, the district courts of Alaska, Hawaii, and Porto Rico, and the courts of first instance of the Philippine Islands.

Act March 4, 1909, c. 320, § 34, 35 Stat. 1084.

District in which actions, etc., under act may be brought.

Sec. 35. That civil actions, suits, or proceedings arising under this Act may be instituted in the district of which the defendant or his agent is an inhabitant, or in which he may be found.

Act March 4, 1909, c. 320, § 35, 35 Stat. 1084.

Injunctions; service and enforcement thereof.

Sec. 36. That any such court or judge thereof shall have power, upon bill in equity filed by any party aggrieved, to grant injunctions to prevent and restrain the violation of any right secured by said laws, according to the course and principles of courts of equity, on such terms as said court or judge may deem reasonable. Any injunction that may be granted restraining and enjoining the doing of anything forbidden by this Act may be served on the parties against whom such injunction may be granted anywhere in the United States, and shall be operative throughout the United States and be enforceable by proceedings in contempt or otherwise by any other court or judge possessing jurisdiction of the defendants.

Act March 4, 1909, c. 320, § 36, 35 Stat. 1084.

Transmission of certified copies of papers for enforcement of injunction by other court.

Sec. 37. That the clerk of the court, or judge granting the injunction, shall, when required so to do by the court hearing the application to enforce said injunction, transmit without delay to said court a certified copy of all the papers in said cause that are on file in his office.

Act March 4, 1909, c. 320, § 37, 35 Stat. 1084.

Review of orders, judgments, or decrees, under copyright laws on appeal or writ of error.

Sec. 38. That the orders, judgments, or decrees of any court mentioned in section thirty-four of this Act arising under the copyright laws of the United States may be reviewed on appeal or writ of error in the manner and to the extent now provided by law for the review of cases determined in said courts, respectively.

Act March 4, 1909, c. 320, § 38, 35 Stat. 1084.

Limitation of criminal proceedings under act.

Sec. 39. That no criminal proceeding shall be maintained under the provisions of this Act unless the same is commenced within three years after the cause of action arose.

Act March 4, 1909, c. 320, § 39, 35 Stat. 1084.

Costs in actions, etc., under act; attorney's fees.

Sec. 40. That in all actions, suits, or proceedings under this Act, except when brought by or against the United States or any officer

thereof, full costs shall be allowed, and the court may award to the prevailing party a reasonable attorney's fee as part of the costs.

Act March 4, 1909, c. 320, § 40, 35 Stat. 1084.

Copyright distinct from property in object copyrighted; effect of sale, etc., of such object, and of assignment of copyright.

Sec. 41. That the copyright is distinct from the property in the material object copyrighted, and the sale or conveyance, by gift or otherwise, of the material object shall not of itself constitute a transfer of the copyright, nor shall the assignment of the copyright constitute a transfer of the title to the material object; but nothing in this Act shall be deemed to forbid, prevent, or restrict the transfer of any copy of a copyrighted work the possession of which has been lawfully obtained.

Act March 4, 1909, c. 320, § 41, 35 Stat. 1084.

Assignments, etc., of copyrights.

Sec. 42. That copyright secured under this or previous Acts of the United States may be assigned, granted, or mortgaged by an instrument in writing signed by the proprietor of the copyright, or may be bequeathed by will.

Act March 4, 1909, c. 320, § 42, 35 Stat. 1084.

Assignments executed in foreign country; acknowledgment and certificate thereof.

Sec. 43. That every assignment of copyright executed in a foreign country shall be acknowledged by the assignor before a consular officer or secretary of legation of the United States authorized by law to administer oaths or perform notarial acts. The certificate of such acknowledgement under the hand and official seal of such consular officer or secretary of legation shall be prima facie evidence of the execution of the instrument.

Act March 4, 1909, c. 320, § 43, 35 Stat. 1084.

Recording assignments.

Sec. 44. That every assignment of copyright shall be recorded in the copyright office within three calendar months after its execution in the United States or within six calendar months after its execution without the limits of the United States, in default of which it shall be void as against any subsequent purchaser or mortgagee for a valuable consideration, without notice, whose assignment has been duly recorded.

Act March 4, 1909, c. 320, § 44, 35 Stat. 1084.

Certificate of record of assignment.

Sec. 45. That the register of copyrights shall, upon payment of the prescribed fee, record such assignment, and shall return it to the sender with a certificate of record attached under seal of the copyright office, and upon the payment of the fee prescribed by this Act he shall furnish to any person requesting the same a certified copy thereof under the said seal.

Act March 4, 1909, c. 320, § 45, 35 Stat. 1085.

Use of name of assignee in notice of copyright.

Sec. 46. That when an assignment of the copyright in a specified book or other work has been recorded the assignee may substitute his

name for that of the assignor in the statutory notice of copyright prescribed by this Act.

Act March 4, 1909, c. 320, § 46, 35 Stat. 1085.

Copyright Office; preservation therein of records, etc.

Sec. 47. That all records and other things relating to copyrights required by law to be preserved shall be kept and preserved in the copyright office, Library of Congress, District of Columbia, and shall be under the control of the register of copyrights, who shall, under the direction and supervision of the Librarian of Congress, perform all the duties relating to the registration of copyrights.

Act March 4, 1909, c. 320, § 47, 35 Stat. 1085.

Register of Copyrights; appointment; salary; assistant register; subordinate assistants.

Sec. 48. That there shall be appointed by the Librarian of Congress a register of copyrights, at a salary of four thousand dollars per annum, and one assistant register of copyrights, at a salary of three thousand dollars per annum, who shall have authority during the absence of the register of copyrights to attach the copyright office seal to all papers issued from the said office and to sign such certificates and other papers as may be necessary. There shall also be appointed by the Librarian such subordinate assistants to the register as may from time to time be authorized by law.

Act March 4, 1909, c. 320, § 48, 35 Stat. 1085.

Deposit by Register of Copyrights of moneys received as copyright fees; reports thereof.

Sec. 49. That the register of copyrights shall make daily deposits in some bank in the District of Columbia, designated for this purpose by the Secretary of the Treasury as a national depository, of all moneys received to be applied as copyright fees, and shall make weekly deposits with the Secretary of the Treasury, in such manner as the latter shall direct, of all copyright fees actually applied under the provisions of this Act, and annual deposits of sums received which it has not been possible to apply as copyright fees or to return to the remitters, and shall also make monthly reports to the Secretary of the Treasury and to the Librarian of Congress of the applied copyright fees for each calendar month, together with a statement of all remittances received, trust funds on hand, moneys refunded, and unapplied balances.

Act March 4, 1909, c. 320, § 49, 35 Stat. 1085.

Bond of Register of Copyrights.

Sec. 50. That the register of copyrights shall give bond to the United States in the sum of twenty thousand dollars, in form to be approved by the Solicitor of the Treasury and with sureties satisfactory to the Secretary of the Treasury, for the faithful discharge of his duties.

Act March 4, 1909, c. 320, § 50, 35 Stat. 1085.

Annual report of Register of Copyrights.

Sec. 51. That the register of copyrights shall make an annual report to the Librarian of Congress, to be printed in the annual report on the Library of Congress, of all copyright business for the previous fiscal year, including the number and kind of works which have been

deposited in the copyright office during the fiscal year, under the provisions of this Act.

Act March 4, 1909, c. 320, § 51, 35 Stat. 1085.

Seal of Copyright Office.

Sec. 52. That the seal provided under the Act of July eighth, eighteen hundred and seventy, and at present used in the copyright office, shall continue to be the seal thereof, and by it all papers issued from the copyright office requiring authentication shall be authenticated.

Act March 4, 1909, c. 320, § 52, 35 Stat. 1085.

Act July 8, 1870, c. 230, § 85, mentioned in this section, which provided for a seal for the office of the Librarian of Congress, was incorporated into the Revised Statutes as section 4949 thereof, set forth in Comp. St. 1901, p. 3406.

Rules for registration of claims to copyright.

Sec. 53. That, subject to the approval of the Librarian of Congress, the register of copyrights shall be authorized to make rules and regulations for the registration of claims to copyright as provided by this Act.

Act March 4, 1909, c. 320, § 53, 35 Stat. 1085.

Record books in Copyright Office.

Sec. 54. That the register of copyrights shall provide and keep such record books in the copyright office as are required to carry out the provisions of this Act, and whenever deposit has been made in the copyright office of a copy of any work under the provisions of this Act he shall make entry thereof.

Act March 4, 1909, c. 320, § 54, 35 Stat. 1086.

Certificate of registration; effect of certificate as evidence; receipt for copies of work deposited.

Sec. 55. That in the case of each entry the person recorded as the claimant of the copyright shall be entitled to a certificate of registration under seal of the copyright office, to contain his name and address, the title of the work upon which copyright is claimed, the date of the deposit of the copies of such work, and such marks as to class designation and entry number as shall fully identify the entry. In the case of a book the certificate shall also state the receipt of the affidavit as provided by section sixteen of this Act, and the date of the completion of the printing, or the date of the publication of the book, as stated in the said affidavit. The register of copyrights shall prepare a printed form for the said certificate, to be filled out in each case as above provided for, which certificate, sealed with the seal of the copyright office, shall, upon payment of the prescribed fee, be given to any person making application for the same, and the said certificate shall be admitted in any court as prima facie evidence of the facts stated therein. In addition to such certificate the register of copyrights shall furnish, upon request, without additional fee, a receipt for the copies of the work deposited to complete the registration.

Act March 4, 1909, c. 320, § 55, 35 Stat. 1086.

Catalogues of copyright entries; effect of catalogues as evidence.

Sec. 56. That the register of copyrights shall fully index all copyright registrations and assignments and shall print at periodic intervals a catalogue of the titles of articles deposited and registered for copyright, together with suitable indexes, and at stated intervals shall

print complete and indexed catalogues for each class of copyright entries, and may thereupon, if expedient, destroy the original manuscript catalogue cards containing the titles included in such printed volumes and representing the entries made during such intervals. The current catalogues of copyright entries and the index volumes herein provided for shall be admitted in any court as prima facie evidence of the facts stated therein as regards any copyright registration.

Act March 4, 1909, c. 320, § 56, 35 Stat. 1086.

Distribution and sale of catalogues of copyright entries; disposal of proceeds.

Sec. 57. That the said printed current catalogues as they are issued shall be promptly distributed by the copyright office to the collectors of customs of the United States and to the postmasters of all exchange offices of receipt of foreign mails, in accordance with revised lists of such collectors of customs and postmasters prepared by the Secretary of the Treasury and the Postmaster-General, and they shall also be furnished to all parties desiring them at a price to be determined by the register of copyrights, not exceeding five dollars per annum for the complete catalogue of copyright entries and not exceeding one dollar per annum for the catalogues issued during the year for any one class of subjects. The consolidated catalogues and indexes shall also be supplied to all persons ordering them at such prices as may be determined to be reasonable, and all subscriptions for the catalogues shall be received by the Superintendent of Public Documents, who shall forward the said publications; and the moneys thus received shall be paid into the Treasury of the United States and accounted for under such laws and Treasury regulations as shall be in force at the time.

Act March 4, 1909, c. 320, § 57, 35 Stat. 1086.

Records and works deposited in Copyright Office open to public inspection; taking copies of copyright entries.

Sec. 58. That the record books of the copyright office, together with the indexes to such record books, and all works deposited and retained in the copyright office, shall be open to public inspection; and copies may be taken of the copyright entries actually made in such record books, subject to such safeguards and regulations as shall be prescribed by the register of copyrights and approved by the Librarian of Congress.

Act March 4, 1909, c. 320, § 58, 35 Stat. 1086.

Disposition of articles deposited in Copyright Office.

Sec. 59. That of the articles deposited in the copyright office under the provisions of the copyright laws of the United States or of this Act, the Librarian of Congress shall determine what books and other articles shall be transferred to the permanent collections of the Library of Congress, including the law library, and what other books or articles shall be placed in the reserve collections of the Library of Congress for sale or exchange, or be transferred to other governmental libraries in the District of Columbia for use therein.

Act March 4, 1909, c. 320, § 59, 35 Stat. 1087.

Destruction of articles deposited in Copyright Office remaining undisposed of; removal of such articles by author, proprietor, etc.; manuscripts of unpublished works.

Sec. 60. That of any articles undisposed of as above provided, together with all titles and correspondence relating thereto, the Libra-

rian of Congress and the register of copyrights jointly shall, at suitable intervals, determine what of these received during any period of years it is desirable or useful to preserve in the permanent files of the copyright office, and, after due notice as hereinafter provided, may within their discretion cause the remaining articles and other things to be destroyed: Provided, That there shall be printed in the Catalogue of Copyright Entries from February to November, inclusive, a statement of the years of receipt of such articles and a notice to permit any author, copyright proprietor, or other lawful claimant to claim and remove before the expiration of the month of December of that year anything found which relates to any of his productions deposited or registered for copyright within the period of years stated, not reserved or disposed of as provided for in this Act: And provided further, That no manuscript of an unpublished work shall be destroyed during its term of copyright without specific notice to the copyright proprietor of record, permitting him to claim and remove it.

Act March 4, 1909, c. 320, § 60, 35 Stat. 1087.

Fees.

Sec. 61. That the register of copyrights shall receive, and the persons to whom the services designated are rendered shall pay, the following fees: For the registration of any work subject to copyright, deposited under the provisions of this Act, one dollar, which sum is to include a certificate of registration under seal: Provided, That in the case of photographs the fee shall be fifty cents where a certificate is not demanded. For every additional certificate of registration made, fifty cents. For recording and certifying any instrument of writing for the assignment of copyright, or any such license specified in section one, subsection (e), or for any copy of such assignment or license, duly certified, if not over three hundred words in length, one dollar; if more than three hundred and less than one thousand words in length, two dollars; if more than one thousand words in length, one dollar additional for each one thousand words or fraction thereof over three hundred words. For recording the notice of user or acquiescence specified in section one, subsection (e), twenty-five cents for each notice if not over fifty words, and an additional twenty-five cents for each additional one hundred words. For comparing any copy of an assignment with the record of such document in the copyright office and certifying the same under seal, one dollar. For recording the extension or renewal of copyright provided for in sections twenty-three and twenty-four of this Act, fifty cents. For recording the transfer of the proprietorship of copyrighted articles, ten cents for each title of a book or other article, in addition to the fee prescribed for recording the instrument of assignment. For any requested search of copyright office records, indexes, or deposits, fifty cents for each full hour of time consumed in making such search: Provided, That only one registration at one fee shall be required in the case of several volumes of the same book deposited at the same time.

Act March 4, 1909, c. 320, § 61, 35 Stat. 1087.

Definition of terms "the date of publication" and "author" in construction of act.

Sec. 62. That in the interpretation and construction of this Act "the date of publication" shall in the case of a work of which copies are

reproduced for sale or distribution be held to be the earliest date when copies of the first authorized edition were placed on sale, sold, or publicly distributed by the proprietor of the copyright or under his authority, and the word "author" shall include an employer in the case of works made for hire.

Act March 4, 1909, c. 320, § 62, 35 Stat. 1087.

Repeal; causes of action for infringements committed before act not affected.

Sec. 63. That all laws or parts of laws in conflict with the provisions of this Act are hereby repealed, but nothing in this Act shall affect causes of action for infringement of copyright heretofore committed now pending in courts of the United States, or which may hereafter be instituted; but such causes shall be prosecuted to a conclusion in the manner heretofore provided by law.

Act March 4, 1909, c. 320, § 63, 35 Stat. 1088.

Time of taking effect of act.

Sec. 64. That this Act shall go into effect on the first day of July, nineteen hundred and nine.

Act March 4, 1909, c. 320, § 64, 35 Stat. 1088.

TITLE LXI.

BANKRUPTCY.

ACT JULY 1, 1898, c. 541, §§ 2-4, 12, 14, 17, 18, 21, 23, 40, 47, 48, 57-60, 64, 65, 67, 70-72. [*As amended* 1903, 1906, 1910.]

This act, the Bankruptcy Act of 1898, set forth in Comp. St. 1901, pp. 3418-3452, is amended by Act Feb. 5, 1903, c. 487, by changes in and additions to sections 2-4, 14, 17, 18, 21, 23, 40, 47, 48, 57, 60, 64, 65, 67, and 70 of the act, and by adding thereto two new sections numbered as sections 71 and 72, and is further amended by Act June 15, 1906, c. 3333, by a change in section 64, and again by Act June 25, 1910, c. 412, by changes in and additions to sections 2, 4, 12, 14, 23, 47, 48, 58-60, 67, and 72. Said sections so amended, as they are made to read by the last amendment of each, and said new sections 71 and 72, are inserted here in their order under the several chapters of the original act.

Other provisions of said Act Feb. 5, 1903, c. 487, and Act June 25, 1910, c. 412, not specifically amending Act July 1, 1898, c. 541, are set forth below.

CHAPTER ONE.

Definitions.

Sec. 1.

Section 1 of Act July 1, 1898, c. 541, not specifically amended by any subsequent act, is set forth in Comp. St. 1901, p. 3418.

CHAPTER TWO.

Creation of Courts of Bankruptcy and Their Jurisdiction.

Courts of bankruptcy; jurisdiction and powers.

Sec. 2. That the courts of bankruptcy as hereinbefore defined, viz, the district courts of the United States in the several States, the supreme court of the District of Columbia, the district courts of the several Territories, and the United States courts in the Indian Territory and the District of Alaska, are hereby made courts of bankruptcy, and are hereby invested, within their respective territorial limits as now established, or as they may be hereafter changed, with such jurisdiction at law and in equity as will enable them to exercise original jurisdiction in bankruptcy proceedings, in vacation in chambers and during their respective terms, as they are now or may be hereafter held, to (1) adjudge persons bankrupt who have had their principal place of business, resided, or had their domicile within their respective territorial jurisdictions for the preceding six months, or the greater portion thereof, or who do not have their principal place of business, reside, or have their domicile within the United States,

but have property within their jurisdictions, or who have been adjudged bankrupts by courts of competent jurisdiction without the United States and have property within their jurisdictions; (2) allow claims, disallow claims, reconsider allowed or disallowed claims, and allow or disallow them against bankrupt estates; (3) appoint receivers or the marshals, upon application of parties in interest, in case the courts shall find it absolutely necessary, for the preservation of estates, to take charge of the property of bankrupts after the filing of the petition and until it is dismissed or the trustee is qualified; (4) arraign, try, and punish bankrupts, officers, and other persons, and the agents, officers, members of the board of directors or trustees, or other similar controlling bodies, of corporations for violations of this act, in accordance with the laws of procedure of the United States now in force, or such as may be hereafter enacted, regulating trials for the alleged violation of laws of the United States; (5) authorize the business of bankrupts to be conducted for limited periods by receivers, the marshals, or trustees, if necessary in the best interests of the estates, and allow such officers additional compensation for such services, as provided in section forty-eight of this act; (6) bring in and substitute additional persons or parties in proceedings in bankruptcy when necessary for the complete determination of a matter in controversy; (7) cause the estates of bankrupts to be collected, reduced to money and distributed, and determine controversies in relation thereto, except as herein otherwise provided; (8) close estates, whenever it appears that they have been fully administered, by approving the final accounts and discharging the trustees, and reopen them whenever it appears they were closed before being fully administered; (9) confirm or reject compositions between debtors and their creditors, and set aside compositions and reinstate the cases; (10) consider and confirm, modify or overrule, or return, with instructions for further proceedings, records and findings certified to them by referees; (11) determine all claims of bankrupts to their exemptions; (12) discharge or refuse to discharge bankrupts and set aside discharges and reinstate the cases; (13) enforce obedience by bankrupts, officers, and other persons to all lawful orders, by fine or imprisonment or fine and imprisonment; (14) extradite bankrupts from their respective districts to other districts; (15) make such orders, issue such process, and enter such judgments in addition to those specifically provided for as may be necessary for the enforcement of the provisions of this act; (16) punish persons for contempts committed before referees; (17) pursuant to the recommendation of creditors, or when they neglect to recommend the appointment of trustees, appoint trustees, and upon complaints of creditors, remove trustees for cause upon hearings and after notices to them; (18) tax costs, whenever they are allowed by law, and render judgments therefor against the unsuccessful party, or the successful party for cause, or in part against each of the parties, and against estates, in proceedings in bankruptcy; (19) transfer cases to other courts of bankruptcy and (20) exercise ancillary jurisdiction over persons or property within their respective territorial limits in aid of a receiver or trustee appointed in any bankruptcy proceedings pending in any other court of bankruptcy.

Nothing in this section contained shall be construed to deprive a court of bankruptcy of any power it would possess were certain specific powers not herein enumerated.

Act July 1, 1898, c. 541, § 2, 30 Stat. 545. Act Feb. 5, 1903, c. 487, § 1, 32 Stat. 797. Act June 25, 1910, c. 412, §§ 1, 2, 36 Stat. 838, 839.

The amendment of this section by Act Feb. 5, 1903, c. 487, § 1, cited above added to clause 5, at the end thereof as originally enacted, the words "and allow such officers additional compensation for such services, but not at a greater rate than in this act allowed trustees for similar services."

The further amendments of the section by Act June 29, 1910, c. 412, §§ 1, 2, also cited above, changed the provision added by said previous amendment so as to read "and allow such officers additional compensation for such services, as provided in section forty-eight of this act;" and also struck from the beginning of clause 19 the word "and" and added a new clause, to be known as clause 20, making said clauses read as set forth here.

CHAPTER THREE.

Bankrupts.

Acts of bankruptcy.

Sec. 3. Acts of Bankruptcy.—a Acts of bankruptcy by a person shall consist of his having (1) conveyed, transferred, concealed, or removed, or permitted to be concealed or removed, any part of his property with intent to hinder, delay, or defraud his creditors, or any of them; or (2) transferred, while insolvent, any portion of his property to one or more of his creditors with intent to prefer such creditors over his other creditors; or (3) suffered or permitted, while insolvent, any creditor to obtain a preference through legal proceedings, and not having at least five days before a sale or final disposition of any property affected by such preference vacated or discharged such preference; or (4) made a general assignment for the benefit of his creditors, or, being insolvent, applied for a receiver or trustee for his property or because of insolvency a receiver or trustee has been put in charge of his property under the laws of a State, of a Territory, or of the United States; or (5) admitted in writing his inability to pay his debts and his willingness to be adjudged a bankrupt on that ground.

b A petition may be filed against a person who is insolvent and who has committed an act of bankruptcy within four months after the commission of such act. Such time shall not expire until four months after (1) the date of the recording or registering of the transfer or assignment when the act consists in having made a transfer of any of his property with intent to hinder, delay, or defraud his creditors or for the purpose of giving a preference as hereinbefore provided, or a general assignment for the benefit of his creditors, if by law such recording or registering is required or permitted, or, if it is not, from the date when the beneficiary takes notorious, exclusive, or continuous possession of the property unless the petitioning creditors have received actual notice of such transfer or assignment.

c It shall be a complete defense to any proceedings in bankruptcy instituted under the first subdivision of this section to allege and prove

that the party proceeded against was not insolvent as defined in this Act at the time of the filing the petition against him, and if solvency at such date is proved by the alleged bankrupt the proceedings shall be dismissed, and under said subdivision one the burden of proving solvency shall be on the alleged bankrupt.

d Whenever a person against whom a petition has been filed as hereinbefore provided under the second and third subdivisions of this section takes issue with and denies the allegation of his insolvency, it shall be his duty to appear in court on the hearing, with his books, papers, and accounts, and submit to an examination, and give testimony as to all matters tending to establish solvency or insolvency, and in case of his failure to so attend and submit to examination the burden of proving his solvency shall rest upon him.

e Whenever a petition is filed by any person for the purpose of having another adjudged a bankrupt, and an application is made to take charge of and hold the property of the alleged bankrupt, or any part of the same, prior to the adjudication and pending a hearing on the petition, the petitioner or applicant shall file in the same court a bond with at least two good and sufficient sureties who shall reside within the jurisdiction of said court, to be approved by the court or a judge thereof, in such sum as the court shall direct, conditioned for the payment, in case such petition is dismissed, to the respondent, his or her personal representatives, all costs, expenses, and damages occasioned by such seizure, taking, and detention of the property of the alleged bankrupt.

If such petition be dismissed by the court or withdrawn by the petitioner, the respondent or respondents shall be allowed all costs, counsel fees, expenses, and damages occasioned by such seizure, taking, or detention of such property. Counsel fees, costs, expenses, and damages shall be fixed and allowed by the court, and paid by the obligors in such bond.

Act July 1, 1898, c. 514, § 3, 30 Stat. 546. Act Feb. 5, 1903, c. 487, § 2, 32 Stat. 797.

The amendment of this section by Act Feb. 5, 1903, c. 487, § 2, cited above, consists in the addition, in subdivision a, at the end of clause 4 thereof as originally enacted, of the matter after the words "for the benefit of his creditors," to the end of clause 4 as set forth here.

Who may become bankrupts.

Sec. 4. Who May Become Bankrupts.—a Any person, except a municipal, railroad, insurance, or banking corporation, shall be entitled to the benefits of this act as a voluntary bankrupt.

b Any natural person, except a wage-earner or a person engaged chiefly in farming or the tillage of the soil, any unincorporated company, and any moneyed, business, or commercial corporation, except a municipal, railroad, insurance, or banking corporation, owing debts to the amount of one thousand dollars or over, may be adjudged an involuntary bankrupt upon default or an impartial trial, and shall be subject to the provisions and entitled to the benefits of this Act.

The bankruptcy of a corporation shall not release its officers, directors, or stockholders, as such, from any liability under the laws of a State or Territory or of the United States.

Act July 1, 1898, c. 541, § 4, 30 Stat. 547. Act Feb. 5, 1903, c. 487, § 3, 32 Stat. 797; Act June 25, 1910, c. 412, §§ 3, 4, 36 Stat. 839.

The amendment of this section by Act Feb. 5, 1903, c. 487, § 3, cited

above, added at the end of the section as originally enacted, the paragraph beginning "The bankruptcy of a corporation," etc., as set forth here.

The further amendments of the section by Act June 25, 1910, c. 412, §§ 3, 4, also cited above, restricted the provisions relating to corporations, in both subdivisions a and b, as originally enacted, to the exceptions of "municipal, railroad, insurance, or banking" corporations from those who may become either voluntary or involuntary bankrupts, as set forth here.

Secs. 5–11.

Sections 5–11 of Act July 1, 1898, c. 541, not specifically amended by any subsequent act, are set forth in Comp. St. 1901, pp. 3424–3426.

Compositions, when confirmed.

Sec. 12. Compositions, when confirmed.—a A bankrupt may offer, either before or after adjudication, terms of composition to his creditors after, but not before, he has been examined in open court or at a meeting of his creditors, and has filed in court the schedule of his property and the list of his creditors required to be filed by bankrupts. In compositions before adjudication the bankrupt shall file the required schedules, and thereupon the court shall call a meeting of creditors for the allowance of claims, examination of the bankrupt, and preservation or conduct of estates, at which meeting the judge or referee shall preside; and action upon the petition for adjudication shall be delayed until it shall be determined whether such composition shall be confirmed.

b An application for the confirmation of a composition may be filed in the court of bankruptcy after, but not before, it has been accepted in writing by a majority in number of all creditors whose claims have been allowed, which number must represent a majority in amount of such claims, and the consideration to be paid by the bankrupt to his creditors, and the money necessary to pay all debts which have priority and the cost of the proceedings, have been deposited in such place as shall be designated by and subject the order of the judge.

c A date and place, with reference to the convenience of the parties in interest, shall be fixed for the hearing upon each application for the confirmation of a composition, and such objections as may be made to its confirmation.

d The judge shall confirm a composition if satisfied that (1) it is for the best interests of the creditors; (2) the bankrupt has not been guilty of any of the acts or failed to perform any of the duties which would be a bar to his discharge; and (3) the offer and its acceptance are in good faith and have not been made or procured except as herein provided, or by any means, promises, or acts herein forbidden.

e Upon the confirmation of a composition, the consideration shall be distributed as the judge shall direct, and the case dismissed. Whenever a composition is not confirmed, the estate shall be administered in bankruptcy as herein provided.

Act July 1, 1898, c. 541, § 12, 30 Stat. 549. Act June 25, 1910, c. 412, § 5, 36 Stat. 839.

The amendment of this section by Act June 25, 1910, c. 412, § 5, cited above, consists in the insertion, in the first sentence of subdivision a thereof, as originally enacted, of the words "either before or after adjudication," and in the addition to said subdivision a of the provisons after said first sentence, making the subdivision read as set forth here.

Sec. 13.

Section 13 of Act July 1, 1898, c. 541, not specifically amended by any subsequent act, is set forth in Comp. St. 1901, p. 3427.

Discharges, when granted.

Sec. 14. Discharges, when Granted.—a Any person may, after the expiration of one month and within the next twelve months subsequent to being adjudged a bankrupt, file an application for a discharge in the court of bankruptcy in which the proceedings are pending; if it shall be made to appear to the judge that the bankrupt was unavoidably prevented from filing it within such time, it may be filed within but not after the expiration of the next six months.

b The judge shall hear the application for a discharge and such proofs and pleas as may be made in opposition thereto by the trustee or other parties in interest, at such time as will give the trustee or parties in interest a reasonable opportunity to be fully heard, and investigate the merits of the application and discharge the applicant unless he has (1) committed an offense punishable by imprisonment as herein provided; or (2) with intent to conceal his financial condition, destroyed, concealed, or failed to keep books of account or records from which such condition might be ascertained; or (3) obtained money or property on credit upon a materially false statement in writing, made by him to any person or his representative for the purpose of obtaining credit from such person; or (4) at any time subsequent to the first day of the four months immediately preceding the filing of the petition transferred, removed, destroyed, or concealed, or permitted to be removed, destroyed, or concealed, any of his property, with intent to hinder, delay, or defraud his creditors; or (5) in voluntary proceedings been granted a discharge in bankruptcy within six years; or (6) in the course of the proceedings in bankruptcy refused to obey any lawful order of, or to answer any material question approved by the court: Provided, That a trustee shall not interpose objections to a bankrupt's discharge until he shall be authorized so to do at a meeting of creditors called for that purpose.

c The confirmation of a composition shall discharge the bankrupt from his debts, other than those agreed to be paid by the terms of the composition and those not affected by a discharge.

Act July 1, 1898, c. 541, § 14, 30 Stat. 550. Act Feb. 5, 1903, c. 487, § 4, 32 Stat. 797. Act June 25, 1910, c. 412, § 6, 36 Stat. 839.

The amendments of this section by Act Feb. 5, 1903, c. 487, § 4, cited above, consisted principally in the addition to subdivision b thereof, as originally enacted, of clauses 3, 4, 5, and 6, providing other grounds for refusing discharge.

The further amendments of the section by Act June 25, 1910, c. 412, § 6, also cited above, consist principally in the insertion in said subdivision b of provisions for opposition to the discharge by the trustee, and the addition, at the end of said subdivision as previously amended of the proviso relating thereto, so as to read as set forth here.

Secs. 15, 16.

Sections 15 and 16 of Act July 1, 1898, c. 541, not specifically amended by any subsequent act, are set forth in Comp. St. 1901, p. 3428.

Debts not affected by a discharge.

Sec. 17. Debts not Affected by a Discharge.—a A discharge in bankruptcy shall release a bankrupt from all of his provable debts, except such as (1) are due as a tax levied by the United States, the

State, county, district, or municipality in which he resides; (2) are liabilities for obtaining property by false pretenses or false representations, or for willful and malicious injuries to the person or property of another, or for alimony due or to become due, or for maintenance or support of wife or child, or for seduction of an unmarried female, or for criminal conversation; (3) have not been duly scheduled in time for proof and allowance, with the name of the creditor if known to the bankrupt, unless such creditor had notice or actual knowledge of the proceedings in bankruptcy; or (4) were created by his fraud, embezzlement, misappropriation, or defalcation while acting as an officer or in any fiduciary capacity.

Act July 1, 1898, c. 541, § 17, 30 Stat. 550. Act Feb. 5, 1903, c. 487, § 5, 32 Stat. 798.

The amendment of this section by Act Feb. 5, 1903, c. 487, § 5, consisted in a change in clause 2, making it read as set forth here.

CHAPTER FOUR.

Courts and Procedure Therein.

Process, pleadings, and adjudications.

Sec. 18. Process, Pleadings, and Adjudications.—a Upon the filing of a petition for involuntary bankruptcy, service thereof, with a writ of subpœna, shall be made upon the person therein named as defendant in the same manner that service of such process is now had upon the commencement of a suit in equity in the courts of the United States, except that it shall be returnable within fifteen days, unless the judge shall for cause fix a longer time; but in case personal service can not be made, then notice shall be given by publication in the same manner and for the same time as provided by law for notice by publication in suits to enforce a legal or equitable lien in courts of the United States, except that, unless the judge shall otherwise direct, the order shall be published not more than once a week for two consecutive weeks, and the return day shall be ten days after the last publication unless the judge shall for cause fix a longer time.

b The bankrupt, or any creditor, may appear and plead to the petition within five days after the return day, or within such further time as the court may allow.

c All pleadings setting up matters of fact shall be verified under oath.

d If the bankrupt, or any of his creditors, shall appear, within the time limited, and controvert the facts alleged in the petition, the judge shall determine, as soon as may be, the issues presented by the pleadings, without the intervention of a jury, except in cases where a jury trial is given by this Act, and makes the adjudication or dismiss the petition.

e If on the last day within which pleadings may be filed none are filed by the bankrupt or any of his creditors, the judge shall on the next day, if present, or as soon thereafter as practicable, make the adjudication or dismiss the petition.

f If the judge is absent from the district, or the division of the dis-

trict in which the petition is pending, on the next day after the last day on which pleadings may be filed, and none have been filed by the bankrupt or any of his creditors, the clerk shall forthwith refer the case to the referee.

g Upon the filing of a voluntary petition the judge shall hear the petition and make the adjudication or dismiss the petition. If the judge is absent from the district, or the division of the district in which the petition is filed at the time of the filing, the clerk shall forthwith refer the case to the referee.

Act July 1, 1898, c. 541, § 18, 30 Stat. 551. Act Feb. 5, 1903, c. 487, § 6. 32 Stat. 798.

The amendment of this section by Act Feb. 5, 1903, c. 487, § 6, set forth above, consists in the substitution in subdivision a of the original section, for the words, "in equity in courts of the United States," of the words beginning, "to enforce a legal or equitable lien in courts of the United States," etc., to the end of that subdivision, as set forth here, and in changing the time within which the bankrupt or a creditor may appear and plead to the petition from within ten days from the return day to within five days therefrom.

Secs. 19, 20.

Sections 19 and 20 of Act July 1, 1898, c. 541, not specifically amended by any subsequent act, are set forth in Comp. St. 1901, pp. 3429, 3430.

Evidence.

Sec. 21. Evidence.—a A court of bankruptcy may, upon application of any officer, bankrupt, or creditor, by order require any designated person, including the bankrupt and his wife, to appear in court or before a referee or the judge of any State court, to be examined concerning the acts, conduct, or property of a bankrupt whose estate is in process of administration under this Act: Provided, That the wife may be examined only touching business transacted by her or to which she is a party, and to determine the fact whether she has transacted or been a party to any business of the bankrupt.

b The right to take depositions in proceedings under this Act shall be determined and enjoyed according to the United States laws now in force, or such as may be hereafter enacted relating to the taking of depositions, except as herein provided.

c Notice of the taking of depositions shall be filed with the referee in every case. When depositions are to be taken in opposition to the allowance of a claim notice shall also be served upon the claimant, and when in opposition to a discharge notice shall also be served upon the bankrupt.

d Certified copies of proceedings before a referee, or of papers, when issued by the clerk or referee, shall be admitted as evidence with like force and effect as certified copies of the records of district courts of the United States are now or may hereafter be admitted as evidence.

e A certified copy of the order approving the bond of a trustee shall constitute conclusive evidence of the vesting in him of the title to the property of the bankrupt, and if recorded shall impart the same notice that a deed from the bankrupt to the trustee if recorded would have imparted had not bankruptcy proceedings intervened.

f A certified copy of an order confirming or setting aside a composition, or granting or setting aside a discharge, not revoked, shall

be evidence of the jurisdiction of the court, the regularity of the proceedings, and of the fact that the order was made.

g A certified copy of an order confirming a composition shall constitute evidence of the revesting of the title of his property in the bankrupt, and if recorded shall impart the same notice that a deed from the trustee to the bankrupt if recorded would impart.

Act July 1, 1898, c. 541, § 21, 30 Stat. 551. Act Feb. 5, 1903, c. 487, § 7, 32 Stat. 798.

The amendment of this section by Act Feb. 5, 1903, c. 487, § 7, cited above, consisted principally in the insertion in subdivision a thereof, as originally enacted, of the provisions relating to the examination of the wife of the bankrupt, and the omission therefrom of a requirement that the person to be examined "shall be a competent witness under the laws of the State in which the proceedings are pending," making said subdivision read as set forth here.

Sec. 22.

Section 22 of Act July 1, 1898, c. 541, not specifically amended by any subsequent act, is set forth in Comp. St. 1901, p. 3431.

Jurisdiction of United States and State courts.

Sec. 23. Jurisdiction of United States and State Courts.—a The United States circuit courts shall have jurisdiction of all controversies at law and in equity, as distinguished from proceedings in bankruptcy, between trustees as such and adverse claimants concerning the property acquired or claimed by the trustees, in the same manner and to the same extent only as though bankruptcy proceedings had not been instituted and such controversies had been between the bankrupts and such adverse claimants.

b Suits by the trustee shall only be brought or prosecuted in the courts where the bankrupt, whose estate is being administered by such trustee, might have brought or prosecuted them if proceedings in bankruptcy had not been instituted, unless by consent of the proposed defendant, except suits for the recovery of property under section sixty, subdivision b; section sixty-seven, subdivision e; and section seventy, subdivision e.

c The United States circuit courts shall have concurrent jurisdiction with the courts of bankruptcy, within their respective territorial limits, of the offenses enumerated in this Act.

Act July 1, 1898, c. 541, § 23, 30 Stat. 552. Act Feb. 5, 1903, c. 487, § 8, 32 Stat. 798. Act June 25, 1910, c. 412, § 7, 36 Stat. 840.

The amendment of this section by Act Feb. 5, 1903, c. 487, § 8, cited above, added, at the end of subdivision b thereof, as originally enacted, the words "except suits for the recovery of property under section 60, subdivision b, and section sixty-seven, subdivision e."

The further amendment of the section by Act June 25, 1910, c. 412, § 7, cited above, included in said exception added by the previous amendment suits under "section 70, subdivision e," making said subdivision b read as set forth here.

Secs. 24–32.

Sections 24–32 of Act July 1, 1898, c. 541, not specifically amended by any subsequent act, are set forth in Comp. St. 1901, pp. 3431–3434.

CHAPTER FIVE.

Officers, Their Duties and Compensation.

Secs. 33–39.

Sections 33–39 of Act July 1, 1898, c. 541, not specifically amended by any subsequent act, are set forth in Comp. St. 1901, pp. 3435, 3436.

Compensation of referees.

Sec. 40. Compensation of Referees.—a Referees shall receive as full compensation for their services, payable after they are rendered, a fee of fifteen dollars deposited with the clerk at the time the petition is filed in each case, except when a fee is not required from a voluntary bankrupt, and twenty-five cents for every proof of claim filed for allowance, to be paid from the estate, if any, as a part of the cost of administration, and from estates which have been administered before them one per centum commissions on all moneys disbursed to creditors by the trustee, or one-half of one per centum on the amount to be paid to creditors upon the confirmation of a composition.

b Whenever a case is transferred from one referee to another the judge shall determine the proportion in which the fee and commissions therefor shall be divided between the referees.

c In the event of the reference of a case being revoked before it is concluded, and when the case is specially referred, the judge shall determine what part of the fee and commissions shall be paid to the referee.

Act July 1, 1898, c. 541, § 40, 30 Stat. 556. Act Feb. 5, 1903, c. 487, § 9, 32 Stat. 799.

The amendment of this section by Act Feb. 5, 1903, c. 487, § 9, cited above, increased and added to the fees of referees provided for by subdivision a, making it read as set forth here.

Referees are prohibited from receiving any further compensation than that allowed by the act, by section 72, added thereto by amendment by section 18 of Act Feb. 5, 1903, c. 487, and set forth post, under chapter 7 of this act.

Secs. 41–46.

Sections 41–46 of Act July 1, 1898, c. 541, not specifically amended by any subsequent act, are set forth in Comp. St. 1901, pp. 3437, 3438.

Duties of trustees.

Sec. 47. Duties of Trustees.—a Trustees shall respectively (1) account for and pay over to the estates under their control all interest received by them on property of such estates; (2) collect and reduce to money the property of the estates for which they are trustees, under the direction of the court, and close up the estate as expeditiously as is compatible with the best interests of the parties in interest; and such trustees, as to all property in the custody or coming into the custody of the bankruptcy court, shall be deemed vested with all the rights, remedies, and powers of a creditor holding a lien by legal or equitable proceedings thereon; and also, as to all property not in the custody of the bankruptcy court, shall be deemed vested with all the rights, remedies, and powers of a judgment creditor holding an execution duly returned unsatisfied; (3) deposit all

money received by them in one of the designated depositories; (4) disburse money only by check or draft on the depositories in which it has been deposited; (5) furnish such information concerning the estates of which they are trustees and their administration as may be requested by parties in interest; (6) keep regular accounts showing all amounts received and from what sources and all amounts expended and on what accounts; (7) lay before the final meeting of the creditors detailed statements of the administration of the estates; (8) make final reports and file final accounts with the courts fifteen days before the days fixed for the final meetings of the creditors; (9) pay dividends within ten days after they are declared by the referees; (10) report to the courts, in writing, the condition of the estates and the amounts of money on hand, and such other details as may be requried by the courts, within the first month after their appointment and every two months thereafter, unless otherwise ordered by the courts; and (11) set apart the bankrupt's exemptions and report the items and estimated value thereof to the court as soon as practicable after their appointment.

b Whenever three trustees have been appointed for an estate, the concurrence of at least two of them shall be necessary to the validity of their every act concerning the administration of the estate.

c The trustee shall, within thirty days after the adjudication, file a certified copy of the decree of adjudication in the office where conveyances of real estate are recorded in every county where the bankrupt owns real estate not exempt from execution, and pay the fee for such filing, and he shall receive a compensation of fifty cents for each copy so filed, which, together with the filing fee, shall be paid out of the estate of the bankrupt as a part of the cost and disbursements of the proceedings.

Act July 1, 1898, c. 541, § 47, 30 Stat. 557. Act Feb. 5, 1903, c. 487, § 10, 32 Stat. 799. Act June 25, 1910, c. 412, § 8, 36 Stat. 840.

The amendment of this section by Act Feb. 5, 1903, c. 487, § 10, cited above, added to the section, as originally enacted, subdivision c, set forth here.

The further amendment of the section by Act June 25, 1910, c. 412, § 8, also cited above, inserted, in subdivision a, at the end of clause 2 thereof as originally enacted, after the words "parties in interest," the provisions vesting trustees with the rights, etc., of creditors holding liens, etc., making said clause 2 read as set forth here.

Compensation of trustees, receivers, and marshals.

Sec. 48. Compensation of Trustees, Receivers and Marshals:—(a) Trustees shall receive for their services, payable after they are rendered, a fee of five dollars deposited with the clerk at the time the petition is filed in each case, except when a fee is not required from a voluntary bankrupt, and such commissions on all moneys disbursed or turned over to any person, including lien holders, by them, as may be allowed by the courts, not to exceed six per centum on the first five hundred dollars or less, four per centum on moneys in excess of five hundred dollars and less than fifteen hundred dollars, two per centum on moneys in excess of fifteen hundred dollars and less than ten thousand dollars, and one per centum on moneys in excess of ten thousand dollars. And in case of the confirmation of a composition after the trustee has qualified the court may allow him, as com-

pensation, not to exceed one-half of one per centum of the amount to be paid the creditors on such composition.

(b) In the event of an estate being administered by three trustees instead of one trustee or by successive trustees, the court shall apportion the fees and commissions between them according to the services actually rendered, so that there shall not be paid to trustees for the administering of any estate a greater amount than one trustee would be entitled to.

(c) The court may, in its discretion, withhold all compensation from any trustee who has been removed for cause.

(d) Receivers or marshals appointed pursuant to section two, subdivision three, of this Act shall receive for their services, payable after they are rendered, compensation by way of commissions upon the moneys disbursed or turned over to any person, including lien holders, by them, and also upon the moneys turned over by them or afterwards realized by the trustees from property turned over in kind by them to the trustees, as the court may allow, not to exceed six per centum on the first five hundred dollars or less, four per centum on moneys in excess of five hundred dollars and less than one thousand five hundred dollars, two per centum on moneys in excess of one thousand five hundred dollars and less than ten thousand dollars, and one per centum on moneys in excess of ten thousand dollars: Provided, That in case of the confirmation of a composition such commissions shall not exceed one-half of one per centum of the amount to be paid creditors on such compositions: Provided further, That when the receiver or marshal acts as a mere custodian and does not carry on the business of the bankrupt as provided in clause five of section two of this Act, he shall not receive nor be allowed in any form or guise more than two per centum on the first thousand dollars or less, and one-half of one per centum on all above one thousand dollars on moneys disbursed by him or turned over by him to the trustee and on moneys subsequently realized from property turned over by him in kind to the trustee: Provided further, That before the allowance of compensation notice of application therefor, specifying the amount asked, shall be given to creditors in the manner indicated in section fifty-eight of this Act.

(e) Where the business is conducted by trustees, marshals, or receivers, as provided in clause five of section two of this Act, the court may allow such officers additional compensation for such services by way of commissions upon the moneys disbursed or turned over to any person, including lien holders, by them, and, in cases of receivers or marshals, also upon the moneys turned over by them or afterwards realized by the trustees from property turned over in kind by them to the trustees; such commissions not to exceed six per centum on the first five hundred dollars or less, four per centum on moneys in excess of five hundred dollars and less than one thousand five hundred dollars, two per centum on moneys in excess of one thousand five hundred dollars and less than ten thousand dollars, and one per centum on moneys in excess of ten thousand dollars: Provided, That in case of the confirmation of a composition such commissions shall not exceed one-half of one per centum of the amount to be paid creditors on such composition: Provided further,

That before the allowance of compensation notice of application therefor, specifying the amount asked, shall be given to creditors in the manner indicated in section fifty-eight of this Act.

Act July 1, 1898, c. 541, § 48, 30 Stat. 557. Act Feb. 5, 1903, c. 487, § 11, 32 Stat. 799. Act June 25, 1910, c. 412, § 9, 36 Stat. 840.

The amendment of this section by Act Feb. 5, 1903, c. 487, § 11, cited above, which increased the limit of the commissions allowed to trustees by subdivision a as originally enacted, was superseded by the further amendment by Act June 25, 1910, c. 412, § 9, also cited above, making said subdivision a read as set forth here.

Said amendment by Act June 25, 1910, c. 412, § 9, also adds to the section, at the end thereof as originally enacted, subdivisions d and e, as set forth here.

Trustees, receivers, and marshals are prohibited from receiving any compensation other than that allowed by the act, by section 72, added thereto by amendment by section 18 of Act Feb. 5, 1903, c. 487, and set forth post, under chapter 7 of this act.

Secs. 49–54.

Sections 49–54 of Act July 1, 1898, c. 541, not specifically amended by any subsequent act, are set forth in Comp. St. 1901, pp. 3439–3441.

CHAPTER SIX.

Creditors.

Secs. 55, 56.

Sections 55, 56 of Act July 1, 1898, c. 541, not specifically amended by any subsequent act, are set forth in Comp. St. 1901, p. 3442.

Proof and allowance of claims.

Sec. 57. Proof and Allowance of Claims.—a Proof of claims shall consist of a statement under oath, in writing, signed by a creditor setting forth the claim, the consideration therefor, and whether any, and, if so what, securities are held therefor, and whether any, and, if so what, payments have been made thereon, and that the sum claimed is justly owing from the bankrupt to the creditor.

b Whenever a claim is founded upon an instrument of writing, such instrument, unless lost or destroyed, shall be filed with the proof of claim. If such instrument is lost or destroyed, a statement of such fact and of the circumstances of such loss or destruction shall be filed under oath with the claim. After the claim is allowed or disallowed, such instrument may be withdrawn by permission of the court, upon leaving a copy thereof on file with the claim.

c Claims after being proved may, for the purpose of allowance, be filed by the claimants in the court where the proceedings are pending or before the referee if the case has been referred.

d Claims which have been duly proved shall be allowed, upon receipt by or upon presentation to the court, unless objection to their allowance shall be made by parties in interest, or their consideration be continued for cause by the court upon its own motion.

e Claims of secured creditors and those who have priority may be allowed to enable such creditors to participate in the proceedings at creditors' meetings held prior to the determination of the value of their securities or priorities, but shall be allowed for such sums

only as to the courts seem to be owing over and above the value of their securities or priorities.

f Objections to claims shall be heard and determined as soon as the convenience of the court and the best interests of the estates and the claimants will permit.

g The claims of creditors who have received preferences, voidable under section sixty, subdivision b, or to whom conveyances, transfers, assignments, or incumbrances, void or voidable under section sixty-seven, subdivision e, have been made or given, shall not be allowed unless such creditors shall surrender such preferences, conveyances, transfers, assignments, or incumbrances.

h The value of securities held by secured creditors shall be determined by converting the same into money according to the terms of the agreement pursuant to which such securities were delivered to such creditors or by such creditors and the trustee, by agreement, arbitration, compromise, or litigation, as the court may direct, and the amount of such value shall be credited upon such claims, and a dividend shall be paid only on the unpaid balance.

i Whenever a creditor, whose claim against a bankrupt estate is secured by the individual undertaking of any person, fails to prove such claim, such person may do so in the creditor's name, and if he discharge such undertaking in whole or in part he shall be subrogated to that extent to the rights of the creditor.

j Debts owing to the United States, a State, a county, a district, or a municipality as a penalty or forfeiture shall not be allowed, except for the amount of the pecuniary loss sustained by the act, transaction, or proceeding out of which the penalty or forfeiture arose, with reasonable and actual costs occasioned thereby and such interest as may have accrued thereon according to law.

k Claims which have been allowed may be reconsidered for cause and reallowed or rejected in whole or in part, according to the equities of the case, before but not after the estate has been closed.

l Whenever a claim shall have been reconsidered and rejected, in whole or in part, upon which a dividend has been paid, the trustee may recover from the creditor the amount of the dividend received upon the claim if rejected in whole, or the proportional part thereof if rejected only in part.

m The claim of any estate which is being administered in bankruptcy against any like estate may be proved by the trustee and allowed by the court in the same manner and upon like terms as the claims of other creditors.

n Claims shall not be proved against a bankrupt estate subsequent to one year after the adjudication; or if they are liquidated by litigation and the final judgment therein is rendered within thirty days before or after the expiration of such time, then within sixty days after the rendition of such judgment: Provided, That the right of infants and insane persons without guardians, without notice of the proceedings, may continue six months longer.

Act July 1, 1898, c. 541, § 57, 30 Stat. 560. Act Feb. 5, 1903, c. 487, § 12, 32 Stat. 799.

The amendment of this section by Act Feb. 5, 1903, c. 487, § 12, cited above, amended subdivision g thereof, which as originally enacted read,

"the claims of creditors who have received preferences shall not be allowed unless such creditors shall surrender their preferences," to read as set forth here.

Notices to creditors.

Sec. 58. Notices to Creditors.—a Creditors shall have at least ten days' notice by mail, to their respective addresses as they appear in the list of creditors of the bankrupt, or as afterwards filed with the papers in the case by the creditors, unless they waive notice in writing, of (1) all examinations of the bankrupt; (2) all hearings upon applications for the confirmation of compositions; (3) all meetings of creditors; (4) all proposed sales of property; (5) the declaration and time of payment of dividends; (6) the filing of the final accounts of the trustee, and the time when and the place where they will be examined and passed upon; (7) the proposed compromise of any controversy; (8) the proposed dismissal of the proceedings, and (9) there shall be thirty days' notice of all applications for the discharge of bankrupts.

b Notice to creditors of the first meeting shall be published at least once and may be published such number of additional times as the court may direct; the last publication shall be at least one week prior to the date fixed for the meeting. Other notices may be published as the court shall direct.

c All notices shall be given by the referee, unless otherwise ordered by the judge.

Act July 1, 1898, c. 541, § 58, 30 Stat. 561. Act June 25, 1910, c. 412, § 9½, 36 Stat. 841.

The amendment of this section by Act June 25, 1910, c. 412, § 9½, cited above, changed the time of notice of applications for discharge of bankrupts, prescribed in subdivision a, making that subdivision read as set forth here.

Who may file and dismiss petitions.

Sec. 59. Who may File and Dismiss Petitions.—a Any qualified person may file a petition to be adjudged a voluntary bankrupt.

b Three or more creditors who have provable claims against any person which amount in the aggregate, in excess of the value of securities held by them, if any, to five hundred dollars or over; or if all of the creditors of such person are less than twelve in number, then one of such creditors whose claim equals such amount may file a petition to have him adjudged a bankrupt.

c Petitions shall be filed in duplicate, one copy for the clerk and one for service on the bankrupt.

d If it be averred in the petition that the creditors of the bankrupt are less than twelve in number, and less than three creditors have joined as petitioners therein, and the answer avers the existence of a larger number of creditors, there shall be filed with the answer a list under oath of all the creditors, with their addresses, and thereupon the court shall cause all such creditors to be notified of the pendency of such petition and shall delay the hearing upon such petition for a reasonable time, to the end that parties in interest shall have an opportunity to be heard; if upon such hearing it shall appear that a sufficient number have joined in such petition, or if prior to or during such hearing a sufficient number shall join therein,

the case may be proceeded with, but otherwise it shall be dismissed.

e In computing the number of creditors of a bankrupt for the purpose of determining how many creditors must join in the petition, such creditors as were employed by him at the time of the filing of the petition or are related to him by consanguinity or affinity within the third degree, as determined by the common law, and have not joined in the petition, shall not be counted.

f Creditors other than original petitioners may at any time enter their appearance and join in the petition, or file an answer and be heard in opposition to the prayer of the petition.

g A voluntary or involuntary petition shall not be dismissed by the petitioner or petitioners or for want of prosecution or by consent of parties until after notice to the creditors, and to that end the court shall, before entertaining an application for dismissal, require the bankrupt to file a list, under oath, of all his creditors, with their addresses, and shall cause notice to be sent to all such creditors of the pendency of such application, and shall delay the hearing thereon for a reasonable time to allow all creditors and parties in interest opportunity to be heard.

Act July 1, 1898, c. 541, § 59, 30 Stat. 561. Act June 25, 1910, c. 412, § 10, 36 Stat. 841.

The amendment of this section by Act June 25, 1910, c. 412, § 10, cited above, added to subdivision g, at the end thereof as originally enacted, the provisions after the words "notice to the creditors," making said subdivision read as set forth here.

Preferred creditors.

Sec. 60. Preferred Creditors.—a A person shall be deemed to have given a preference if, being insolvent, he has, within four months before the filing of the petition, or after the filing of the petition and before the adjudication, procured or suffered a judgment to be entered against himself in favor of any person, or made a transfer of any of his property, and the effect of the enforcement of such judgment or transfer will be to enable any one of his creditors to obtain a greater percentage of his debt than any other of such creditors of the same class. Where the preference consists in a transfer, such period of four months shall not expire until four months after the date of the recording or registering of the transfer, if by law such recording or registering is required.

b If a bankrupt shall have procured or suffered a judgment to be entered against him in favor of any person or have made a transfer of any of his property, and if, at the time of the transfer, or of the entry of the judgment, or of the recording or registering of the transfer if by law recording or registering thereof is required, and being within four months before the filing of the petition in bankruptcy or after the filing thereof and before the adjudication, the bankrupt be insolvent and the judgment or transfer then operate as a preference, and the person receiving it or to be benefited thereby, or his agent acting therein, shall then have reasonable cause to believe that the enforcement of such judgment or transfer would effect a preference, it shall be voidable by the trustee and he may recover the property or its value from such person. And for the purpose of such recovery any court of bankruptcy, as hereinbefore defined, and any state court which

would have had jurisdiction if bankruptcy had not intervened, shall have concurrent jurisdiction.

c If a creditor has been preferred, and afterwards in good faith gives the debtor further credit without security of any kind for property which becomes a part of the debtor's estates, the amount of such new credit remaining unpaid at the time of the adjudication in bankruptcy may be set off against the amount which would otherwise be recoverable from him.

d If a debtor shall, directly or indirectly, in contemplation of the filing of a petition by or against him, pay money or transfer property to an attorney and counselor at law, solicitor in equity, or proctor in admiralty for services to be rendered, the transaction shall be reexamined by the court on petition of the trustee or any creditor and shall only be held valid to the extent of a reasonable amount to be determined by the court, and the excess may be recovered by the trustee for the benefit of the estate.

Act July 1, 1898, c. 541, § 60, 30 Stat. 562. Act Feb. 5, 1903, c. 487, § 13, 32 Stat. 799. Act June 25, 1910, c. 412, § 11, 36 Stat. 842.

The amendment of this section by Act Feb. 5, 1903, c. 487, § 13, cited above, amended subdivision a to read as set forth here, and also amended subdivision b, but said amendment of the latter subdivision is superseded by the further amendment by Act June 25, 1910, c. 412, § 11, also cited above, making said subdivision b read as set forth here.

CHAPTER SEVEN.

Estates.

Secs. 61–63.

Sections 61–63 of Act July 1, 1898, c. 541, not specifically amended by any subsequent act, are set forth in Comp. St. 1901, pp. 3446, 3447.

Debts which have priority.

Sec. 64. Debts which have Priority.—a The court shall order the trustee to pay all taxes legally due and owing by the bankrupt to the United States, State, county, district, or municipality in advance of the payment of dividends to creditors, and upon filing the receipts of the proper public officers for such payment he shall be credited with the amount thereof, and in case any question arises as to the amount or legality of any such tax the same shall be heard and determined by the court.

b The debts to have priority, except as herein provided, and to be paid in full out of bankrupt estates, and the order of payment shall be (1) the actual and necessary cost of preserving the estate subsequent to filing the petition; (2) the filing fees paid by creditors in involuntary cases, and, where property of the bankrupt, transferred or concealed by him either before or after the filing of the petition, shall have been recovered for the benefit of the estate of the bankrupt by the efforts and at the expense of one or more creditors, the reasonable expenses of such recovery; involuntary cases; (3) The cost of administration, including the fees and mileage payable to witnesses as now or hereafter provided by the laws of the United States, and one reasonable attorney's fee, for the professional services actually ren-

dered, irrespective of the number of attorneys employed, to the petitioning creditors in involuntary cases, to the bankrupt in involuntary cases while performing the duties herein prescribed, and to the bankrupt in voluntary cases, as the court may allow; (4) wages due to workmen, clerks, traveling or city salesmen, or servants which have been earned within three months before the date of the commencement of proceedings, not to exceed three hundred dollars to each claimant; and (5) debts owing to any person who by the laws of the States or the United States is entitled to priority.

c In the event of the confirmation of a composition being set aside, or a discharge revoked, the property acquired by the bankrupt in addition to his estate at the time the composition was confirmed or the adjudication was made shall be applied to the payment in full of the claims of creditors for property sold to him on credit, in good faith, while such composition or discharge was in force, and the residue, if any, shall be applied to the payment of the debts which were owing at the time of the adjudication.

Act July 1, 1898, c. 541, § 64, 30 Stat. 563. Act Feb. 5, 1903, c. 487, § 14, 32 Stat. 800. Act June 15, 1906, c. 3333, 34 Stat. 267.

The amendment of this section by Act Feb. 5, 1903, c. 487, § 14, cited above, added in subdivision b, to clause 2 thereof, which as originally enacted, read "the filing fees paid by creditors in involuntary cases," the further provision beginning with the words "and where property of the bankrupt," etc., to the end of said clause as set forth here.

The further amendment of the section by Act June 15, 1906, c. 3333, also cited above, inserted in said subdivision b, in clause 4 thereof, after the words "wages due to workmen, clerks," of the clause as originally enacted, the words "traveling or city salesmen," making the clause read as set forth here.

Declaration and payment of dividends.

Sec. 65. Declaration and Payment of Dividends.—a Dividends of an equal per centum shall be declared and paid on all allowed claims, except such as have priority or are secured.

b The first dividend shall be declared within thirty days after the adjudication, if the money of the estate in excess of the amount necessary to pay the debts which have priority and such claims as have not been, but probably will be, allowed equals five per centum or more of such allowed claims. Dividends subsequent to the first shall be declared upon like terms as the first and as often as the amount shall equal ten per centum or more and upon closing the estate. Dividends may be declared oftener and in smaller proportions if the judge shall so order: Provided, That the first dividend shall not include more than fifty per centum of the money of the estate in excess of the amount necessary to pay the debts which have priority and such claims as probably will be allowed: And provided further, That the final dividend shall not be declared within three months after the first dividend shall be declared.

c The rights of creditors who have received dividends, or in whose favor final dividends have been declared, shall not be affected by the proof and allowance of claims subsequent to the date of such payment or declarations of dividends; but the creditors proving and securing the allowance of such claims shall be paid dividends equal in amount to those already received by the other creditors if the

estate equals so much before such other creditors are paid any further dividends.

d Whenever a person shall have been adjudged a bankrupt by a court without the United States and also by a court of bankruptcy, creditors residing within the United States shall first be paid a dividend equal to that received in the court without the United States by other creditors before creditors who have received a dividend in such court shall be paid any amounts.

e A claimant shall not be entitled to collect from a bankrupt estate any greater amount than shall accrue pursuant to the provisions of this Act.

Act July 1, 1898, c. 541, § 65, 30 Stat. 563. Act Feb. 5, 1903, c. 487, § 15, 32 Stat. 800.

The amendment of this section by Act Feb. 5, 1903, c. 487, § 15, cited above, added to subdivision b, at the end thereof as originally enacted, the provisos beginning with the words "Provided, That the first dividend," etc., to the end of the subdivision as set forth here.

Sec. 66.

Section 66 of Act July 1, 1898, c. 541, not specifically amended by any subsequent act, is set forth in Comp. St. 1901, p. 3448.

Liens.

Sec. 67. Liens.—a Claims which for want of record or for other reasons would not have been valid liens as against the claims of the creditors of the bankrupt shall not be liens against his estate.

b Whenever a creditor is prevented from enforcing his rights as against a lien created, or attempted to be created, by his debtor, who afterwards becomes a bankrupt, the trustee of the estate of such bankrupt shall be subrogated to and may enforce such rights of such creditor for the benefit of the estate.

c A lien created by or obtained in or pursuant to any suit or proceeding at law or in equity, including an attachment upon mesne process or a judgment by confession, which was begun against a person within four months before the filing of a petition in bankruptcy by or against such person shall be dissolved by the adjudication of such person to be a bankrupt if (1) it appears that said lien was obtained and permitted while the defendant was insolvent and that its existence and enforcement will work a preference, or (2) the party or parties to be benefited thereby had reasonable cause to believe the defendant was insolvent and in contemplation of bankruptcy, or (3) that such lien was sought and permitted in fraud of the provisions of this Act; or if the dissolution of such lien would militate against the best interests of the estate of such person the same shall not be dissolved, but the trustee of the estate of such person, for the benefit of the estate, shall be subrogated to the rights of the holder of such lien and empowered to perfect and enforce the same in his name as trustee with like force and effect as such holder might have done had not bankruptcy proceedings intervened.

d Liens given or accepted in good faith and not in contemplation of or in fraud upon this Act, and for a present consideration, which have been recorded according to law, if record thereof was necessary in order to impart notice, shall, to the extent of such present consideration only, not be affected by this Act.

e That all conveyances, transfers, assignments, or incumbrances of

his property or any part thereof, made or given by a person adjudged a bankrupt under the provisions of this Act subsequent to the passage of this Act and within four months prior to the filing of the petition, with the intent and purpose on his part to hinder, delay, or defraud his creditors, or any of them, shall be null and void as against the creditors of such debtor, except as to purchasers in good faith and for a present fair consideration; and all property of the debtor conveyed, transferred, assigned, or encumbered as aforesaid shall, if he be adjudged a bankrupt, and the same is not exempt from execution and liability for debts by the law of his domicile, be and remain a part of the assets and estate of the bankrupt and shall pass to his said trustee, whose duty it shall be to recover and reclaim the same by legal proceedings or otherwise for the benefit of the creditors. And all conveyances, transfers, or incumbrances of his property made by a debtor at any time within four months prior to the filing of the petition against him, and while insolvent, which are held null and void as against the creditors of such debtor by the laws of the State, Territory, or District in which such property is situate, shall be deemed null and void under this Act against the creditors of such debtor if he be adjudged a bankrupt, and such property shall pass to the assignee and be by him reclaimed and recovered for the benefit of the creditors of the bankrupt. For the purpose of such recovery any court of bankruptcy as hereinbefore defined, and any State court which would have had jurisdiction if bankruptcy had not intervened, shall have concurrent jurisdiction.

f That all levies, judgments, attachments, or other liens, obtained through legal proceedings against a person who is insolvent, at any time within four months prior to the filing of a petition in bankruptcy against him, shall be deemed null and void in case he is adjudged a bankrupt, and the property affected by the levy, judgment, attachment, or other lien shall be deemed wholly discharged and released from the same, and shall pass to the trustee as a part of the estate of the bankrupt, unless the court shall, on due notice, order that the right under such levy, judgment, attachment, or other lien shall be preserved for the benefit of the estate; and thereupon the same may pass to and shall be preserved by the trustee for the benefit of the estate as aforesaid. And the court may order such conveyance as shall be necessary to carry the purposes of this section into effect: Provided, That nothing herein contained shall have the effect to destroy or impair the title obtained by such levy, judgment, attachment, or other lien, of a bona fide purchaser for value who shall have acquired the same without notice or reasonable cause for inquiry.

Act July 1, 1898, c. 541, § 67, 30 Stat. 564. Act Feb. 5, 1903, c. 487, § 16, 32 Stat. 800. Act June 25, 1910, c. 412, § 12, 36 Stat. 842.

The amendment of this section by Act Feb. 5, 1903, c. 487, § 16, cited above, added, at the end of subdivision e thereof as originally enacted, the sentence beginning with the words "For the purpose of such recovery," etc., to the end of said subdivision e as set forth here.

The further amendment of the section by Act June 25, 1910, c. 412, § 12, also cited above, inserted in subdivision d thereof as originally enacted, after the words "in order to impart notice, shall," the words "to the extent of such present consideration only," making said subdivision d read as set forth here.

Secs. 68, 69.

Sections 68, 69 of Act July 1, 1898, c. 541, not specifically amended by any subsequent act, are set forth in Comp. St. 1901, p. 3450.

Title to property.

Sec. 70. Title to Property.—a The trustee of the estate of a bankrupt, upon his appointment and qualification, and his successor or successors, if he shall have one or more, upon his or their appointment and qualification, shall in turn be vested by operation of law with the title of the bankrupt, as of the date he was adjudged a bankrupt, except in so far as it is to property which is exempt, to all (1) documents relating to his property; (2) interests in patents, patent rights, copyrights, and trade-marks; (3) powers which he might have exercised for his own benefit, but not those which he might have exercised for some other person; (4) property transferred by him in fraud of his creditors; (5) property which prior to the filing of the petition he could by any means have transferred or which might have been levied upon and sold under judicial process against him: Provided, That when any bankrupt shall have any insurance policy which has a cash surrender value payable to himself, his estate, or personal representatives, he may, within thirty days after the cash surrender value has been ascertained and stated to the trustee by the company issuing the same, pay or secure to the trustee the sum so ascertained and stated, and continue to hold, own, and carry such policy free from the claims of the creditors participating in the distribution of his estate under the bankruptcy proceedings, otherwise the policy shall pass to the trustee as assets; and (6) rights of action arising upon contracts or from the unlawful taking or detention of, or injury to, his property.

b All real and personal property belonging to bankrupt estates shall be appraised by three disinterested appraisers; they shall be appointed by, and report to, the court. Real and personal property shall, when practicable, be sold subject to the approval of the court; it shall not be sold otherwise than subject to the approval of the court for less than seventy-five per centum of its appraised value.

c The title to property of a bankrupt estate which has been sold, as herein provided, shall be conveyed to the purchaser by the trustee.

d Whenever a composition shall be set aside, or discharge revoked, the trustee shall, upon his appointment and qualification, be vested as herein provided with the title to all of the property of the bankrupt as of the date of the final decree setting aside the composition or revoking the discharge.

e The trustee may avoid any transfer by the bankrupt of his property which any creditor of such bankrupt might have avoided, and may recover the property so transferred, or its value, from the person to whom it was transferred, unless he was a bona fide holder for value prior to the date of the adjudication. Such property may be recovered or its value collected from whoever may have received it, except a bona fide holder for value. For the purpose of such recovery any court of bankruptcy as hereinbefore defined, and any state court which would have had jurisdiction if bankruptcy had not intervened, shall have concurrent jurisdiction.

f Upon the confirmation of a composition offered by a bankrupt, the title to his property shall thereupon revest in him.

Act July 1, 1898, c. 541, § 70, 30 Stat. 565. Act Feb. 5, 1903, c. 487, § 16, 32 Stat. 800.

The amendment of this section by Act Feb. 5, 1903, c. 487, § 16, cited above, added, at the end of subdivision e thereof as originally enacted, the sentence beginning with the words "For the purpose of such recovery," etc., to the end of said subdivision e as set forth here.

Bankruptcy records; duty of clerks to keep; inspection.

Sec. 71. That the clerks of the several district courts of the United States shall prepare and keep in their respective offices complete and convenient indexes of all petitions and discharges in bankruptcy heretofore or hereafter filed in the said courts, and shall, when requested so to do, issue certificates of search certifying as to whether or not any such petitions or discharges have been filed; and said clerks shall be entitled to receive for such certificates the same fees as now allowed by law for certificates as to judgments in said courts: Provided, That said bankruptcy indexes and dockets shall at all times be open to inspection and examination by all persons or corporations without any fee or charge therefor.

Act Feb. 5, 1903, c. 487, § 17, 32 Stat. 800.

This section was added, as a new section, to Act July 1, 1898, c. 541, by amendment by Act Feb. 5, 1903, c. 487, § 17, cited above.

Restriction of compensation of referees, receivers, marshals, and trustees.

Sec. 72. That neither the referee, receiver, marshal, nor trustee shall in any form or guise receive, nor shall the court allow him, any other or further compensation for his services than that expressly authorized and prescribed in this Act.

Act Feb. 5, 1903, c. 487, § 18, 32 Stat. 800. Act June 25, 1910, c. 412, § 13, 36 Stat. 842.

This section was added, as a new section, to Act July 1, 1898, c. 541, by amendment by Act Feb. 5, 1903, c. 487, § 18, cited above.

The amendment of the section by Act June 25, 1910, c. 412, § 13, cited above, included receivers and marshals in the restriction of compensation, the provision originally enacted having been applicable to referees and trustees only.

ACT FEB. 5, 1903, c. 487.

An Act to Amend an Act Entitled "An Act to Establish a Uniform System of Bankruptcy Throughout the United States," Approved July First, Eighteen Hundred and Ninety-Eight. (32 Stat. 797.)

Be it enacted, &c. [Secs. 1–16 amend Act July 1, 1898, c. 541, §§ 2–4, 14, 17, 18, 21, 23, 40, 47, 48, 57, 60, 64, 65, 67.]

The amendments by sections 1–16 of this act of various sections and parts of sections of Act July 1, 1898, c. 541, with further amendments of some of the same sections and of other sections of said act, are incorporated into the sections so amended, as set forth above.

Secs. 17, 18. [Amend Act July 1, 1898, c. 541, by adding sections 71, 72.]

Section 71, added to Act July 1, 1898, c. 541, by section 17 of this act, and section 72, added to said act by section 18 of this act, with the amendment of said section 72 by Act June 25, 1910, c. 412, § 13, incorporated therein, are set forth above, under said Act July 1, 1898, c. 541.

Pending cases not affected by provisions of amendatory act.

Sec. 19. That the provisions of this amendatory Act shall not apply to bankruptcy cases pending when this Act takes effect, but such cases shall be adjudicated and disposed of conformably to the provisions of the said Act of July first, eighteen hundred and ninety-eight.

Act Feb. 5, 1903, c. 487, § 19, 32 Stat. 801.

ACT JUNE 15, 1906, c. 3333. [H. R. 4478.]

An Act to Amend Section Sixty-four of the Bankruptcy Act. (34 Stat. 267.)

Be it enacted, &c. [Amends Act July 1, 1898, c. 541, § 64.]

The amendment by this act of Act July 1, 1898, c. 541, § 64, is incorporated into the section so amended, as set forth above.

ACT JUNE 25, 1910, c. 412. [H. R. 20575.]

An Act to Amend an Act Entitled "An Act to Establish a Uniform System of Bankruptcy Throughout the United States," approved July first, Eighteen hundred and ninety-eight, as Amended by an Act Approved February Fifth, Nineteen hundred and three, and as Further Amended by an Act Approved June Fifteenth, Nineteen hundred and six. (36 Stat. 838.)

Be it enacted, &c. [Secs. 1–13 amend Act July 1, 1898, c. 541, §§ 2, 4, 12, 14, 23, 47, 48, 58–60, 67, 72.]

The amendments by sections 1–13 of this act of various sections and parts of sections of Act July 1, 1898, c. 541, are incorporated into the sections so amended, as set forth above.

Sec. 14. That the provisions of this amendatory Act shall not apply to bankruptcy cases pending when this Act takes effect, but such cases shall be adjudicated and disposed of conformably to the provisions of said Act approved July first, eighteen hundred and ninety-eight, as amended by said Act approved February fifth, nineteen hundred and three, and as further amended by said Act approved June fifteenth, nineteen hundred and six.

Act June 25, 1910, c. 412, § 14, 36 Stat. 842.

TITLE LXII.

NATIONAL BANKS.

CHAPTER ONE.

Organization and Powers.

Sec. 5136.

ACT JULY 12, 1882, c. 290, § 1.

Extension of period of corporate succession.

The Comptroller of the Currency is authorized to extend, under the provisions of this act, for a further period of 20 years, the charter of any national banking association extended under the provisions of this act, by Act April 12, 1902, c. 503, set forth below.

ACT APRIL 12, 1902, c. 503.

An Act to Provide for the Extension of the Charters of National Banks. (32 Stat. 102.)

Additional extension of period of corporate succession.

Be it enacted, &c., That the Comptroller of the Currency is hereby authorized, in the manner provided by, and under the conditions and limitations of, the Act of July twelfth, eighteen hundred and eighty-two, to extend for a further period of twenty years the charter of any national banking association extended under said Act which shall desire to continue its existence after the expiration of its charter.

Act April 12, 1902, c. 503, 32 Stat. 102.

Act July 12, 1882, c. 290, mentioned in this act, is set forth in Comp. St. 1901, p. 3457.

Sec. 5146.

[Amended. Act Feb. 28, 1905, c. 1163.]

This section is amended by Act Feb. 28, 1905, c. 1163, to read as set forth below.

ACT FEB. 28, 1905, c. 1163. [S. 7065.]

An Act to Amend Section Fifty-One Hundred and Forty-Six of the Revised Statutes of the United States in Relation to the Qualifications of Directors of National Banking Associations. (33 Stat. 818.)

Amendment of Rev. St. § 5146.

Be it enacted, &c., That section fifty-one hundred and forty-six of the Revised Statutes of the United States be so amended as to read as follows:

Requisite qualifications of directors.

"Sec. 5146. Every director must, during his whole term of service, be a citizen of the United States, and at least three-fourths of the

directors must have resided in the State, Territory, or District in which the association is located for at least one year immediately preceding their election and must be residents therein during their continuance in office. Every director must own in his own right at least ten shares of the capital stock of the association of which he is a director, unless the capital of the bank shall not exceed twenty-five thousand dollars, in which case he must own in his own right at least five shares of such capital stock. Any director who ceases to be the owner of the required number of shares of the stock, or who becomes in any other manner disqualified, shall thereby vacate his place."

Act Feb. 28, 1905, c. 1163, 33 Stat. 818.

Rev. St. § 5146, amended by this act, is set forth in Comp. St. 1901, p. 3463. The amendment consists in the addition, at the end of the second sentence of the section as originally enacted, "Every director must own in his own right at least ten shares of the capital stock of the association of which he is a director," of the words, "unless the capital of the bank shall not exceed twenty-five thousand dollars, in which case he must own in his own right at least five shares of such capital stock"; and in the insertion, in the last sentence, after the words, "Any director who ceases to be the owner of," instead of the word "ten," of the words "the required number of," as set forth here.

Sec. 5153. [*As amended* 1901.]

[Amended. Act March 4, 1907, c. 2913, § 3.]

This section is amended by Act March 4, 1907, c. 2913, § 3, to read as set forth below.

ACT MARCH 4, 1907, c. 2913. [H. R. 13566.]

An Act to Amend the National Banking Act, and for Other Purposes. (34 Stat. 1289.)

Be it enacted, &c., [Section 1 amends Act March 14, 1900, c. 41, § 6.]

This section amends Act March 14, 1900, c. 41, § 6, Comp. St. 1901, p. 141, authorizing the Secretary of the Treasury to receive deposits of gold coin and to issue gold certificates therefor. It is set forth ante, under Title VII, "The Department of the Treasury," c. 2.

Sec. 2. [Authorizes issue of United States notes of small denominations when silver certificates are insufficient.]

This section authorizes the Secretary of the Treasury, when the outstanding silver certificates of certain small denominations issued under Act March 14, 1900, c. 41, Comp. St. 1901, pp. 2356–2360, are, in his opinion, insufficient to meet the public demand therefor, to issue United States notes of such denominations, an equal amount of notes of higher denominations to be retired. It is set forth ante, under Title XXXVII, "Coinage, Weights, and Measures."

Amendment of Rev. St. § 5153.

Sec. 3. That section fifty-one hundred and fifty-three of the Revised Statutes be amended to read as follows:

Duties and liabilities when designated as depositaries of public moneys.

"Sec. 5153. All national banking associations, designated for that purpose by the Secretary of the Treasury, shall be depositaries of public money, under such regulations as may be prescribed by the Secretary; and they may also be employed as financial agents of the Government; and they shall perform all such reasonable duties, as

depositaries of public money and financial agents of the Government, as may be required of them. The Secretary of the Treasury shall require the associations thus designated to give satisfactory security, by the deposit of United States bonds and otherwise, for the safekeeping and prompt payment of the public money deposited with them, and for the faithful performance of their duties as financial agents of the Government: Provided, That the Secretary shall, on or before the first of January of each year, make a public statement of the securities required during that year for such deposits. And every association so designated as receiver or depositary of the public money shall take and receive at par all of the national currency bills, by whatever association issued, which have been paid into the Government for internal revenue, or for loans or stocks: Provided, That the Secretary of the Treasury shall distribute the deposits herein provided for, as far as practicable, equitably between the different States and sections."

Act March 4, 1907, c. 2913, § 3, 34 Stat. 1290.

Rev. St. § 5153, set forth, as previously amended by Act March 3, 1901, c. 871, § 3, in Comp. St. 1901, p. 3485, is further amended by this section to read as set forth here. The amendment consists principally in the omission, after the words "shall be depositaries of public money," of the words contained in the section as originally enacted, "except receipts from customs;" the omission also, after the words "under such regulations as may be prescribed by the Secretary," of the words inserted by amendment by said Act March 3, 1901, c. 871, § 3, "but receipts derived from duties on imports in Alaska, the Hawaiian Islands, and other islands under the jurisdiction of the United States may be deposited in such depositaries subject to such regulations;" the insertion of the proviso "That the Secretary of the Treasury shall, on or before the first of January of each year, make a public statement of the securities required during that year for such deposits;" and the addition, at the end of the section as originally enacted, of the proviso "That the Secretary of the Treasury shall distribute the deposits herein provided for, as far as practicable, equitably between the different States and sections."

The provisions of Rev. St. § 5191, Comp. St. 1901, p. 3486, relating to reserves of national banks, are not to apply to deposits of public moneys in designated depositaries, by Act May 30, 1908, c. 229, § 14, set forth below.

Provisions as to the rate of interest payable on deposits of public moneys in national banks designated as depositaries are contained in Act May 30, 1908, c. 229, § 15, set forth below.

Sec. 4. [Amends Act July 12, 1882, c. 290, § 9.]

This section amends Act July 12, 1882, c. 290, § 9, as amended by Act March 14, 1900, c. 41, § 12, Comp. St. 1901, p. 3473, providing for withdrawal, by a national banking association, of its circulating notes, on deposit of lawful money, and withdrawal of bonds held as security for such notes. The section so amended is again amended by Act May 30, 1908, c. 229, § 10, which is set forth, with said section as further amended, under Rev. St. § 5167, in chapter 2 of this Title.

ACT MAY 30, 1908, c. 229, §§ 14, 15. [H. R. 21871.]

Provisions relating to reserves of national banks not to apply to deposits of public moneys in designated depositaries.

Sec. 14. That the provisions of section fifty-one hundred and ninety-one of the Revised Statutes, with reference to the reserves of national banking associations, shall not apply to deposits of public moneys by the United States in designated depositaries.

Act May 30, 1908, c. 229, § 14, 35 Stat. 552.

This section and the section next following are part of an act to

amend the national banking laws, cited above, the other sections of which are set forth or referred to post, under Rev. St. § 5167, in chapter 1 of this Title.

Rate of interest on special and additional deposits in national banks designated as depositaries.

Sec. 15. That all national banking associations designated as regular depositaries of public money shall pay upon all special and additional deposits made by the Secretary of the Treasury in such depositaries, and all such associations designated as temporary depositaries of public money shall pay upon all sums of public money deposited in such associations interest at such rate as the Secretary of the Treasury may prescribe, not less, however, than one per centum per annum upon the average monthly amount of such deposits: Provided, however, That nothing contained in this Act shall be construed to change or modify the obligation of any association or any of its officers for the safe-keeping of public money: Provided further, That the rate of interest charged upon such deposits shall be equal and uniform throughout the United States.

Act May 30, 1908, c. 229, § 15, 35 Stat. 552.
See note under preceding section of this act.

CHAPTER TWO.

Obtaining and Issuing Circulating Notes.

Sec. 5159.

Deposit of bonds required before issue of circulating notes.

The issue of additional circulating notes, on deposit of securities other than United States bonds, is authorized by provisions of Act May 30, 1908, c. 229, set forth post, under Rev. St. § 5167.

In bonds to defray and reimburse expenditures on account of the Panama Canal, issued under Act Aug. 5, 1909, c. 6, § 39, set forth ante, under Title XLII, "The Public Debt," the Secretary of the Treasury is authorized to insert a provision that such bonds shall not be receivable as security for the issue of circulating notes to national banks, and bonds containing such provision shall not be receivable for that purpose, by Act March 2, 1911, c. 195, also set forth ante, under Title XLII, "The Public Debt."

Sec. 5167.

ACT JULY 12, 1882, c. 290, § 9. [*As amended* 1900.]

[Amended. Act March 4, 1907, c. 2913, § 4. Act May 30, 1908, c. 229, § 10.]

This section, set forth, as amended by the repeal of part thereof by Act March 14, 1900, c. 41, § 12, in Comp. St. 1901, p. 3473, is further amended by Act March 4, 1907, c. 2913, § 4, and by Act May 30, 1908, c. 229, § 10, to read as set forth below.

ACT MAY 30, 1908, c. 229, § 10. [H. R. 21871.]

Amendment of Act July 12, 1882, c. 290, § 9.

That section nine of the Act approved July twelfth, eighteen hundred and eighty-two, as amended by the Act approved March fourth, nineteen hundred and seven, be further amended to read as follows:

Withdrawal of circulating notes on deposit of lawful money, etc., and withdrawal of bonds or other securities.

"Sec. 9. That any national banking association desiring to withdraw its circulating notes, secured by deposit of United States bonds in the manner provided in section four of the Act approved June twentieth, eighteen hundred and seventy-four, is hereby authorized for that purpose to deposit lawful money with the Treasurer of the United States and, with the consent of the Comptroller of the Currency and the approval of the Secretary of the Treasury, to withdraw a proportionate amount of bonds held as security for its circulating notes in the order of such deposits: Provided, That not more than nine millions of dollars of lawful money shall be so deposited during any calendar month for this purpose.

"Any national banking association desiring to withdraw any of its circulating notes, secured by the deposit of securities other than bonds of the United States, may make such withdrawal at any time in like manner and effect by the deposit of lawful money or national bank notes with the Treasurer of the United States, and upon such deposit a proportionate share of the securities so deposited may be withdrawn: Provided, That the deposits under this section to retire notes secured by the deposit of securities other than bonds of the United States shall not be covered into the Treasury, as required by section six of an Act entitled 'An Act directing the purchase of silver bullion and the issue of Treasury notes thereon, and for other purposes,' approved July fourteenth, eighteen hundred and ninety, but shall be retained in the Treasury for the purpose of redeeming the notes of the bank making such deposit."

Act May 30, 1908, c. 229, § 10, 35 Stat. 551.

This section is part of an act to amend the national banking laws, the other sections of which are set forth or referred to below.

Act July 12, 1882, c. 290, § 9, amended by this section, is set forth, as previously amended by the repeal of part thereof by Act March 14, 1900, c. 41, § 12, in Comp. St. 1901, p. 3473. It was further amended by Act March 4, 1907, c. 2913, § 4, 34 Stat. 1290, to read as follows:

"That any national banking association now organized, or hereafter organized, desiring to withdraw its circulating notes, upon a deposit of lawful money with the Treasurer of the United States, as provided in section four of the Act of June twentieth, eighteen hundred and seventy-four, or as provided in this Act, is authorized to deposit lawful money and, with the consent of the Comptroller of the Currency and the approval of the Secretary of the Treasury, withdraw a proportionate amount of the bonds held as security for its circulating notes in the order of such deposits: Provided, That not more than nine millions of dollars of lawful money shall be deposited during any calendar month for this purpose: And provided further, That the provisions of this section shall not apply to bonds called for redemption by the Secretary of the Treasury, nor to withdrawal of circulating notes in consequence thereof."

The further amendment by this act, besides making several changes in the language of the section as previously amended, added thereto the second paragraph, as set forth here, relating to withdrawal of notes secured by deposit of securities other than United States bonds; the issue of notes on deposit of such securities being authorized by the preceding sections of this act. See Act May 30, 1908, c. 229, §§ 1–8, set forth below.

Act June 20, 1874, c. 343, § 4, mentioned in the first paragraph of this section, is set forth in Comp. St. 1901, p. 3472.

Act July 14, 1890, c. 708, § 6, mentioned in the second paragraph of this section, is set forth in Comp. St. 1901, p. 3490.

ACT MAY 30, 1908, c. 229. [H. R. 21871.]

An Act to Amend the National Banking Laws. (35 Stat. 546.)

National currency associations; formation by national banks; officers; powers; issue of additional circulating notes on deposit of securities by banks with association; liability of banks and lien on assets for redemption of notes, and remedies for enforcement thereof.

Be it enacted, &c., That national banking associations, each having an unimpaired capital and a surplus of not less than twenty per centum, not less than ten in number, having an aggregate capital and surplus of at least five millions of dollars, may form voluntary associations to be designated as national currency associations. The banks uniting to form such association shall, by their presidents or vice-presidents, acting under authority from the board of directors, make and file with the Secretary of the Treasury a certificate setting forth the names of the banks composing the association, the principal place of business of the association, and the name of the association, which name shall be subject to the approval of the Secretary of the Treasury. Upon the filing of such certificate the associated banks therein named shall become a body corporate, and by the name so designated and approved may sue and be sued and exercise the powers of a body corporate for the purposes hereinafter mentioned: Provided, That not more than one such national currency association shall be formed in any city: Provided further, That the several members of such national currency association shall be taken, as nearly as conveniently may be, from a territory composed of a State or part of a State, or contiguous parts of one or more States: And provided further, That any national bank in such city or territory, having the qualifications herein prescribed for membership in such national currency association, shall, upon its application to and upon the approval of the Secretary of the Treasury, be admitted to membership in a national currency association for that city or territory, and upon such admission shall be deemed and held a part of the body corporate, and as such entitled to all the rights and privileges and subject to all the liabilities of an original member: And provided further, That each national currency association shall be composed exclusively of banks not members of any other national currency association.

The dissolution, voluntary or otherwise, of any bank in such association shall not affect the corporate existence of the association unless there shall then remain less than the minimum number of ten banks: Provided, however, That the reduction of the number of said banks below the minimum of ten shall not affect the existence of the corporation with respect to the assertion of all rights in favor of or against such association. The affairs of the association shall be managed by a board consisting of one representative from each bank. By-laws for the government of the association shall be made by the board, subject to the approval of the Secretary of the Treasury. A president, vice-president, secretary, treasurer, and an executive committee of not less than five members, shall be elected by the board. The powers of such board, except in the election of officers and making of by-laws, may be exercised through its executive committee.

The national currency association herein provided for shall have and exercise any and all powers necessary to carry out the purposes of this section, namely, to render available, under the direction and con-

trol of the Secretary of the Treasury, as a basis for additional circulation any securities, including commercial paper, held by a national banking association. For the purpose of obtaining such additional circulation, any bank belonging to any national currency association, having circulating notes outstanding secured by the deposit of bonds of the United States to an amount not less than forty per centum of its capital stock, and which has its capital unimpaired and a surplus of not less than twenty per centum, may deposit with and transfer to the association, in trust for the United States, for the purpose hereinafter provided, such of the securities above mentioned as may be satisfactory to the board of the association. The officers of the association may thereupon, in behalf of such bank, make application to the Comptroller of the Currency for an issue of additional circulating notes to an amount not exceeding seventy-five per centum of the cash value of the securities or commercial paper so deposited. The Comptroller of the Currency shall immediately transmit such application to the Secretary of the Treasury with such recommendation as he thinks proper, and if, in the judgment of the Secretary of the Treasury, business conditions in the locality demand additional circulation, and if he be satisfied with the character and value of the securities proposed and that a lien in favor of the United States on the securities so deposited and on the assets of the banks composing the association will be amply sufficient for the protection of the United States, he may direct an issue of additional circulating notes to the association, on behalf of such bank, to an amount in his discretion, not, however, exceeding seventy-five per centum of the cash value of the securities so deposited: Provided, That upon the deposit of any of the State, city, town, county, or other municipal bonds, of a character described in section three of this Act, circulating notes may be issued to the extent of not exceeding ninety per centum of the market value of such bonds so deposited: And provided further, That no national banking association shall be authorized in any event to issue circulating notes based on commercial paper in excess of thirty per centum of its unimpaired capital and surplus. The term "commercial paper" shall be held to include only notes representing actual commercial transactions, which when accepted by the association shall bear the names of at least two responsible parties and have not exceeding four months to run.

The banks and the assets of all banks belonging to the association shall be jointly and severally liable to the United States for the redemption of such additional circulation; and to secure such liability the lien created by section fifty-two hundred and thirty of the Revised Statutes shall extend to and cover the assets of all banks belonging to the association, and to the securities deposited by the banks with the association pursuant to the provisions of this Act; but as between the several banks composing such association each bank shall be liable only in the proportion that its capital and surplus bears to the aggregate capital and surplus of all such banks. The association may, at any time, require of any of its constituent banks a deposit of additional securities or commercial paper, or an exchange of the securities already on deposit, to secure such additional circulation; and in case of the failure of such bank to make such deposit or exchange the association may, after ten days' notice to the bank, sell the securities and paper already in its hands at public sale, and deposit the proceeds

with the Treasurer of the United States as a fund for the redemption of such additional circulation. If such fund be insufficient for that purpose the association may recover from the bank the amount of the deficiency by suit in the circuit court of the United States, and shall have the benefit of the lien hereinbefore provided for in favor of the United States upon the assets of such bank. The association or the Secretary of the Treasury may permit or require the withdrawal of any such securities or commercial paper and the substitution of other securities or commercial paper of equal value therefor.

Act May 30, 1908, c. 229, § 1, 35 Stat. 546.

Rev. St. § 5230, mentioned in the last paragraph of this section, creating a lien on the assets of banks for any deficiency in the proceeds of its bonds, deposited to secure its circulating notes, to redeem them, is set forth in Comp. St. 1901, p. 3506.

Failure of bank belonging to national currency association to preserve or make good its redemption fund; application of fund belonging to other banks; sale of securities deposited by bank with association.

Sec. 2. That whenever any bank belonging to a national currency association shall fail to preserve or make good its redemption fund in the Treasury of the United States, required by section three of the Act of June twentieth, eighteen hundred and seventy-four, chapter three hundred and forty-three, and the provisions of this Act, the Treasurer of the United States shall notify such national currency association to make good such redemption fund, and upon the failure of such national currency association to make good such fund, the Treasurer of the United States may, in his discretion, apply so much of the redemption fund belonging to the other banks composing such national currency association as may be necessary for that purpose; and such national currency association may, after five days' notice to such bank, proceed to sell at public sale the securities deposited by such bank with the association pursuant to the provisions of section one of this Act, and deposit the proceeds with the Treasurer of the United States as a fund for the redemption of the additional circulation taken out by such bank under this act.

Act May 30, 1908, c. 229, § 2, 35 Stat. 548.

Act June 20, 1874, c. 343, § 3, mentioned in this section, providing for a redemption fund, is set forth in Comp. St. 1901, p. 3488.

Issue of additional circulating notes on deposit of bonds, other than United States bonds, with Treasurer or Assistant Treasurer; bonds, etc., that may be accepted as security.

Sec. 3. That any national banking association which has circulating notes outstanding, secured by the deposit of United States bonds to an amount of not less than forty per centum of its capital stock, and which has a surplus of not less than twenty per centum, may make application to the Comptroller of the Currency for authority to issue additional circulating notes to be secured by the deposit of bonds other than bonds of the United States. The Comptroller of the Currency shall transmit immediately the application, with his recommendation, to the Secretary of the Treasury, who shall, if in his judgment business conditions in the locality demand additional circulation, approve the same, and shall determine the time of issue and fix the amount, within the limitations herein imposed, of the additional cir-

culating notes to be issued. Whenever after receiving notice of such approval any such association shall deposit with the Treasurer or any assistant treasurer of the United States such of the bonds described in this section as shall be approved in character and amount by the Treasurer of the United States and the Secretary of the Treasury, it shall be entitled to receive, upon the order of the Comptroller of the Currency, circulating notes in blank, registered and countersigned as provided by law, not exceeding in amount ninety per centum of the market value, but not in excess of the par value of any bonds so deposited, such market value to be ascertained and determined under the direction of the Secretary of the Treasury.

The Treasurer of the United States, with the approval of the Secretary of the Treasury, shall accept as security for the additional circulating notes provided for in this section, bonds or other interest-bearing obligations of any State of the United States, or any legally authorized bonds issued by any city, town, county, or other legally constituted municipality or district in the United States which has been in existence for a period of ten years, and which for a period of ten years previous to such deposit has not defaulted in the payment of any part of either principal or interest of any funded debt authorized to be contracted by it, and whose net funded indebtedness does not exceed ten per centum of the valuation of its taxable property, to be ascertained by the last preceding valuation of property for the assessment of taxes. The Treasurer of the United States, with the approval of the Secretary of the Treasury, shall accept, for the purposes of this section, securities herein enumerated in such proportions as he may from time to time determine, and he may with such approval at any time require the deposit of additional securities, or require any association to change the character of the securities already on deposit.

Act May 30, 1908, c. 229, § 3, 35 Stat. 548.

Bonds deposited under section 3 of act to be transferred to Treasurer; receipts therefor; assignments by Treasurer; application of provisions relating to registry, notice of transfers, examinations and custody, etc., of bonds.

Sec. 4. That the legal title of all bonds, whether coupon or registered, deposited to secure circulating notes issued in accordance with the terms of section three of this Act shall be transferred to the Treasurer of the United States in trust for the association depositing them, under regulations to be prescribed by the Secretary of the Treasury. A receipt shall be given to the association by the Treasurer or any assistant treasurer of the United States, stating that such bond is held in trust for the association on whose behalf the transfer is made, and as security for the redemption and payment of any circulating notes that have been or may be delivered to such association. No assignment or transfer of any such bond by the Treasurer shall be deemed valid unless countersigned by the Comptroller of the Currency. The provisions of sections fifty-one hundred and sixty-three, fifty-one hundred and sixty-four, fifty-one hundred and sixty-five, fifty-one hundred and sixty-six, and fifty-one hundred and sixty-seven and sections fifty-two hundred and twenty-four to fifty-two hundred and thirty-four, inclusive, of the Revised Statutes respecting United States bonds deposited to secure circulating notes shall, except as herein modified, be

applicable to all bonds deposited under the terms of section three of this Act.

Act May 30, 1908, c. 229, § 4, 35 Stat. 549.

Rev. St. §§ 5163–5167, mentioned in this section, are set forth in Comp. St. pp. 3470–3472.

Rev. St. §§ 5224–5234, also mentioned in this section, are set forth in Comp. St. pp. 3504–3508.

Status of additional circulating notes; limitations of amount.

Sec. 5. That the additional circulating notes issued under this Act shall be used, held, and treated in the same way as circulating notes of national banking associations heretofore issued and secured by a deposit of United States bonds, and shall be subject to all the provisions of law affecting such notes except as herein expressly modified: Provided, That the total amount of circulating notes outstanding of any national banking association, including notes secured by United States bonds as now provided by law, and notes secured otherwise than by deposit of such bonds, shall not at any time exceed the amount of its unimpaired capital and surplus: And provided further, That there shall not be outstanding at any time circulating notes issued under the provisions of this Act to an amount of more than five hundred millions of dollars.

Act May 30, 1908, c. 229, § 5, 35 Stat. 549.

Additional redemption fund for additional circulating notes outstanding.

Sec. 6. That whenever and so long as any national banking association has outstanding any of the additional circulating notes authorized to be issued by the provisions of this Act it shall keep on deposit in the Treasury of the United States, in addition to the redemption fund required by section three of the Act of June twentieth, eighteen hundred and seventy-four, an additional sum equal to five per centum of such additional circulation at any time outstanding, such additional five per centum to be treated, held, and used in all respects in the same manner as the original redemption fund provided for by said section three of the Act of June twentieth, eighteen hundred and seventy-four.

Act May 30, 1908, c. 229, § 6, 35 Stat. 550.

Act June 20, 1874, c. 343, § 3, mentioned in this section, is set forth in Comp. St. 1901, p. 3488.

Distribution of additional circulating notes proportionate to capital and surplus of national banks in each state; emergency assignments of amounts not applied for.

Sec. 7. In order that the distribution of notes to be issued under the provisions of this Act shall be made as equitable as practicable between the various sections of the country, the Secretary of the Treasury shall not approve applications from associations in any State in excess of the amount to which such State would be entitled of the additional notes herein authorized on the basis of the proportion which the unimpaired capital and surplus of the national banking associations in such State bears to the total amount of unimpaired capital and surplus of the national banking associations of the United States: Provided, however, That in case the applications from associations in any State shall not be equal to the amount which the associations of such State would be entitled to under this method of distribution, the Sec-

retary of the Treasury may, in his discretion, to meet an emergency, assign the amount not thus applied for to any applying association or associations in States in the same section of the country.

Act May 30, 1908, c. 229, § 7, 35 Stat. 550.

Information as to securities acceptable under act to be obtained by Secretary of the Treasury and furnished to national banks.

Sec. 8. That it shall be the duty of the Secretary of the Treasury to obtain information with reference to the value and character of the securities authorized to be accepted under the provisions of this Act, and he shall from time to time furnish information to national banking associations as to such securities as would be acceptable under the provisions of this Act.

Act May 30, 1908, c. 229, § 8, 35 Stat. 550.

Sec. 9. [Amends Rev. St. § 5214.]

This section amends Rev. St. § 5214, and is set forth post, under chapter 3 of this Title.

Sec. 10. [Amends Act July 12, 1882, c. 290, § 9.]

This section amends Act July 12, 1882, c. 290, § 9, which, as so amended, is set forth above.

Sec. 11. [Amends Rev. St. § 5172.]

This section amends Rev. St. § 5172, and is set forth post, under that section.

Sec. 12. [Relates to redemption of circulating notes.]

This section provides for redemption of circulating notes, under Act June 20, 1874, § 3, and is set forth post, under chapter 3 of this Title.

Authority of Secretary of Treasury as to acts and orders of Comptroller of the Currency and organization and management of national currency associations.

Sec. 13. That all acts and orders of the Comptroller of the Currency and the Treasurer of the United States authorized by this Act shall have the approval of the Secretary of the Treasury who shall have power, also, to make any such rules and regulations and exercise such control over the organization and management of national currency associations as may be necessary to carry out the purposes of this Act.

Act May 30, 1908, c. 229, § 13, 35 Stat. 552.

Secs. 14, 15. [Relate to deposits of public moneys in national banks.]

Sections 14 and 15 of this act relate to deposits of public moneys in national banks as designated depositaries, and are set forth ante, under chapter 1 of this Title.

Appropriation.

Sec. 16. That a sum sufficient to carry out the purposes of the preceding sections of this Act is hereby appropriated out of any money in the Treasury not otherwise appropriated.

Act May 30, 1908, c. 229, § 16, 35 Stat. 552.

Secs. 17–19. [Relate to "National Monetary Commission."]

Sections 17, 18, and 19 of this act create a National Monetary Commission, prescribe its powers and duties, and make an appropriation for the expenses thereof. They are set forth ante, under Title XXXVIII, "The Currency."

Limitation of act.

Sec. 20. That this Act shall expire by limitation on the thirtieth day of June, nineteen hundred and fourteen.

Act May 30, 1908, c. 229, § 20, 35 Stat. 553.

Sec. 5172.

[Amended. Act May 30, 1908, c. 229, § 11.]

This section, set forth in Comp. St. 1901, p. 3477, is amended by Act May 30, 1908, c. 229, § 11, set forth below.

ACT MAY 30, 1908, c. 229, § 11. [H. R. 21871.]

Amendment of Rev. St. § 5172.

That section fifty-one hundred and seventy-two of the Revised Statutes be, and the same is hereby, amended to read as follows:

Printing, denomination, and form of the circulating notes; preparation and deposit for delivery of additional circulating notes.

"Sec. 5172. In order to furnish suitable notes for circulation, the Comptroller of the Currency shall, under the direction of the Secretary of the Treasury, cause plates and dies to be engraved, in the best manner to guard against counterfeiting and fraudulent alterations, and shall have printed therefrom, and numbered, such quantity of circulating notes, in blank, of the denominations of five dollars, ten dollars, twenty dollars, fifty dollars, one hundred dollars, five hundred dollars, one thousand dollars, and ten thousand dollars, as may be required to supply the associations entitled to receive the same. Such notes shall state upon their face that they are secured by United States bonds or other securities, certified by the written or engraved signatures of the Treasurer and Register and by the imprint of the seal of the Treasury. They shall also express upon their face the promise of the association receiving the same to pay on demand, attested by the signature of the president or vice-president and cashier. The Comptroller of the Currency, acting under the direction of the Secretary of the Treasury, shall as soon as practicable cause to be prepared circulating notes in blank, registered and countersigned, as provided by law, to an amount equal to fifty per centum of the capital stock of each national banking association; such notes to be deposited in the Treasury or in the subtreasury of the United States nearest the place of business of each association, and to be held for such association, subject to the order of the Comptroller of the Currency, for their delivery as provided by law: Provided, That the Comptroller of the Currency may issue national bank notes of the present form until plates can be prepared and circulating notes issued as above provided: Provided, however, That in no event shall bank notes of the present form be issued to any bank as additional circulation provided for by this Act."

Act May 30, 1908, c. 229, § 11, 35 Stat. 551.

This section is part of an act to amend the national banking laws, cited above, the other sections of which are set forth or referred to ante, under Rev. St. § 5167.

The amendment by this section consists in the omission, in the enumeration of the denominations of circulating notes, of the words "one dollar, two dollars, three dollars," and the insertion of the words "ten thousand dollars," with some changes in the language of the clauses prescribing the form and contents of the notes, and in the addition, at

the end of the section as originally enacted, of the provisions relating to the preparation, etc., of the additional circulating notes authorized by preceding sections of this act, from the words "The Comptroller of the Currency, acting under the direction of the Secretary of the Treasury," etc., to the end of the section as set forth here.

Secs. 5188, 5189.

[Repealed. Act March 4, 1909, c. 321, § 341.]

These sections, set forth in Comp. St. 1901, p. 3484, are incorporated in the act to codify, etc., the penal laws, Act March 4, 1909, c. 321, in chapter 7, §§ 175, 176, thereof, and are expressly repealed by chapter 15, § 341, of said act, taking effect January 1, 1910. Said act is set forth post, under Title LXIX A, "The Criminal Code."

CHAPTER THREE.

Regulation of the Banking Business.

Sec. 5192.

ACT JUNE 20, 1874, c. 343, § 3.

Reserve in Treasury for redemption of circulation; redemption of circulating notes.

Circulating notes presented to the Treasury for redemption are to be redeemed in lawful money, by Act May 30, 1908, c. 229, § 12, set forth below.

ACT MARCH 3, 1887, c. 378, § 1.

[Amended. Act March 3, 1903, c. 1014.]

This section is amended by Act March 3, 1903, c. 1014, set forth below.

ACT MARCH 3, 1903, c. 1014.

An Act to Amend Section One of an Act Entitled "An Act to Amend Sections Fifty-One Hundred and Ninety-One and Fifty-One Hundred and Ninety-Two of the Revised Statutes of the United States, and for Other Purposes." (32 Stat. 1223.)

Amendment of Act March 3, 1887, c. 378, § 1.

Be it enacted, &c., That section one of an Act entitled "An Act to amend sections fifty-one hundred and ninety-one and fifty-one hundred and ninety-two of the Revised Statutes of the United States, and for other purposes," approved March third, eighteen hundred and eighty-seven, be, and the same is hereby, amended to read as follows:

Additional "reserve cities" of 25,000 inhabitants.

"That whenever three-fourths in number of the national banks located in any city of the United States having a population of twenty-five thousand people shall make application to the Comptroller of the Currency, in writing, asking that the name of the city in which such banks are located shall be added to the cities named in sections fifty-one hundred and ninety-one and fifty-one hundred and ninety-two of the Revised Statutes, the Comptroller shall have authority to grant such request, and every bank located in such city shall at

all times thereafter have on hand, in lawful money of the United States, an amount equal to at least twenty-five per centum of its deposits, as provided in sections fifty-one hundred and ninety-one and fifty-one hundred and ninety-five of the Revised Statutes."

Act March 3, 1903, c. 1014, 32 Stat. 1223.

The amendment by this act of March 3, 1887, c. 378, § 1, as set forth in Comp. St. 1901, p. 3490, consists in reducing the limit of population of cities which may become reserve cities from 50,000 to 25,000.

Rev. St. §§ 5191, 5192, 5195, mentioned in this act, are set forth in Comp. St. 1901, pp. 3486, 3487, 3492.

ACT MAY 30, 1908, c. 229, § 12. [H. R. 21871.]

Redemption by Treasury of circulating notes in lawful money.

That circulating notes of national banking associations, when presented to the Treasury for redemption, as provided in section three of the Act approved June twentieth, eighteen hundred and seventy-four, shall be redeemed in lawful money of the United States.

Act May 30, 1908, c. 229, § 12, 35 Stat. 552.

This section is part of an act to amend the national banking laws, other sections of which are set forth or referred to ante, under Rev. St. § 5167, in chapter 2 of this Title.

Act June 20, 1874, c. 343, § 3, mentioned in this section, is set forth in Comp. St. 1901, p. 3488.

Sec. 5200.

[Amended. Act June 22, 1906, c. 3516.]

This section is amended by Act June 22, 1906, c. 3516, to read as set forth below.

ACT JUNE 22, 1906, c. 3516. [H. R. 8973.]

An Act to Amend Section Fifty-two hundred, Revised Statutes of the United States, Relating to National Banks. (34 Stat. 451.)

Amendment of Rev. St. § 5200.

Be it enacted, &c., That section fifty-two hundred of the Revised Statutes of the United States be, and the same is hereby, amended to read as follows:

Limit to liabilities which may be incurred by any one person, etc.

"Sec. 5200. The total liabilities to any association, of any person, or of any company, corporation, or firm for money borrowed, including in the liabilities of a company or firm the liabilities of the several members thereof, shall at no time exceed one-tenth part of the amount of the capital stock of such associations, actually paid in and unimpaired and one-tenth part of its unimpaired surplus fund: Provided, however, That the total of such liabilities shall in no event exceed thirty per centum of the capital stock of the association. But the discount of bills of exchange drawn in good faith against actually existing values, and the discount of commercial or business paper actually owned by the person negotiating the same shall not be considered as money borrowed."

Act June 22, 1906, c. 3516, 34 Stat. 451.

Rev. St. § 5200, amended by this act, is set forth in Comp. St. 1901, p. 3494. The amendment consists principally in the insertion, after the words "actually paid in," contained in the section as originally enacted,

of the words "and unimpaired and one-tenth part of its unimpaired surplus fund: Provided, however, That the total of such liabilities shall in no event exceed thirty per centum of the capital stock of the association," as set forth here.

Sec. 5214.

[Amended. Act May 30, 1908, c. 229, § 9.]

This section, set forth in Comp. St. 1901, p. 3500, is amended by Act May 30, 1908, c. 229, § 9, set forth below.

ACT MAY 30, 1908, c. 229, § 9. [H. R. 21871.]

Amendment of Rev. St. § 5214.

Sec. 9. That section fifty-two hundred and fourteen of the Revised Statutes, as amended, be further amended to read as follows:

Taxes on circulating notes; increase of rate on notes secured otherwise than by bonds of United States; monthly returns of amount of notes so secured; disposition of taxes thereon received.

"Sec. 5214. National banking associations having on deposit bonds of the United States, bearing interest at the rate of two per centum per annum, including the bonds issued for the construction of the Panama Canal, under the provisions of section eight of 'An Act to provide for the construction of a canal connecting the waters of the Atlantic and Pacific oceans,' approved June twenty-eighth, nineteen hundred and two, to secure its circulating notes, shall pay to the Treasurer of the United States, in the months of January and July, a tax of one-fourth of one per centum each half year upon the average amount of such of its notes in circulation as are based upon the deposit of such bonds; and such associations having on deposit bonds of the United States bearing interest at a rate higher than two per centum per annum shall pay a tax of one-half of one per centum each half year upon the average amount of such of its notes in circulation as are based upon the deposit of such bonds. National banking associations having circulating notes secured otherwise than by bonds of the United States shall pay for the first month a tax at the rate of five per centum per annum upon the average amount of such of their notes in circulation as are based upon the deposit of such securities, and afterwards an additional tax of one per centum per annum for each month until a tax of ten per centum per annum is reached, and thereafter such tax of ten per centum per annum, upon the average amount of such notes. Every national banking association having outstanding circulating notes secured by a deposit of other securities than United States bonds shall make monthly returns, under oath of its president or cashier, to the Treasurer of the United States, in such form as the Treasurer may prescribe, of the average monthly amount of its notes so secured in circulation; and it shall be the duty of the Comptroller of the Currency to cause such reports of notes in circulation to be verified by examination of the banks' records. The taxes received on circulating notes secured otherwise than by bonds of the United States shall be paid into the Division of Redemption of the Treasury and credited and added to the reserve fund held for the redemption of United States and other notes."

Act May 30, 1908, c. 229, § 9, 35 Stat. 550.

This section is part of an act to amend the national banking laws,

the other sections of which are set forth or referred to under Rev. St. § 5167, in chapter 2 of this Title.

Rev. St. § 5214, amended by this section, is set forth in Comp. St. 1901, p. 3500.

Previous provisions similar to those of this section as amended, relating to the tax on notes based upon deposit of Panama Canal bonds, were contained in Act Dec. 21, 1905, c. 3, § 1, set forth ante, under Title XLII, "The Public Debt."

TITLE LXIII.

RIVERS AND HARBORS.

Sec. 5250.

ACT MARCH 4, 1904, c. 393. [H. R. 7620.]

An Act Defining the Limit of Navigation of the Osage River in the State of Missouri. (33 Stat. 58.)

Osage River, Missouri.

Be it enacted, &c., That the Osage River in the State of Missouri above the point where the south line of sections fifteen and sixteen in township forty north, of range twenty-two west, of the fifth principal meridian, and in the County of Benton, State of Missouri, crosses said river, is hereby declared not to be a navigable stream, and shall be so treated by the Secretary of War and by all other authorities.

Act March 4, 1904, c. 393, 33 Stat. 58.

RES. FEB. 7, 1907, No. 13. [H. J. R. 207.]

Joint Resolution Declaring Sturgeon Bay, Illinois, Not Navigable Water. (34 Stat. 1421.)

Sturgeon Bay, Illinois.

Resolved, &c., That so much of the west fork of Sturgeon Bay within the county of Mercer and State of Illinois as lies west of the line between the east half and the west half of the east half of section twenty-five, in township fourteen north, range six west of the fourth principal meridian, and so much of the east fork of said Sturgeon Bay as lies north of the north line of section thirty, in township fourteen north, range five west of the fourth principal meridian, shall not be deemed navigable waters of the United States.

Res. Feb. 7, 1907, No. 13, 34 Stat. 1421.

Sec. 5252.

Water-gauges on the Mississippi River and tributaries.

Provisions for the gauging of the waters of the Lower Mississippi River contained in Act Aug. 11, 1888, c. 860, § 6, 25 Stat. 424, are amended by Act June 13, 1902, c. 1079, § 9, set forth below.

ACT JUNE 13, 1902, c. 1079, § 9.

Amendment of Act Aug. 11, 1888, c. 860, § 6; gauging the waters of the Mississippi River and tributaries; limit of annual expenditures.

That section six of the river and harbor Act of August eleventh, eighteen hundred and eighty-eight, is hereby amended so as to read as follows: "That for the purpose of securing the uninterrupted gauging of the waters of the Mississippi River and its tributaries, as provided for in joint resolution of the twenty-first of February, eighteen hundred and seventy-one, upon the application of the Chief of Engineers, the Secretary of War is hereby authorized to draw his

warrant or requisition, from time to time, upon the Secretary of the Treasury for such sums as may be necessary to do such work, not to exceed in the aggregate for each year the sum of nine thousand six hundred dollars: Provided, however, That an itemized statement of said expenses shall accompany the annual report of the Chief of Engineers."

Act June 13, 1902, c. 1079, § 9, 32 Stat. 374.

This section is part of the river and harbor appropriation act cited above.

Act Aug. 11, 1888, c. 860, § 6, 25 Stat. 424, mentioned in this section and amended thereby, provided for the gauging of the waters of the Lower Mississippi and tributaries, and limited the cost for each year to the amount appropriated in the act for such purpose. It is amended by Act June 13, 1902, c. 1079, § 9, cited above, to read as set forth here.

Res. Feb. 21, 1871, No. 40, mentioned in this section, incorporated into Rev. St. § 5252, set forth in Comp. St. 1901, p. 3522, provides for water gauges on the Mississippi River and tributaries, and limits the cost thereof to $5,000 a year.

Provisions for gauging at or near Saint Paul during the annual operation of the reservoirs at the headwaters of the Mississippi River, contained in Act Aug. 11, 1888, c. 860, § 1, are set forth post, under this Title, subtitle "Improvement of Rivers and Harbors."

Sec. 5253.

Employment of civil engineers on western and northwestern rivers.

Provisions for the appointment of a board of 5 engineer officers who shall perform the duties prescribed by the Chief of Engineers, and consider the reports on examinations and surveys for river and harbor improvements are contained in Act June 13, 1902, c. 1079, § 3, set forth below.

Provisions for payment of expenses of investigations, inspections, etc., by the Engineer Department, incidental to examinations for various purposes of protection of navigable waters, etc., are contained in Act March 3, 1895, c. 1482, § 6, set forth post, under this Title, subtitle "Preservation and Protection of Rivers and Harbors, and of Improvements."

ACT JUNE 13, 1902, c. 1079, § 3.

Board of engineer officers; appointment; duties; reports; authority to rent quarters and employ civil employés.

Sec. 3. That there shall be organized in the Office of the Chief of Engineers, United States Army, by detail from time to time from the Corps of Engineers, a board of five engineer officers, whose duties shall be fixed by the Chief of Engineers, and to whom shall be referred for consideration and recommendation, in addition to any other duties assigned, so far as in the opinion of the Chief of Engineers may be necessary, all reports upon examinations and surveys provided for by Congress, and all projects or changes in projects for works of river and harbor improvement heretofore or hereafter provided for. And the board shall submit to the Chief of Engineers recommendations as to the desirability of commencing or continuing any and all improvements upon which reports are required. And in the consideration of such works and projects the board shall have in view the amount and character of commerce existing or reasonably prospective which will be benefited by the improvement, and the relation of the ultimate cost of such work, both as to cost of construction and maintenance, to the public commercial interests involved, and the public necessity for the work and propriety of its

construction, continuance, or maintenance at the expense of the United States. And such consideration shall be given as time permits to such works as have heretofore been provided for by Congress, the same as in the case of new works proposed. The board shall, when it considers the same necessary, and with the sanction and under orders from the Chief of Engineers, make, as a board or through its members, personal examinations of localities. And all facts, information, and arguments which are presented to the board for its consideration in connection with any matter referred to it by the Chief of Engineers shall be reduced to and submitted in writing, and made a part of the records of the Office of the Chief of Engineers. It shall further be the duty of said board, upon a request transmitted to the Chief of Engineers by the Committee on Rivers and Harbors of the House of Representatives, or the Committee on Commerce of the Senate, in the same manner to examine and report through the Chief of Engineers upon any projects heretofore adopted by the Government or upon which appropriations have been made, and report upon the desirability of continuing the same or upon any modifications thereof which may be deemed desirable.

The board shall have authority, with the approval of the Chief of Engineers, to rent quarters, if necessary, for the proper transaction of its business, and to employ such civil employees as may, in the opinion of the Chief of Engineers, be required for properly transacting the business assigned to it, and the necessary expenses of the board shall be paid from allotments made by the Chief of Engineers from any appropriations made by Congress for the work or works to which the duties of the board pertain.

Act June 13, 1902, c. 1079, § 3, 32 Stat. 372.

This section is part of the river and harbor appropriation act cited above.

Provisions for the employment of civil engineers on western and northwestern rivers are contained in Rev. St. § 5253, set forth in Comp. St. 1901, p. 3523.

Sec. 5255.

ACT JULY 5, 1884, c. 229, § 4.

[Amended. Act March 3, 1909, c. 264, § 6.]

This section, set forth in Comp. St. 1901, p. 3524, is amended by Act March 3, 1909, c. 264, § 6, set forth below.

ACT MARCH 3, 1909, c. 264. [H. R. 28243.]

Amendment of Act July 5, 1884, c. 229, § 4.

Sec. 6. That section four of the river and harbor Act approved July fifth, eighteen hundred and eighty-four, be, and is hereby, amended and reenacted so as to read as follows:

Tolls on United States canals, etc., abolished; payment of expenses of operation, maintenance, etc., thereof; reconstruction of works, with modifications; statement of expenses; provisions not to apply to Panama Canal.

"Sec. 4. That no tolls or operating charges whatever shall be levied upon or collected from any vessel, dredge, or other water craft for passing through any lock, canal, canalized river, or other work for the use and benefit of navigation, now belonging to the United States or that may be hereafter acquired or constructed; and for the purpose of

preserving and continuing the use and navigation of said canals and other public works without interruption, the Secretary of War, upon the recommendation of the Chief of Engineers, United States Army, is hereby authorized to draw his warrant or requisition, from time to time, upon the Secretary of the Treasury to pay the actual expenses of operating, maintaining, and keeping said works in repair, which warrants or requisitions shall be paid by the Secretary of the Treasury out of any money in the Treasury not otherwise appropriated: Provided, That whenever, in the judgment of the Secretary of War, the condition of any of the aforesaid works is such that its entire reconstruction is absolutely essential to its efficient and economical maintenance and operation as herein provided for, the reconstruction thereof may include such modifications in plan and location as may be necessary to provide adequate facilities for existing navigation: Provided further, That the modifications are necessary to make the reconstructed work conform to similar works previously authorized by Congress and forming a part of the same improvement, and that such modifications shall be considered and approved by the Board of Engineers for Rivers and Harbors and be recommended by the Chief of Engineers before the work of reconstruction is commenced: Provided further, also, That an itemized statement of said expenses shall accompany the annual report of the Chief of Engineers: And provided further, That nothing herein contained shall be held to apply to the Panama Canal.

Act March 3, 1909, c. 264, § 6, 35 Stat. 818.

This section is part of the river and harbor appropriation act of 1909, cited above.

Act July 5, 1884, c. 229, § 4, amended by this section, is set forth in Comp. St. 1901, p. 3524.

ACT AUG. 18, 1894, c. 299, § 4.

[Amended. Act June 13, 1902, c. 1079, § 11.]

The provisions of Act Aug. 18, 1894, c. 299, § 4, set forth in Comp. St. 1901, p. 3525, are amended by Act June 13, 1902, c. 1079, § 11, set forth below. Provisions for the enforcement of the regulations prescribed by the Secretary of War are contained in section 6 of said act, also set forth below.

The consent of Congress is given to the construction of a ship canal along the Government right of way connecting the waters of Puget Sound with Lake Washington, said canal, when completed, to be turned over to the United States, by Act June 11, 1906, c. 3072, set forth below.

Provisions for the acquisition of lands, etc., between the present Saint Marys Falls Ship Canal and the international boundary line at Sault Sainte Marie, Mich., for purposes of navigation, etc., of said waters, etc., are contained in Act March 3, 1909, c. 264, § 11, set forth below.

Provisions for conservation of the right to the flow of water and riparian, water power, and other rights in the Saint Marys River, for purposes of navigation and incidentally for development of the water power, are added, by Act March 3, 1909, c. 264, § 12, to provisions of Act June 13, 1902, c. 1079, § 1, which are set forth, as so amended, post, under this Title, subtitle "Preservation and Protection of Rivers and Harbors, and of Improvements."

ACT JUNE 13, 1902, c. 1079, §§ 6, 11.

Manner of enforcing regulations of use of navigable waters.

Sec. 6. That any regulations heretofore or hereafter prescribed by the Secretary of War in pursuance of the fourth and fifth sections of the river and harbor Act of August eighteenth, eighteen hundred and

ninety-four, and any regulations hereafter prescribed in pursuance of the aforesaid section four as amended by section eleven of this Act, may be enforced as provided in section seventeen of the river and harbor Act of March third, eighteen hundred and ninety-nine, the provisions whereof are hereby made applicable to the said regulations.

Act June 13, 1902, c. 1079, § 6, 32 Stat. 374.

This section is part of the river and harbor appropriation act, cited above.

Act Aug. 18, 1894, c. 299, § 4, mentioned in this section, set forth in Comp. St. 1901, p. 3525, authorizes the Secretary of War to make regulations for the use of canals, and prescribes a penalty for a violation thereof.

Act Aug. 18, 1894, c. 299, § 5, also mentioned in this section, set forth in Comp. St. 1901, p. 3538, authorizes the Secretary of War to prescribe regulations for drawbridges over navigable waters, and prescribes a penalty for a violation thereof.

Act March 3, 1899, c. 425, § 17, also mentioned in this section, set forth in Comp. St. 1901, p. 3544, prescribes the duties of the Department of Justice in enforcing regulations relating to navigable waters, authorized by several sections of said act, also set forth in Comp. St. 1901, pp. 3540–3547.

Section 11 of this act, also mentioned in this section, is set forth below.

Amendment of Act Aug. 18, 1894, c. 299, § 4.

Sec. 11. That section four of the river and harbor Act of August eighteenth, eighteen hundred and ninety-four, be, and is hereby amended so as to read as follows:

Regulations of use of canals authorized; violation of rules; penalty.

"Sec. 4. That it shall be the duty of the Secretary of War to prescribe such rules and regulations for the use, administration, and navigation of any or all canals and similar works of navigation that now are, or that hereafter may be, owned, operated, or maintained by the United States as in his judgment the public necessity may require, and he is also authorized to prescribe regulations to govern the speed and movement of vessels and other water craft in any public navigable channel which has been improved under authority of Congress, whenever, in his judgment, such regulations are necessary to protect such improved channels from injury, or to prevent interference with the operations of the United States in improving navigable waters or injury to any plant that may be employed in such operations. Such rules and regulations shall be posted, in conspicuous and appropriate places, for the information of the public; and every person and every corporation which shall violate such rules and regulations shall be deemed guilty of a misdemeanor and, on conviction thereof in any district court of the United States within whose territorial jurisdiction such offense may have been committed, shall be punished by a fine not exceeding five hundred dollars, or by imprisonment (in the case of a natural person) not exceeding six months, in the discretion of the court."

Act June 13, 1902, c. 1079, § 11, 32 Stat. 374.

This section is part of the river and harbor appropriation act, cited above.

Act Aug. 18, 1894, c. 299, § 4, mentioned in this section and amended thereby, is set forth in Comp. St. 1901, p. 3525.

Provisions for the enforcement of the regulations are contained in section 6 of said act set forth above.

ACT JUNE 11, 1906, c. 3072. [S. 6329.]

An Act Authorizing James A. Moore or his Assigns to Construct a Canal along the Government Right of Way Connecting the Waters of Puget Sound with Lake Washington. (34 Stat. 231.)

Consent to construction of canal connecting waters of Puget Sound with Lake Washington; approval of plans, etc., and inspection of work; damages from construction; bond; canal to be property of United States, and to be maintained and operated for three years free of cost, charges and tolls.

Be it enacted, &c., That the consent of Congress is hereby granted to, and it shall be lawful for James A. Moore or his assigns to construct a ship canal not less than twenty-five feet in depth and with a bottom width of not less than sixty feet, with a suitable timber lock of not less than six hundred feet in length and seventy-two feet in width, along the Government right of way connecting the waters of Puget Sound, in the State of Washington, with Lake Washington, subject always to the provisions and requirements of this Act and to such conditions and stipulations as may be imposed by the Chief of Engineers and the Secretary of War for the protection of navigation and the property and other interests of the United States, which shall include provision for the discharge of waters from Lakes Union and Washington and afford adequate protection against claims for damages for changing the level of Lake Washington, subject to every right and power of the United States: Provided, That such canal and lock shall not be built or commenced until after the plans and specifications for their construction, together with such drawings of the proposed construction and such maps of the proposed locations as may be required for a full understanding of the subject, have been submitted to the Secretary of War for his approval and until after he shall have approved such plans and specifications and the location of such lock and any accessory works, and such works shall at all times be subject to the inspection and supervision of the Secretary of War; and when the plans for any lock and canal for construction under the provisions of this Act have been approved by the Secretary of War it shall not be lawful to deviate from such plans, either before or after the completion of the structure, unless the modification of such plans has previously been submitted to and received the approval of the Secretary of War: And provided, That the said James A. Moore or his assigns shall be liable for any damage that may be inflicted by the construction of said lock and canal by overflow, by a lowering of the waters affected, or otherwise, in a court of competent jurisdiction, and the said Secretary of War may compel the execution of a sufficient bond by the said James A. Moore, or his assigns, insuring compliance with the provisions and conditions imposed: And provided further, That said canal and lock, when completed, shall be turned over to the United States ready for use and free of all expense to the United States, and thenceforth shall be and remain the sole and exclusive property of the United States, but the said James A. Moore, or his assigns, shall operate and maintain in suitable condition the said canal and lock after completion for a period of three years to the satisfaction of said Secretary of War and Chief of Engineers of the United States, free of cost to the United

States, and from charges of any kind whatever, and free from the payment of all tolls.

Act June 11, 1906, c. 3072, § 1, 34 Stat. 232.

Limit of time for commencement and completion of canal.

Sec. 2. That this Act shall be null and void unless the canal and lock herein authorized shall be commenced within one year and completed within three years from the date of the approval hereof.

Act June 11, 1906, c. 3072, § 2, 34 Stat. 232.

Reservation of right to amend or repeal act.

Sec. 3. That the right to alter, amend, or repeal this Act is hereby expressly reserved.

Act June 11, 1906, c. 3072, § 3, 34 Stat. 231.

ACT MARCH 3, 1909, c. 264, § 11. [H. R. 28243.]

Saint Marys Falls Ship Canal; acquisition of additional lands; proceedings for condemnation; repeal of former provisions; revocation of existing licenses for use of water power; negotiations with Great Britain for maintenance of water levels of Great Lakes, etc.; examination, etc., for basin for filling locks.

Sec. 11. That the ownership in fee simple absolute by the United States of all lands and property of every kind and description north of the present Saint Marys Falls Ship Canal throughout its entire length and lying between said ship canal and the international boundary line at Sault Sainte Marie, in the State of Michigan, is necessary for the purposes of navigation of said waters and the waters connected therewith.

The Secretary of War is hereby directed to take proceedings immediately for the acquisition by condemnation or otherwise of all of said lands and property of every kind and description, in fee simple absolute. He shall proceed in such taking by filing in the office of the register of deeds of Chippewa County, in the State of Michigan, a writing, stating the purpose for which the same is taken under the provisions of this section, and giving a full description of all the lands and property of every kind and description thus to be taken. After the filing of said writing, and ten days after publication thereof in one or more newspapers in the city of Sault Sainte Marie, in the State of Michigan, the United States shall be entitled to, and shall take, immediate possession of the property described, and may at once proceed with such public works thereon as have been authorized by Congress for the uses of navigation.

The circuit court of the United States for the western district of Michigan is hereby given exclusive jurisdiction to hear condemnation proceedings and to determine what compensation shall be awarded for property taken under authority of this section. After the taking of any property by the Government of the United States, as herein provided for, the United States, by its proper officials, shall begin condemnation proceedings in the aforesaid court, and the practice shall be in accordance with the practice in the courts of the State of Michigan for the condemnation of lands by the State for public buildings of such State so far as the same may be followed without conflicting with the provisions hereof. Possession may be taken by the United States prior to a determination by a court of any necessity of taking, and prior to any determination of the amount of compensation.

Any money payable by the Government under the provisions of this section shall be payable out of any money heretofore authorized or appropriated for the purpose of improving Saint Marys River at the falls, Michigan.

All that part of "An Act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," approved March second, nineteen hundred and seven, beginning with the words "and all lands and waters north of the present Saint Marys Falls ship canal throughout its length," and ending with the words "to comply with the provisions of the river and harbor Act of nineteen hundred and two, but such lands, if so acquired, shall be obtained without expense to the United States," is hereby repealed.

Every permit, license, or authority of every kind, nature, and description heretofore issued or granted by the United States, or any official thereof, to the Chandler-Dunbar Water Power Company, the Edison Sault Light and Power Company, the Edison Sault Electric Company, or the Saint Marys Power Company, shall cease and determine and become null and void on January first, nineteen hundred and eleven, and the Secretary of War is hereby authorized and instructed to revoke, cancel, and annul every such permit, license, or authority, to take effect on January first, nineteen hundred and eleven.

The Secretary of War may, in his discretion, permit the Chandler-Dunbar Water Power Company and the Edison Sault Electric Company to maintain their present works and utilize the water power in said river at said rapids, in so far as the same does not interfere with navigation, or retard the construction of government works in said river, under such rules or regulations as have been or hereafter shall be imposed by the Secretary of War, until they shall be paid the compensation awarded by the court for their property condemned under the provisions of this section; but said permit shall not extend beyond January first, nineteen hundred and eleven.

The President of the United States is respectfully requested to open negotiations with the Government of Great Britain for the purpose of effectually providing, by suitable treaty with said Government, for maintaining ample water levels for the uses of navigation in the Great Lakes and the waters connected therewith, by the construction of such controlling and remedial works in the connecting rivers and channels of such lakes as may be agreed upon by the said governments under the provisions of said treaty.

The Secretary of War is further authorized and instructed to cause to be made a preliminary examination and survey to ascertain and determine a proper plan and the probable expense for constructing in the rapids of the Saint Marys River a filling basin or forebay, from which the ship locks shall be filled: Provided, That such survey shall in no way delay or interfere with the plans for construction already under way.

Act March 3, 1909, c. 264, § 11, 35 Stat. 820.

This section is part of the river and harbor appropriation act of the year 1909, cited above.

The previous provisions repealed by the fifth paragraph of this section are contained in Act March 2, 1907, c. 2509, § 1, 34 Stat. pp. 1098–1100.

[IMPROVEMENT OF RIVERS AND HARBORS.]

ACT APRIL 24, 1888, c. 194.

Condemnation of land for river and harbor improvements; purchase; donations.

Provisions authorizing the condemnation of lands or easements for river and harbor improvements undertaken at the expense of persons, companies, or corporations, are contained in Act May 16, 1906, c. 2465, amended by Act June 29, 1906, c. 3628, set forth below.

Provisions authorizing the sale of land or other property acquired for the improvement of rivers and harbors when no longer needed are contained in Act June 13, 1902, c. 1079, § 5, set forth below.

ACT AUG. 11, 1888, c. 860, §§ 1, 3, 4, 7.

Muskingum River, Ohio; leases of water powers, etc.

Improving Muskingum River, Ohio, * * and the Secretary of War is hereby authorized and empowered to grant leases or licenses for the use of the water powers on the Muskingum River at such rate and on such conditions and for such periods of time as may seem to him just, equitable, and expedient: Provided, That the leases or licenses shall be limited to the use of the surplus water not required for navigation. And he is also empowered to grant leases or licenses for the occupation of such lands belonging to the United States on said Muskingum River as may be required for millsites or for other purposes not inconsistent with the requirements of navigation; and all moneys received under such leases or licenses shall be turned into the Treasury of the United States, and the itemized statement thereof shall accompany the annual report of the Chief of Engineers.

Act Aug. 11, 1888, c. 860, § 1, 25 Stat. 417.

These are provisions of section 1 of the river and harbor appropriation act cited above.

Mississippi River; regulations of use, etc., of reservoirs at headwaters; punishment for violation; gaugings during operation of reservoirs.

For continuing operations upon the reservoirs at the headwaters of the Mississippi River, * * And it shall be the duty of the Secretary of War to prescribe such rules and regulations in respect to the use and administration of said reservoirs as in his judgment the public interest and necessity may require; which rules and regulations shall be posted in some conspicuous place or places for the information of the public. And any person knowingly and willfully violating such rules and regulations shall be liable to a fine not exceeding five hundred dollars, or imprisonment, not exceeding six months, the same to be enforced by prosecution in any district court of the United States within whose territorial jurisdiction such offense may have been committed. And the Secretary of War shall cause such guagings to be made at or near Saint Paul during the annual operation of said reservoirs as shall determine accurately the discharge at that point, the cost of same to be paid out of the annual appropriation for guaging the waters of the Mississippi River and its tributaries.

Act Aug. 11, 1888, c. 860, § 1, 25 Stat. 419.

These are further provisions of section 1 of the river and harbor appropriation act cited above.

Application of appropriations; contracts.

Sec. 3.

This section of the river and harbor appropriation act of Aug. 11, 1888, c. 860, is set forth in Comp. St. 1901, p. 3526.

Works authorized to be prosecuted or completed under contracts may, in the discretion of the Secretary of War, be carried on by contract or otherwise, by a provision of Act Feb. 27, 1911, c. 166, § 1, set forth below.

Where the amounts appropriated or authorized for the completion of river and harbor works prove insufficient for completion, they may, in the discretion of the Secretary of War on recommendation of the Chief of Engineers, be applied for the prosecution of such work, by Act June 25, 1910, c. 382, § 2, set forth below.

South Pass of Mississippi River; examinations and surveys; expenditures.

Sec. 4. That for the purpose of securing the uninterrupted examinations and surveys at the South Pass of the Mississippi River, as provided for in the Act of March third, eighteen hundred and seventy-five, the Secretary of War, upon the application of the Chief of Engineers, is hereby authorized to draw his warrant or requisition from time to time upon the Secretary of the Treasury for such sums as may be necessary to do such work, not to exceed in the aggregate for each year the amount appropriated in this act for such purpose: Provided, however, That an itemized statement of said expenditures shall accompany the Annual Report of the Chief of Engineers.

Act Aug. 11, 1888, c. 860, § 4, 25 Stat. 424.

Act March 3, 1875, c. 134, mentioned in this section, provided in sections 4, etc., 18 Stat. 463–466, for a contract with James B. Eads and others to construct jetties, etc., to maintain the channel at the South Pass.

The provisions of said act and of this act with regard to examinations and surveys at the South Pass remain in force notwithstanding the termination of said contract, by a provision of Act June 13, 1902, c. 1079, § 1, 32 Stat. 340.

Mississippi River; operation of snag-boats, etc.; expenditures.

Sec. 7. That for the purpose of securing the uninterrupted work of operating snag-boats on the Upper Mississippi River, and of removing snags, wrecks, and other obstructions in the Mississippi River, the Secretary of War, upon the application of the Chief of Engineers, is hereby authorized to draw his warrant or requisition from time to time upon the Secretary of the Treasury for such sums as may be necessary to do such work, not to exceed in the aggregate for each year the amounts appropriated in this act for such purposes: Provided, however, That an itemized statement of said expenses shall accompany the annual report of the Chief of Engineers.

Act Aug. 11, 1888, c. 860, § 7, 25 Stat. 424.

ACT SEPT. 19, 1890, c. 907, §§ 1, 2, 13. [*As amended* 1896.]

Green and Barren Rivers, Kentucky; leases of water powers, etc.

The Secretary of War is hereby authorized and empowered to grant leases or licenses for the use of the water-powers on the Green and Barren Rivers at such a rate and on such conditions and for such periods of time as may seem to him just, equitable, and expedient; said leases not to exceed the period of twenty years: Provided, That the leases or licenses shall be limited to the use of the surplus water not required for navigation. And he is also empowered to grant leases or licenses for the occupation of such lands belonging to the

United States on said Green and Barren Rivers as may be required for millsites or for other purposes not inconsistent with the requirements of navigation; said leases or licenses not to extend beyond the period of twenty years; and all moneys received under such leases or licenses shall be turned into the Treasury of the United States, and the itemized statement thereof shall accompany the annual report of the Chief of Engineers. But nothing in this act shall be construed to affect any vested right, if such there be, of any lessee of water-power on said river.

Act Sept. 19, 1890, c. 907, § 1, 26 Stat. 447.

These are provisions of the river and harbor appropriation act cited above.

Contracts for river and harbor improvements.

Sec. 2.

This section of the river and harbor appropriation act of Sept. 19, 1890, c. 907, is set forth in Comp. St. 1901, p. 3527.

Works authorized to be prosecuted or completed under contracts may, in the discretion of the Secretary of War, be carried on by contract or otherwise, by a provision of Act Feb. 27, 1911, c. 166, § 1, set forth below.

Ohio River; operation of snag-boats, etc.; expenditures.

Sec. 13. That for the purpose of securing the uninterrupted work of operating snag-boats on the Ohio River and removing snags, wrecks, and other obstructions in said river, the Secretary of War, upon the application of the Chief of Engineers, is hereby authorized to draw his warrant or requisition from time to time upon the Secretary of the Treasury for such sums as may be necessary to do such work, not to exceed in the aggregate for each year the sum of fifty thousand dollars: Provided, however, That an itemized statement of said expenses shall accompany the annual report of the Chief of Engineers.

Act Sept. 19, 1890, c. 907, § 13, 26 Stat. 455. Act June 3, 1896, c. 314, § 3, 29 Stat. 234.

ACT JUNE 6, 1900, c. 790, § 3.

South Pass of Mississippi River; maintenance of channel; expenditures.

Sec. 3. That the Secretary of War is hereby authorized, in his discretion, to terminate the contract heretofore entered into with the late James B. Eads for the maintenance of the channel through the South Pass of the Mississippi River, * * In case of the termination of said contract, by virtue of the provisions hereof or by expiration of said contract the Secretary of War is hereby directed to take charge of said channel, including the jetties, and all auxiliary works connected therewith, and thereafter to maintain with the utmost efficiency said South Pass Channel; and for that purpose he is authorized to draw his warrants from time to time on the Treasurer of the United States, until otherwise provided for by law, for such sums of money as may be necessary, not to exceed in the aggregate for any one year one hundred thousand dollars. * *

Act June 6, 1900, c. 790, § 3, 31 Stat. 584.

These provisions are part of section 3 of an act making provision for emergencies in river and harbor work, etc., cited above.

A subsequent provision for the same purpose, authorizing the use therefor of Government dredges, contained in Act June 13, 1902, c. 1079, § 1, is set forth below.

ACT JUNE 13, 1902, c. 1079, §§ 1, 4, 5.

Cumberland River, Tennessee; leases of water powers, etc.

Improving Cumberland River, Tennessee, above Nashville: For the completion of Lock and Dam Numbered One and for maintenance, one hundred and five thousand dollars. And the Secretary of War is hereby authorized, in his discretion, to grant leases or licenses to the highest responsible bidder for the use of the water power created by said dam, at such a rate and on such conditions and for such periods of time as may seem to him expedient; and he is also authorized, in his discretion, to issue permits for the construction, maintenance, and operation of inlet and outlet canals and other structures, on such plans as he may approve, for the diversion of water aforesaid: Provided, That any lease or license so granted shall be limited to the use of the surplus water not required for navigation, and no structures shall be built and no operations be conducted which shall in any manner injure navigation, interfere with the operations of the Government, or impair the usefulness of any improvement made by the Government for the benefit of navigation; and the right of Congress to alter, amend, or repeal the provisions of this paragraph is hereby expressly reserved: Provided further, That before leasing or licensing such water privileges, or issuing permits for the construction and operation of such canals, or otherwise disposing of any water power or privilege, the Secretary of War shall first advertise the same in one or more daily papers at Nashville, for sixty days immediately preceding, stating specifically the right or privilege proposed to be leased or conveyed, with its exact limitations, inviting bids for the same, and he may, in his discretion, then lease the same for a specific term of years at so much per year, to be paid semiannually in cash into the Treasury, and the Secretary of War shall reserve the right to reject any or all bids.

Act June 13, 1902, c. 1079, § 1, 32 Stat. 358.

These are provisions of section 1 of the river and harbor appropriation act cited above.

South Pass of Mississippi River; maintenance of channel; use of government dredges.

The Secretary of War is hereby directed to maintain the channel in the South Pass of the Mississippi River with the utmost efficiency, and for that purpose the dredge boat Beta, or any other available government dredge, may be used, * *

Act June 13, 1902, c. 1079, § 1, 32 Stat. 340.

This is a provision of section 1 of the river and harbor appropriation act cited above. Further provisions thereof, for the purchase of lands and buildings on either side of the South Pass, are omitted, as temporary.

Navigable river improvements by private parties; approval of plans.

Any person or persons, corporations, municipal or private, who desire to improve any navigable river, or any part thereof, at their or its own expense and risk may do so upon the approval of the plans and specifications of said proposed improvement by the Secretary of War and Chief of Engineers of the Army. The plan of said improvement must conform with the general plan of the Government

improvements, must not impede navigation, and no toll shall be imposed on account thereof, and said improvement shall at all times be under the control and supervision of the Secretary of War and Chief of Engineers.

Act June 13, 1902, c. 1079, § 1, 32 Stat. 371.

These are provisions following an appropriation for emergencies in the river and harbor appropriation act, cited above.

Authority is given to the State of New Jersey, or, through it, to any commission, individual, corporation, or municipality, designated by the legislature of the State or by a commission appointed or authorized by the legislature, to improve the channels on the New Jersey seacoast, etc., by Act June 30, 1906, c. 3923, set forth below.

The consent of Congress is given to the construction of a ship canal along the Government right of way connecting the waters of Puget Sound with Lake Washington, said canal, when completed, to be turned over to the United States, by Act June 11, 1906, c. 3072, set forth ante, under Rev. St. § 5255.

International commission for investigation of waters adjacent to Canada and the United States; report on advisability of dam at outlet of Lake Erie; United States members; appointment; qualifications; assistants; compensation and expenses.

Sec. 4. That the President of the United States is hereby requested to invite the Government of Great Britain to join in the formation of an international commission, to be composed of three members from the United States and three who shall represent the interests of the Dominion of Canada, whose duty it shall be to investigate and report upon the conditions and uses of the waters adjacent to the boundary lines between the United States and Canada, including all of the waters of the lakes and rivers whose natural outlet is by the River Saint Lawrence to the Atlantic Ocean; also upon the maintenance and regulation of suitable levels; and also upon the effect upon the shores of these waters and the structures thereon, and upon the interests of navigation, by reason of the diversion of these waters from or change in their natural flow; and, further, to report upon the necessary measures to regulate such diversion, and to make such recommendations for improvements and regulations as shall best subserve the interests of navigation in said waters. The said commissioners shall report upon the advisability of locating a dam at the outlet of Lake Erie, with a view to determining whether such dam will benefit navigation, and if such structure is deemed advisable, shall make recommendations to their respective Governments looking to an agreement or treaty which shall provide for the construction of the same, and they shall make an estimate of the probable cost thereof. The President, in selecting the three members of said Commission who shall represent the United States, is authorized to appoint one officer of the Corps of Engineers of the United States Army, one civil engineer well versed in the hydraulics of the Great Lakes, and one lawyer of experience in questions of international and riparian law, and said Commission shall be authorized to employ such persons as it may deem needful in the performance of the duties hereby imposed; and for the purpose of paying the expenses and salaries of said Commission the Secretary of War is authorized to expend from the amounts heretofore appropriated for the Saint Marys River at the Falls, the sum of twenty thousand dollars, or so much

thereof as may be necessary to pay that portion of the expenses of said Commission chargeable to the United States.

Act June 13, 1902, c. 1079, § 4, 32 Stat. 373.

This section is part of the river and harbor appropriation act cited above.

Annual appropriations for continuing the work of the commission are made by the subsequent sundry civil appropriation acts. The appropriation for the fiscal year ending June 30, 1907, by Act June 30, 1906, c. 3914, is accompanied by a provision that retired officers of the Corps of Engineers shall be eligible for service on the commission, set forth below. The provision for the fiscal year ending June 30, 1912, is by Act March 4, 1911, c. 285, § 1, 36 Stat. 1407.

Provisions authorizing the commission to recommend regulations of the canal and works diverting water from the Saint Marys River are contained in section 1 of this act, set forth post under this Title, subchapter "Preservation and Protection of Rivers and Harbors and of Improvements."

The consent of the United States to the construction of a dam across the St. Lawrence River, with a view of improving the navigation of a channel excavated through the rapids at the head of Les Galops Island, in that river, is given by Act June 18, 1902, c. 1123, ante, under Title XLVII, "Foreign Relations."

The President is requested to open negotiations with Great Britain for providing by treaty for maintaining water levels in the Great Lakes and the waters connected therewith, by a provision of Act March 3, 1909, c. 264, § 11, set forth ante, under Rev. St. § 5255.

Sale of property acquired for river and harbor improvements authorized.

Sec. 5. That when any land or other property which has been heretofore or may be hereafter purchased or acquired for the improvement of rivers and harbors is no longer needed, or is no longer serviceable, it may be sold in such manner as the Secretary of War may direct, and the proceeds credited to the appropriation for the work for which it was purchased or acquired; and the Secretary of War may direct the transfer of any property employed in river and harbor works, and in such event the property so transferred shall be valued and credited to the project upon which it was theretofore used and charged to the project to which it shall be transferred. The Secretary may also direct a temporary transfer of any property employed in the improvement of rivers and harbors whenever, in his judgment, such transfer would secure efficient or economical results, and such adjustment in the way of charges and credits shall be made between the projects affected as may be equitable.

Act June 13, 1902, c. 1079, § 5, 32 Stat. 373.

This section is part of the river and harbor appropriation act, cited above.

Provisions authorizing the condemnation of land for river and harbor improvements are contained in Act April 24, 1888, c. 194, set forth in Comp. St. 1901, p. 3525.

ACT MAY 16, 1906, c. 2465. [H. R. 15095.] [*As amended* 1906. H. R. 20266.]

An Act Authorizing the Condemnation of Lands or Easements Needed in Connection with Works of River and Harbor Improvement at the Expense of Persons, Companies, or Corporations. (34 Stat. 196.)

Condemnation of land for river and harbor improvements authorized by Congress, or for locks, dry docks, etc., and dams in connection therewith, to be conveyed to United States free of cost, at expense of person, company, or corporation.

Be it enacted, etc., That whenever any person, company, or corporation, municipal or private, shall undertake to secure any land or easement therein, needed in connection with a work of river and harbor improvement duly authorized by Congress, for the purpose of conveying the same to the United States free of cost, or for the purpose of constructing, maintaining, and operating locks, dry docks, or other works to be conveyed to the United States free of cost, and of constructing, maintaining and operating dams for use in connection therewith, and shall be unable for any reason to obtain the same by purchase and acquire a valid title thereto, the Secretary of War may, in his discretion, cause proceedings to be instituted in the name of the United States for the acquirement by condemnation of said land or easement, and it shall be the duty of the Attorney-General of the United States to institute and conduct such proceedings upon the request of the Secretary of War: Provided, That all expenses of said proceedings and any award that may be made thereunder shall be paid by the said person, company, or corporation, to secure which payment the Secretary of War may require the said person, company, or corporation to execute a proper bond in such amount as he may deem necessary before said proceedings are commenced.

Act May 16, 1906, c. 2465, 34 Stat. 196. Act June 29, 1906, c. 3628, 34 Stat. 632.

This act is amended by Act June 29, 1906, c. 3628, cited above, to read as set forth here.

ACT JUNE 30, 1906, c. 3914, § 1. [H. R. 19844.]

International Waterways Commission; retired officers of Engineer Corps eligible for service.

International Waterways Commission: For continuing the work of investigation and report by the International Waterways Commission, authorized by section four of the river and harbor Act approved June thirteenth, nineteen hundred and two, twenty thousand dollars. And retired officers of the Corps of Engineers of the United States Army shall be eligible for service on said commission.

Act June 30, 1906, c. 3914, § 1, 34 Stat. 743.

This is a provision of the sundry civil appropriation act for the fiscal year ending June 30, 1907, cited above. The appropriation is repeated in the similar acts for subsequent fiscal years. The provision for the fiscal year ending June 30, 1912, is by Act March 4, 1911, c. 285, § 1, 36 Stat. 1407.

ACT JUNE 30, 1906, c. 3923. [S. 6167.]

An Act to Improve the Channels Along the New Jersey Seacoast. (34 Stat. 800.)

Authority given to State of New Jersey or to commission, individual, corporation, etc., designated by legislature of State, to improve channels on New Jersey seacoast.

Be it enacted, &c., That authority be given to the State of New Jersey, or, through it, to any commission, individual, corporation, or municipality, singly or collectively, designated by the legislature of said State, or by a commission appointed or authorized by said legislature, to improve the channels on the New Jersey seacoast, or any

portion of said coast, or the waters adjacent thereto, lying between thirty-eight degrees fifty-six minutes and forty degrees twenty minutes north latitude, by dredging, or by the construction of piers, jetties, or breakwaters, or other river and harbor work of any description or nature adapted to attain the ends now pursued by the United States Government for the advantage of said coast or the relief of commerce: Provided, That such operations shall not encroach upon those portions of said coast, or the channels adjacent thereto, for which the United States Government may undertake similar work according to its own plans: And provided, That the plans for said work shall be placed on file with the Chief of Engineers of the War Department for thirty days, during which time he is authorized to disapprove said plans and forbid such work if, in his judgment, the improvements when completed will interfere with navigation or with any works of the United States Government commenced or proposed to be made: Provided further, That no tolls or other charges upon commerce shall be imposed by those making such improvements: And provided further, That this Act shall not be construed as affecting in any way the jurisdiction and control of the Federal Government over any waters that may be improved in pursuance of the provisions thereof, nor as exempting such waters from the operation of the laws heretofore or hereafter enacted by Congress for the preservation and protection of navigable waters.

Act June 30, 1906, c. 3923, § 1, 34 Stat. 800.

Reservation of right to amend or repeal act.

Sec. 2. That the right to alter, amend, or repeal this Act is hereby expressly reserved.

Act June 30, 1906, c. 3923, § 2, 34 Stat. 800.

ACT MARCH 2, 1907, c. 2509, §§ 1, 5. [H. R. 24991.]

Appropriations for completion of works, if insufficient therefor, applicable to prosecution of work.

In all cases in which appropriations or authorizations have heretofore been made, or are herein made, for the completion of river and harbor works, and the amounts appropriated or authorized shall prove insufficient for completion, the Secretary of War may, in his discretion, on the recommendation of the Chief of Engineers, apply such amounts appropriated or authorized for the prosecution of such work.

Act March 2, 1907, c. 2509, § 1, 34 Stat. 1111.

This is a provision of section 1 of the river and harbor appropriation act, cited above.

Hiring of dredging plants.

Whenever it shall become, in the opinion of the Secretary of War, necessary or desirable to hire a dredging plant or plants for the performance of any of the public work carried on under his direction the said Secretary may, in his discretion, agree for the same, either in the manner now customary or on the basis of an equitable reimbursement for deterioration of plant when in use by the Government, and a reasonable percentage of the total cost of the work.

Act March 2, 1907, c. 2509, § 5, 34 Stat. 1119.

This is a provision of section 5 of the river and harbor appropriation act, cited above.

ACT MARCH 3, 1909, c. 264, §§ 5, 9. [H. R. 28243.]

South and Southwest Passes of Mississippi River; regulations of navigation; violation of regulation a misdemeanor; punishment.

That the Secretary of War be, and is hereby, authorized to make such rules and regulations for the navigation of the South and Southwest passes of the Mississippi River as to him shall seem necessary or expedient for the purpose of preventing any obstruction to the channels through said South and Southwest passes and any injury to the works therein constructed. The term "South and Southwest passes," as herein employed, shall be construed as embracing the entire extent of channel, in each case, between the upper ends of the works at the head of the pass and the outer or sea ends of the jetties at the entrance from the Gulf of Mexico; and any willful violation of any rule or regulation made by the Secretary of War in pursuance of this Act shall be deemed a misdemeanor, for which the owner or owners, agent or agents, master or pilot of the vessel so offending shall be separately or collectively responsible, and on conviction thereof shall be punished by a fine of not less than one hundred dollars, nor exceeding five hundred dollars, or by imprisonment for not exceeding three months, or by both fine and imprisonment, at the discretion of the court.

Act March 3, 1909, c. 264, § 5, 35 Stat. 818.

These provisions are part of section 5 of the river and harbor appropriation act cited above. They supersede previous similar provisions relating to the navigation of the South Pass only, contained in Act Aug. 11, 1888, c. 860, § 5, 25 Stat. 424, amended by Act Sept. 19, 1890, c. 907, § 3, 26 Stat. 452.

Wabash River at Mount Carmel, Illinois; leases of water power, etc.

Sec. 9. * * And the Secretary of War is hereby authorized and empowered to grant leases or licenses for the use of the water power created by the government dam on the Wabash River at Mount Carmel, Illinois, at such a rate, and on such conditions, and for such periods of time, as may seem to him just, equitable, and expedient; the said leases or licenses to be limited to the use of the surplus water not required for navigation, and to a period not exceeding twenty years; and he is also empowered to grant leases or licenses, not exceeding twenty years, for the occupation of such land belonging to the United States on said river as may be required for mill sites or other industrial purposes not inconsistent with the requirements of navigation: Provided, That all moneys received under such leases or licenses shall be deposited in the Treasury of the United States, and an itemized statement thereof shall accompany the annual report of the Chief of Engineers.

Act March 3, 1909, c. 264, § 9, 35 Stat. 819.

These provisions are part of section 9 of the river and harbor act cited above.

ACT JUNE 25, 1910, c. 382, §§ 1-4. [H. R. 20686.]

Mississippi River, Saint Paul to Minneapolis; modified project adopted; leases of water power.

Improving Mississippi River, from Saint Paul to Minneapolis: The modified project recommended by the Chief of Engineers in his report dated March third, nineteen hundred and ten, printed in House Document Numbered Seven hundred and forty-one, Sixty-first Congress,

second session, is hereby adopted, and all future work on said improvement shall be prosecuted in accordance therewith: Provided, That in the making of leases for water power a reasonable compensation shall be secured to the United States, and the rates as fixed shall be subject to revision by Congress.

Act June 25, 1910, c. 382, § 1, 36 Stat. 659.

These provisions are part of section 1 of the river and harbor appropriation act cited above.

Contracts for river and harbor works; combination of two or more works in one contract; application of appropriations, insufficient for completion, to prosecution of work.

Sec. 2. Whenever the appropriations made by Congress for river and harbor works can be more advantageously expended by combining in one contract two or more works, such combinations shall be made; and whenever the appropriations made, or authorized to be made, for the completion of any such work shall prove insufficient therefor, the Secretary of War may, in his discretion, on the recommendation of the Chief of Engineers, apply the funds so appropriated, or authorized, to the prosecution of such work.

Act June 25, 1910, c. 382, § 2, 36 Stat. 668.

Previous provisions relating to the cumulation of two or more works of river and harbor improvement in the same contract are contained in Act Sept. 19, 1890, c. 907, § 2, set forth in Comp. St. 1901, p. 3527.

Examinations and surveys for river and harbor improvements; data required in reports submitted to Congress.

Sec. 3. That for examinations, surveys, and contingencies for rivers and harbors for which there may be no special appropriation, the sum of five hundred thousand dollars is hereby appropriated: * * Provided, That every examination and survey report submitted to Congress, as provided for herein or as may be provided for hereafter, in addition to full information regarding the present and prospective commercial importance of the project covered by the report, and the benefit to commerce likely to result from any proposed plan of improvement, shall contain also such data as it may be practicable to secure regarding (first) the establishment of terminal and transfer facilities, (second) the development and utilization of water power for industrial and commercial purposes, and (third) such other subjects as may be properly connected with such project: Provided further, That in the investigation and study of these questions consideration shall be given only to their bearing upon the improvement of navigation and to the possibility and desirability of their being co-ordinated in a logical and proper manner with improvements for navigation to lessen the cost of such improvements and to compensate the Government for expenditures made in the interest of navigation: And provided further, That the investigation and study of these questions as provided herein may, upon review by the Board of Engineers for Rivers and Harbors when called for as now provided by law, be extended to any work of improvement now under way and to any locality the examination and survey of which has heretofore been, or may hereafter be, authorized by Congress.

Surveys of navigable streams to include investigations of watersheds; surveys for construction of dams, etc.

The surveys of navigable streams herein or hereafter authorized shall include such stream-flow measurements and other investigations

of the watersheds as may be necessary for preparation of plans of improvement and a proper consideration of all uses of the stream affecting navigation, and whenever necessary similar investigations may be made in connection with all navigable streams under improvement. Whenever permission for the construction of dams in navigable streams is granted, or is under consideration by Congress, such surveys and investigations of the sections of the streams affected may be made as are necessary to secure conformity with rational plans for the improvement of the streams for navigation.

Printing reports of preliminary examinations and surveys.

All reports of preliminary examinations and surveys which may be prepared during the recess of Congress shall, in the discretion of the Secretary of War, be printed by the Public Printer as documents of the following session of Congress.

Act June 25, 1910, c. 382, § 3, 36 Stat. 668.

These provisions are part of section 3 of the river and harbor appropriations act cited above.

Injuries by vessels engaged upon river and harbor work, by collision with other vessel, pier, etc.; examination by Chief of Engineers, and adjustment of claims.

Sec. 4. That whenever any vessel belonging to or employed by the United States engaged upon river and harbor work collides with and damages another vessel, pier, or other legal structure belonging to any person or corporation, the Chief of Engineers shall cause an immediate and thorough examination to be made, and, if in his judgment, the facts and circumstances of the collision are such as to make the whole or any part of the damage inflicted a proper charge against the United States, the Chief of Engineers, subject to the approval of the Secretary of War, shall have authority to adjust and settle all claims for damages caused by such collision in cases where the claim for damage does not exceed five hundred dollars, and report the same to Congress for consideration.

Act June 25, 1910, c. 382, § 4, 36 Stat. 676.

ACT FEB. 27, 1911, c. 166, § 1. [H. R. 28632.]

Works authorized to be prosecuted or completed under contracts to be carried on by contract or otherwise.

All works of improvement herein or hereafter authorized to be prosecuted or completed under contracts may, in the discretion of the Secretary of War, be carried on by contract or otherwise, as may be most economical or advantageous to the United States.

Act Feb. 27, 1911, c. 166, § 1, 36 Stat. 952.

This is a provision of section 1 of the river and harbor appropriation act, cited above.

Previous similar provisions, without the word "hereafter," were contained in the similar acts for preceding years.

[MISSISSIPPI AND MISSOURI RIVER COMMISSIONS.]

ACT JUNE 28, 1879, c. 43, §§ 2, 4.

Appointment of Commission; compensation.

The member of the Mississippi River Commission, authorized by section 2 of Act June 28, 1879, c. 43, to be appointed from the Coast and Geodetic Survey, is to receive the same annual compensation as other members, by a provision of Act June 25, 1910, c. 382, § 1, set forth below.

Plans; report.

Funds appropriated for improving the Mississippi River between the Head of the Passes and the mouth of the Ohio River, and allotted to levees, may be expended in accordance with the plans, etc., of the Mississippi River Commission, for levees between the Head of the Passes and Cape Girardeau, Mo., by Act June 4, 1906, c. 2572, set forth below.

ACT JULY 5, 1884, c. 229, § 1.

[Repealed. Act June 13, 1902, c. 1079.]

The provisions creating the Missouri River Commission contained in Act July 5, 1884, c. 229, § 1, set forth in Comp. St. 1901, p. 3530, are repealed by Act June 13, 1902, c. 1079, set forth below.

ACT JUNE 13, 1902, c. 1079.

Repeal in part of Act July 5, 1884, c. 229, § 1; Missouri River Commission abolished; report of commission; transfer of property to Secretary of War; improvements under control of Secretary of War.

So much of the Act entitled "An Act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," approved July fifth, eighteen hundred and eighty-four, as provides for the creation of a commission to be called the Missouri River Commission, and prescribes the manner of appointment, the compensation, the powers, the duties, the expenditures, and the reports thereof, be, and the same is hereby, repealed, said repeal to take effect from and after June thirtieth, nineteen hundred and two. And said Commission shall prepare and submit through the Chief of Engineers to the Secretary of War, to be by him transmitted to Congress, a full and detailed report of all their proceedings and actions since the date of their last report, and of all such plans and systems of work as may now be devised and in progress and carried out by them, and of all such additional plans and systems of works as may be devised and matured by them, with full and detailed estimates of the cost thereof, and statements of all expenditures made by them, and shall on said thirtieth day of June, nineteen hundred and two, transfer to and place under the control of the Secretary of War, or such engineer officers as he may designate, all such vessels, barges, machinery, and instruments, and such other plant or property as pertains to the improvement of the Missouri River at and below Sioux City, or of the Gasconade and Osage rivers, in the State of Missouri. And the Secretary of War shall, after said thirtieth day of June, nineteen hundred and two, superintend and control all property theretofore under the control of said Commission, and all works theretofore under their supervision, and shall expend for the purposes for which they were appropriated all appropriations made herein, and all unexpended balances of appropriations heretofore made for the improvement of said rivers, which shall remain on hand on the said thirtieth day of June, nineteen hundred and two, and all appropriations which may hereafter be made for said rivers, or so much thereof as may be necessary.

Act June 13, 1902, c. 1079, § 1, 32 Stat. 367.

These are provisions following an appropriation for improving the Missouri River, contained in the river and harbor appropriation act cited above.

Act July 5, 1884, c. 229, § 1, mentioned in this section, set forth in Comp. St. 1901, p. 3530, created the Missouri River Commission, and prescribed its powers and duties, etc.

ACT JUNE 4, 1906, c. 2572. [H. R. 16950.]

An Act to Enlarge the Authority of the Mississippi River Commission in Making Allotments and Expenditures of Funds Appropriated by Congress for the Improvement of the Mississippi River. (34 Stat. 208.)

Expenditure of funds appropriated for improvement of Mississippi River, and allotted to levees, in accordance with plans, etc., of Mississippi River Commission.

Be it enacted, &c., That any funds which have been, or may hereafter be, appropriated by Congress for improving the Mississippi River between the Head of the Passes and the mouth of the Ohio River, and which may be allotted to levees, may be expended, under the direction of the Secretary of War, in accordance with the plans, specifications, and recommendations of the Mississippi River Commission, as approved by the Chief of Engineers, for levees upon any part of said river between the Head of the Passes and Cape Girardeau, Missouri.

Act June 4, 1906, c. 2572, 34 Stat. 208.

Provisions for making and reporting plans, etc., for the improvement of the Mississippi River, by the Commission, are contained in Act June 28, 1879, c. 43, § 4, set forth in Comp. St. 1901, p. 3529.

ACT JUNE 25, 1910, c. 382, § 1. [H. R. 20686.]

Mississippi River Commission; compensation of member appointed from Coast and Geodetic Survey.

* * That from and after the date of the approval of this Act the member of said commission appointed from the Coast and Geodetic Survey shall receive the same annual compensation as other civilian members of said commission, and the excess of said compensation over and above the compensation he receives from the Coast and Geodetic Survey shall be paid from the funds of said commission: * *

Act June 25, 1910, c. 382, § 1, 36 Stat. 658.

This is a proviso annexed to an appropriation for improving the Mississippi River, etc., in the river and harbor appropriation act cited above.

The previous provision for compensation of the members of the Commission was contained in Act June 28, 1879, c. 43, § 2, set forth in Comp. St. 1901, p. 3528.

[PRESERVATION AND PROTECTION OF RIVERS AND HARBORS, AND OF IMPROVEMENTS.]

ACT JULY 5, 1884, c. 229, § 8.

Obstruction to navigation by bridges; construction of aids to navigation:

General provisions regulating the construction of bridges over navigable waters are contained in Act March 23, 1906, c. 1130, set forth below.

The construction of dams across navigable waters is regulated by Act June 21, 1896, c. 3508, amended by Act June 23, 1910, c. 360, set forth below.

ACT JUNE 29, 1888, c. 496. [*As amended* 1894.]

Depositing refuse in New York harbor prohibited; penalty.

The provisions of this act set forth in Comp. St. 1901, p. 3533, are expressly declared not to be affected by the repeal of laws inconsistent with the provisions of Act March 3, 1899, c. 425, §§ 9–20, set forth in Comp.

St. 1901, pp. 3540–3547, containing provisions relating to obstructions in navigable waters, by Act June 13, 1902, c. 1079, § 12, set forth below.

Section 3 of this act, set forth, as amended by Act Aug. 18, 1894, c. 299, § 3, in Comp. St. 1901, p. 3534, is further amended by amendment of said amendatory section, by Act May 28, 1908, c. 212, § 8, and by amendment of said last-mentioned section, by Act Feb. 16, 1909, c. 132, set forth below.

ACT AUG. 18, 1894, c. 299, § 5.

Regulations for drawbridges over navigable waters; violation of rules; penalty.

Provisions for the enforcement of the regulations for drawbridges authorized by this section set forth in Comp. St. 1901, p. 3538, in the manner prescribed by Act March 3, 1899, c. 425, § 17, set forth in Comp. St. 1901, p. 3544, are contained in Act June 13, 1902, c. 1079, § 6, set forth ante, under this Title.

General provisions regulating the construction of bridges over navigable waters are contained in Act March 23, 1906, c. 1130, set forth below.

ACT MARCH 3, 1895, c. 1482, § 6.

Expenses of investigations, etc., by Engineer Department; funds from which to be paid.

Sec. 6. That expenses incurred by the Engineer Department in all investigations, inspections, hearings, reports, service of notice, or other action incidental to examination of plans or sites of bridges or other structures built or proposed to be built in or over navigable waters, or to examinations into alleged violations of laws for the protection and preservation of navigable waters, or to the establishment or marking of harbor lines, shall be payable from any funds which may be available for the improvement, maintenance, operation, or care of the waterways or harbors affected, or if such funds are not available in sums judged by the Chief of Engineers to be adequate, then from any funds available for examinations, surveys, and contingencies of rivers and harbors.

Act March 3, 1895, c. 1482, § 6, 33 Stat. 1148.

This section is part of the river and harbor appropriation act cited above.

ACT MARCH 3, 1899, c. 425, §§ 9, 13, 16, 17, 20.

Authorization of construction of bridges, etc., over navigable waters; approval of plans.

The provisions of section 9 of this act, set forth in Comp. St. 1901, p. 3540, are made applicable to the Illinois and Mississippi Canal by Act June 13, 1902, c. 1079, § 10, set forth below.

Provisions for navigable river improvements by persons or corporations in conformity to plans approved by the Secretary of War are contained in Act June 13, 1902, c. 1079, § 1, set forth ante, under this Title, subchapter "Improvement of Rivers and Harbors."

General provisions regulating the construction of bridges over navigable waters are contained in Act March 23, 1906, c. 1130, set forth below.

Depositing refuse in navigable waters prohibited.

Regulations to govern the transportation and dumping in navigable waters of dredgings, etc., and other refuse materials, the depositing of which in such waters is prohibited by section 13 of this act, set forth in Comp. St. 1901, p. 3542, are authorized, and violation thereof is made a misdemeanor, subject to the penalties prescribed for violation of said section 13, by section 16 of this act, Comp. St. 1901, p. 3544, by Act March 3, 1905, c. 1482, § 4, set forth below.

Penalty for violation of act.

The penalties prescribed by section 16 of this act, set forth in Comp. St. 1901, p. 3544, for violation of the provisions of section 13 of the act, Comp. St. 1901, p. 3542, are made applicable to violations of regulations authorized to be made to govern the transportation and dumping in navigable waters of dredgings, etc., and other refuse materials, by Act March 3, 1905, c. 1482, § 4, set forth below.

Duty of district attorneys; officers empowered to arrest offenders.

Provisions for the enforcement of regulations prescribed by the Secretary of War for the use of canals, authorized by Act Aug. 18, 1894, c. 299, § 4, set forth in Comp. St. 1901, p. 3525, and by Act June 13, 1902, c. 1079, § 11, set forth ante under this Title, and the regulations for drawbridges authorized by Act Aug. 18, 1894, c. 299, § 5, set forth in Comp. St. 1901, p. 3538, in the manner prescribed by section 17 of this act, set forth in Comp. St. 1901, p. 3544, are contained in Act June 13, 1902, c. 1079, § 6, set forth ante, under this Title.

Regulations to govern the transportation and dumping in navigable waters of dredgings, etc., and other refuse materials, authorized by Act March 3, 1905, c. 1482, § 4, set forth below, may be enforced as provided in section 17 of this act, the provisions whereof are made applicable to said regulations, by a proviso contained in said section 4 of Act March 3, 1905, c. 1482.

Destruction of vessels grounding, etc., specially endangering navigation; expense of removal; reimbursement; appropriation; repeal.

The provisions of section 20 of this act, set forth in Comp. St. 1901, p. 3547, are amended by Act June 13, 1902, c. 1079, § 12, set forth below.

ACT JUNE 13, 1902, c. 1079, §§ 1, 10, 12. [*As amended* 1909.]

Diversion of water from Saint Marys River for water power; preservation of level of Lake Superior; conservation of right to flow of water, etc.; compensation for use of water or water power; limitations on grants of rights; leases; regulations.

Subject to the express precedent conditions hereinafter mentioned, the Michigan Lake Superior Power Company, of Sault Sainte Marie, Michigan, its successors and assigns, after first obtaining consent of the Secretary of War and the Chief of Engineers and their approval of the said canal and remedial works proposed, is hereby authorized to divert water from the Saint Marys River into its water-power canal now being constructed at Sault Sainte Marie, Michigan, for water-power purposes while and so long as such works and diversion of water from said river shall not injuriously affect navigation therein, nor impair or diminish the water levels or any natural increase thereof either in Lake Superior or in the United States ship canal and locks or the navigable channels, locks, or ship canals connected therewith, whether natural or artificial, now existing or which may hereafter be established or created by the United States for navigation purposes. And conditioned further, that said company shall establish, maintain and operate suitable and sufficient remedial and controlling works in the rapids of said river, to the approval of the Secretary of War and the Chief of Engineers; and said company shall maintain and operate said canal and works in accordance with any rules and regulations that may hereafter be recommended by any International Commission and that shall become operative. Whenever, in the judgment of the Secretary of War, the operation of said canal and remedial and controlling works, or either of them, either in themselves or in conjunction with any other canal or canals in the United States or Canada which now or hereafter may exist, is injuriously affecting water

levels or the navigation of Lake Superior, the River Saint Marys or other channels, locks or ship canals connected therewith as hereinbefore provided, he shall impose upon said Company such rules and regulations for the operation of said canal and remedial works, as may, in his opinion, be necessary to prevent such injury. It shall become his duty, and he shall have the authority to enter upon the property of said Company and to close said canal in whole or in part to the extent necessary to maintain water levels and to require said Company, at its own expense, to remove, add to or modify said works or any part thereof to the extent necessary to maintain water levels. Neither the Secretary of War nor the Chief of Engineers or any officer or other person acting under direction of them or either of them, shall be in any way liable by reason of anything done in the execution of this provision.

All remedies herein provided however, shall be cumulative and shall be without prejudice to any other remedies either of the United States or of individuals for failure of said Company to maintain said levels for navigation purposes as herein provided.

Nothing herein contained shall be held to affect any existing riparian or other rights of any person or corporation, or the existing remedies therefor, or any action at law or equity now pending. The right is hereby expressly reserved to Congress to alter, amend or repeal the provisions contained in this paragraph.

The right to the flow of water, and riparian, water power, and other rights, now or hereafter owned by the United States in the Saint Marys River in Michigan shall be forever conserved for the benefit of the Government of the United States, primarily for the purposes of navigation and incidentally for the purpose of having the water power developed, either for the direct use of the United States, or by lease or other agreement, through the Secretary of War, who is hereby authorized to make such leases or agreements: Provided, That a just and reasonable compensation shall be paid for the use of all waters or water power now or hereafter owned in said Saint Marys River by the United States, whether utilized in said river or in any lateral canal, said compensation to be fixed by the Secretary of War: Provided further, That under no circumstances shall any rights be granted in said river which will interfere with the needs and uses of navigation, or which will limit the absolute control of said land and waters when desired for purposes of navigation by the United States, or for a longer period than thirty years, and the Secretary of War, in his discretion, may provide for readjustment of compensation at periods of ten years, nor shall any such rights be granted without just and adequate compensation. It is intended that any excess of water in the Saint Marys River at Sault Sainte Marie over and above the amount now or hereafter required for the uses of navigation shall be leased for power purposes by the Secretary of War upon such terms and conditions as shall be best calculated in his judgment to insure the development thereof. The Secretary of War may, as often as necessary, make such regulations as in his judgment are reasonable and just and best calculated to carry out the purposes of this section.

Act June 13, 1902, c. 1079, § 1, 32 Stat. 361. Act March 3, 1909, c. 264, § 12, 35 Stat. 821.

The first three paragraphs set forth here are provisions following an

appropriation for improvements of Saint Marys River, in section 1 of the river and harbor appropriation act of 1902, cited above. The last paragraph is added thereto by amendment of said act by Act March 3, 1909, c. 264, § 12, also cited above.

Provisions for the appointment of an international commission to investigate the conditions and uses of the waters adjacent to the boundary lines between the United States and Canada are contained in section 4 of said Act June 13, 1902, c. 1079, set forth ante, under this Title, subtitle "Improvement of Rivers and Harbors."

Construction of bridges over Illinois and Mississippi Canal; approval of plans; right of way, etc.

Sec. 10. That the provisions of section nine of the river and harbor Act of March third, eighteen hundred and ninety-nine, are hereby made applicable alike to the completed and uncompleted portions of the Illinois and Mississippi Canal. Whenever the Secretary of War shall approve plans for a bridge to be built across said canal he may, in his discretion, and subject to such terms and conditions as in his judgment are equitable, expedient, and just to the public, grant to the person or corporation building and owning such bridge a right of way across the lands of the United States on either side of and adjacent to the said canal; also the privilege of occupying so much of said lands as may be necessary for the piers, abutments, and other portions of the bridge structure and approaches.

Act June 13, 1902, c. 1079, § 10, 32 Stat. 374.

This section is part of the river and harbor appropriation act, cited above.

Act March 3, 1899, c. 425, § 9. mentioned in this section, set forth in Comp. St. 1901, p. 3540, contains provisions for the construction of bridges, etc., over navigable waters.

Repeal of laws inconsistent with Act March 3, 1899, c. 425, §§ 9-20, not to repeal law prohibiting injurious deposits in New York Harbor.

Sec. 12. That the last paragraph of section twenty of the river and harbor Act of March third, eighteen hundred and ninety-nine, is hereby amended to read as follows:

"That all laws or parts of laws inconsistent with the foregoing sections nine to twenty, inclusive, of this Act are hereby repealed: Provided, That no action begun or right of action accrued prior to the passage of this Act shall be affected by this repeal: Provided further, That nothing contained in the said foregoing sections shall be construed as repealing, modifying, or in any manner affecting the provisions of an Act of Congress approved June twenty-ninth, eighteen hundred and eighty-eight, entitled 'An Act to prevent obstructive and injurious deposits within the harbor and adjacent waters of New York City, by dumping or otherwise, and to punish and prevent such offenses,' as amended by section three of the river and harbor Act of August eighteenth, eighteen hundred and ninety-four."

Act June 13, 1902, c. 1079, § 12, 32 Stat. 375.

This section is part of the river and harbor appropriation act cited above.

Act March 3, 1899, c. 425, § 20, mentioned in this section and amended thereby, is set forth in Comp. St. 1901. p. 3547.

Act June 29, 1888, c. 496, mentioned in this section, as amended by Act Aug. 18, 1894, c. 299, § 3, also mentioned in this section, set forth in Comp. St. 1901, p. 3533, prohibits injurious deposits within New York Harbor.

ACT MARCH 3, 1905, c. 1482, § 4. [H. R. 18809.]

Regulations governing transportation and dumping into navigable waters, of dredgings, etc., and other refuse, authorized; violations of regulations made punishable; enforcement of regulations; exception of waters within any State used for cultivation of oysters.

That the Secretary of War is hereby authorized and empowered to prescribe regulations to govern the transportation and dumping into any navigable water, or waters adjacent thereto, of dredgings, earth, garbage, and other refuse materials of every kind or description, whenever in his judgment such regulations are required in the interest of navigation. Such regulations shall be posted in conspicuous and appropriate places for the information of the public; and every person or corporation which shall violate the said regulations, or any of them, shall be deemed guilty of a misdemeanor and shall be subject to the penalties prescribed in section sixteen of the river and harbor Act of March third, eighteen hundred and ninety-nine, for violation of the provisions of section thirteen of the said Act: Provided, That any regulations made in pursuance hereof may be enforced as provided in section seventeen of the aforesaid Act of March third, eighteen hundred and ninety-nine, the provisions whereof are hereby made applicable to the said regulations: Provided further, That this section shall not apply to any waters within the jurisdictional boundaries of any State which are now or may hereafter be used for the cultivation of oysters under the laws of such State, except navigable channels which have been or may hereafter be improved by the United States, or to be designated as navigable channels by competent authority, and in making such improvements of channels, the material dredged shall not be deposited upon any ground in use in accordance with the laws of such State for the cultivation of oysters, except in compliance with said laws: And provided further, That any expense necessary in executing this section may be paid from funds available for the improvement of the harbor or waterway, for which regulations may be prescribed, and in case no such funds are available the said expense may be paid from appropriations made by Congress for examinations, surveys, and contingencies of rivers and harbors.

Act March 3, 1905, c. 1482, § 4, 33 Stat. 1147.

Sections 13, 16, and 17 of Act March 3, 1899, c. 425, mentioned in this section, are set forth in Comp. St. 1901, pp. 3542, 3544.

ACT MARCH 23, 1906, c. 1130. [H. R. 6009.]

An Act to Regulate the Construction of Bridges over Navigable Waters. (34 Stat. 84.)

Bridges over navigable waters not to be built until plans, etc., approved; plans not to be deviated from unless modification approved.

Be it enacted, &c., That when, hereafter, authority is granted by Congress to any persons to construct and maintain a bridge across or over any of the navigable waters of the United States, such bridge shall not be built or commenced until the plans and specifications for its construction, together with such drawings of the proposed construction and such map of the proposed location as may be required for a full understanding of the subject, have been submitted to the Secretary of War and Chief of Engineers for their approval,

nor until they shall have approved such plans and specifications and the location of such bridge and accessory works; and when the plans for any bridge to be constructed under the provisions of this Act have been approved by the Chief of Engineers and by the Secretary of War it shall not be lawful to deviate from such plans, either before or after completion of the structure, unless the modification of such plans has previously been submitted to and received the approval of the Chief of Engineers and of the Secretary of War.

Act March 23, 1906, c. 1130, § 1, 34 Stat. 84.

Bridges built in accordance with act to be lawful structures and post routes; privileges, as to use thereof, of United States, and of telegraph and telephone companies.

Sec. 2. That any bridge built in accordance with the provisions of this Act shall be a lawful structure and shall be recognized and known as a post route, upon which no higher charge shall be made for the transmission over the same of the mails, the troops, and the munitions of war of the United States than the rate per mile paid for the transportation over any railroad, street railway, or public highway leading to said bridge; and the United States shall have the right to construct, maintain, and repair, without any charge therefor, telegraph and telephone lines across and upon said bridge and its approaches; and equal privileges in the use of said bridge and its approaches shall be granted to all telegraph and telephone companies.

Act March 23, 1906, c. 1130, § 2, 34 Stat. 85.

Privileges as to use of railroad bridges by other railroad companies; compensation therefor.

Sec. 3. That all railroad companies desiring the use of any railroad bridge built in accordance with the provisions of this Act shall be entitled to equal rights and privileges relative to the passage of railway trains or cars over the same and over the approaches thereto upon payment of a reasonable compensation for such use; and in case of any disagreement between the parties in regard to the terms of such use or the sums to be paid all matters at issue shall be determined by the Secretary of War upon hearing the allegations and proofs submitted to him.

Act March 23, 1906, c. 1130, § 3, 34 Stat. 85.

Obstructions to navigation by bridges; alterations and removal of obstructions; lights and other signals; draws; tolls.

Sec. 4. That no bridge erected or maintained under the provisions of this Act shall at any time unreasonably obstruct the free navigation of the waters over which it is constructed, and if any bridge erected in accordance with the provisions of this Act shall, in the opinion of the Secretary of War, at any time unreasonably obstruct such navigation, either on account of insufficient height, width of span, or otherwise, or if there be difficulty in passing the draw opening or the draw-span of such bridge by rafts, steamboats, or other water craft, it shall be the duty of the Secretary of War, after giving the parties interested reasonable opportunity to be heard, to notify the persons owning or controlling such bridge to so alter the same as to render navigation through or under it reasonably free, easy, and unobstructed, stating in such notice the changes required to be made, and prescribing in each case a reasonable time in which to make such changes, and if at the end

of the time so specified the changes so required have not been made, the persons owning or controlling such bridge shall be deemed guilty of a violation of this Act; and all such alterations shall be made and all such obstructions shall be removed at the expense of the persons owning or operating said bridge. The persons owning or operating any such bridge shall maintain, at their own expense, such lights and other signals thereon as the Secretary of Commerce and Labor shall prescribe. If the bridge shall be constructed with a draw, then the draw shall be opened promptly by the persons owning or operating such bridge upon reasonable signal for the passage of boats and other water craft. If tolls shall be charged for the transit over any bridge constructed under the provisions of this Act, of engines, cars, street cars, wagons, carriages, vehicles, animals, foot passengers, or other passengers, such tolls shall be reasonable and just, and the Secretary of War may, at any time, and from time to time, prescribe the reasonable rates of toll for such transit over such bridge, and the rates so prescribed shall be the legal rates and shall be the rates demanded and received for such transit.

Act March 23, 1906, c. 1130, § 4, 34 Stat. 85.

Failure to comply with orders under act, and violations of act, punishable; penalty; removal of bridge, etc., and proceedings therefor.

Sec. 5. That any persons who shall fail or refuse to comply with the lawful order of the Secretary of War or the Chief of Engineers, made in accordance with the provisions of this Act, shall be deemed guilty of a violation of this Act, and any persons who shall be guilty of a violation of this Act shall be deemed guilty of a misdemeanor and on conviction thereof shall be punished in any court of competent jurisdiction by a fine not exceeding five thousand dollars, and every month such persons shall remain in default shall be deemed a new offense and subject such persons to additional penalties therefor; and in addition to the penalties above described the Secretary of War and the Chief of Engineers may, upon refusal of the persons owning or controlling any such bridge and accessory works to comply with any lawful order issued by the Secretary of War or Chief of Engineers in regard thereto, cause the removal of such bridge and accessory works at the expense of the persons owning or controlling such bridge, and suit for such expense may be brought in the name of the United States against such persons, and recovery had for such expense in any court of competent jurisdiction; and the removal of any structures erected or maintained in violation of the provisions of this Act or the order or direction of the Secretary of War or Chief of Engineers made in pursuance thereof may be enforced by injunction, mandamus, or other summary process, upon application to the circuit court in the district in which such structure may, in whole or in part, exist, and proper proceedings to this end may be instituted under the direction of the Attorney-General of the United States at the request of the Secretary of War; and in case of any litigation arising from any obstruction or alleged obstruction to navigation created by the construction of any bridge under this Act, the cause or question arising may be tried before the circuit court of the United States in any district which any portion of said obstruction or bridge touches.

Act March 23, 1906, c. 1130, § 5, 34 Stat. 85.

Limit of time for commencement and for completion of bridge.

Sec. 6. That whenever Congress shall hereafter by law authorize the construction of any bridge over or across any of the navigable waters of the United States, and no time for the commencement and completion of such bridge is named in said Act, the authority thereby granted shall cease and be null and void unless the actual construction of the bridge authorized in such Act be commenced within one year and completed within three years from the date of the passage of such Act.

Act March 23, 1906, c. 1130, § 6, 34 Stat. 86.

Word "persons" defined.

Sec. 7. That the word "persons" as used in this Act shall be construed to import both the singular and the plural, as the case demands, and shall include municipalities, quasi municipal corporations, corporations, companies, and associations.

Act March 23, 1906, c. 1130, § 7, 34 Stat. 86.

Reservation of right to amend or repeal act, without liability incurred by United States therefor.

Sec. 8. That the right to alter, amend, or repeal this Act is hereby expressly reserved as to any and all bridges which may be built in accordance with the provisions of this Act, and the United States shall incur no liability for the alteration, amendment, or repeal thereof to the owner or owners or any other persons interested in any bridge which shall have been constructed in accordance with its provisions.

Act March 23, 1906, c. 1130, § 8, 34 Stat. 86.

ACT JUNE 21, 1906, c. 3508. [H. R. 8428.] [*As amended* 1910. H. R. 24375.]

An Act to Regulate the Construction of Dams across Navigable Waters. (34 Stat. 386.)

Dams across navigable waters not to be built until plans, etc., approved; plans not to be deviated from unless modification approved; conditions, including construction and operation of locks, etc., title to land therefor, and free use of water power; consideration of effect on plan for improvement of waterway; charges for privilege granted, for benefits from storage reservoirs, etc.

Section 1. That when authority has been or may hereafter be granted by Congress, either directly or indirectly or by any official or officials of the United States, to any persons, to construct and maintain a dam for water power or other purpose across or in any of the navigable waters of the United States, such dam shall not be built or commenced until the plans and specifications for such dam and all accessory works, together with such drawings of the proposed construction and such map of the proposed location as may be required for a full understanding of the subject, have been submitted to the Secretary of War and the Chief of Engineers for their approval, nor until they shall have approved such plans and specifications and the location of such dam and accessory works; and when the plans and specifications for any dam to be constructed under the provisions of this Act have been approved by the Chief of Engineers and by the Secretary of War it shall not be lawful to deviate from such plans or specifications either before or after completion of the structure unless the modification of such plans or specifications has previously been

submitted to and received the approval of the Chief of Engineers and of the Secretary of War: Provided, That in approving the plans, specifications, and location for any dam, such conditions and stipulations may be imposed as the Chief of Engineers and the Secretary of War may deem necessary to protect the present and future interests of the United States, which may include the condition that the persons constructing or maintaining such dam shall construct, maintain, and operate, without expense to the United States, in connection with any dam and accessory or appurtenant works, a lock or locks, booms, sluices, or any other structure or structures which the Secretary of War and the Chief of Engineers or Congress at any time may deem necessary in the interests of navigation, in accordance with such plans as they may approve, and also that whenever Congress shall authorize the construction of a lock or other structures for navigation purposes in connection with such dam, the persons owning such dam shall convey to the United States, free of cost, title to such land as may be required for such constructions and approaches, and shall grant to the United States free water power or power generated from water power for building and operating such constructions: Provided further, That in acting upon said plans as aforesaid the Chief of Engineers and the Secretary of War shall consider the bearing of said structure upon a comprehensive plan for the improvement of the waterway over which it is to be constructed with a view to the promotion of its navigable quality and for the full development of water power; and, as a part of the conditions and stipulations imposed by them, shall provide for improving and developing navigation, and fix such charge or charges for the privilege granted as may be sufficient to restore conditions with respect to navigability as existing at the time such privilege be granted or reimburse the United States for doing the same, and for such additional or further expense as may be incurred by the United States with reference to such project, including the cost of any investigations necessary for approval of plans and of such supervision of construction as may be necessary in the interests of the United States: Provided further, That the Chief of Engineers and the Secretary of War are hereby authorized and directed to fix and collect just and proper charge or charges for the privilege granted to all dams authorized and constructed under the provisions of this Act which shall receive any direct benefit from the construction, operation, and maintenance by the United States of storage reservoirs at the headwaters of any navigable streams, or from the acquisition, holding, and maintenance of any forested watershed, or lands located by the United States at the headwaters of any navigable stream, wherever such shall be, for the development, improvement, or preservation of navigation in such streams in which such dams may be constructed.

Act June 21, 1906, c. 3508, § 1, 34 Stat. 386. Act June 23, 1910, c. 360, 36 Stat. 593.

Right reserved to construct and operate, in connection with dams built under act, locks, etc., for navigation.

Sec. 2. That the right is hereby reserved to the United States to construct, maintain, and operate, in connection with any dam built in accordance with the provisions of this Act, a suitable lock or locks,

booms, sluices, or any other structures for navigation purposes, and at all times to control the said dam and the level of the pool caused by said dam to such an extent as may be necessary to provide proper facilities for navigation.

Act June 21, 1906, c. 3508, § 2, 34 Stat. 386. Act June 23, 1910, c. 360, 36 Stat. 594.

Damages from flowage, etc.; lights and other signals; fishways; failure to maintain same, a misdemeanor; punishment.

Sec. 3. That the persons constructing, maintaining, or operating any dam or appurtenant or accessory works, in accordance with the provisions of this Act, shall be liable for any damage that may be inflicted thereby upon private property, either by overflow or otherwise. The persons owning or operating any such dam, or accessory works, subject to the provisions of this Act, shall maintain, at their own expense, such lights and other signals thereon and such fishways as the Secretary of Commerce and Labor shall prescribe, and for failure so to do in any respect shall be deemed guilty of a misdemeanor and subject to a fine of not less than five hundred dollars, and each month of such failure shall constitute a separate offense and subject such persons to additional penalties therefor.

Act June 21, 1906, c. 3508, § 3, 34 Stat. 386. Act June 23, 1910, c. 360, 36 Stat. 594.

Forfeiture of rights under act on failure to comply with its provisions or with stipulations, etc., prescribed; revocation of rights when necessary for public use; authority granted to terminate in fifty years; exceptions from limitation.

Sec. 4. That all rights acquired under this Act shall cease and be determined if the person, company, or corporation acquiring such rights shall, at any time, fail, after receiving reasonable notice thereof, to comply with any of the provisions and requirements of the Act, or with any of the stipulations and conditions that may be prescribed as aforesaid by the Chief of Engineers and the Secretary of War, including the payment into the Treasury of the United States of the charges provided for by section one of this Act: Provided, That Congress may revoke any rights conferred in pursuance of this Act whenever it is necessary for public use, and, in the event of any such revocation by Congress, the United States shall pay the owners of any dam and appurtenant works built under authority of this Act, as full compensation, the reasonable value thereof, exclusive of the value of the authority or franchise granted, such reasonable value to be determined by mutual agreement between the Secretary of War and the said owners, and in case they cannot agree, then by proceedings instituted in the United States circuit court for the condemnation of such properties: And provided also, That the authority granted under or in pursuance of the provisions of this Act shall terminate at the end of a period not to exceed fifty years from the date of the original approval of the project under this Act, unless sooner revoked as herein provided or Congress shall otherwise direct: Provided, however, That this limitation shall not apply to any corporation or individual heretofore authorized by the United States, or by any State, to construct a dam in or across a navigable waterway, upon which

dam expenditures of money have heretofore been made in reliance upon such grant or grants.

Act June 21, 1906, c. 3508, § 4, 34 Stat. 386. Act June 23, 1910, c. 360, 36 Stat. 595.

Failure to comply with orders under act, and violations of act, punishable; penalty; removal of dam, etc., and proceedings therefor.

Sec. 5. That any persons who shall fail or refuse to comply with the lawful order of the Secretary of War and the Chief of Engineers, made in accordance with the provisions of this Act, shall be deemed guilty of a violation of this Act, and any persons who shall be guilty of a violation of this Act shall be deemed guilty of a misdemeanor and on conviction thereof shall be punished by a fine not exceeding five thousand dollars, and every month such persons shall remain in default shall be deemed a new offense and subject such persons to additional penalties therefor; and in addition to the penalties above described the Secretary of War and the Chief of Engineers may, upon refusal of the persons owning or controlling any such dam and accessory works to comply with any lawful order issued by the Secretary of War or Chief of Engineers in regard thereto, cause the removal of such dam and accessory works as an obstruction to navigation at the expense of the persons owning or controlling such dam, and suit for such expense may be brought in the name of the United States against such persons, and recovery had for such expense in any court of competent jurisdiction. Said provision as to recovery of expense shall not apply wherever the United States has been previously reimbursed for such removal; and the removal or any structures erected or maintained in violation of the provisions of this Act or the order or direction of the Secretary of War or the Chief of Engineers made in pursuance thereof may be enforced by injunction, mandamus, or other summary process, upon application to the circuit court in the district in which such structure may, in whole or in part, exist, and proper proceedings to this end may be instituted under the direction of the Attorney-General of the United States at the request of the Chief of Engineers or the Secretary of War; and in case of any litigation arising from any obstruction or alleged obstruction to navigation created by the construction of any dam under this Act the cause or question arising may be tried before the circuit court of the United States in any district in which any portion of said obstruction or dam touches.

Act June 21, 1906, c. 3508, § 5, 34 Stat. 386. Act June 23, 1910, c. 360, 36 Stat. 595.

Limit of time for commencement and for completion of dam.

Sec. 6. That whenever Congress shall hereafter by law authorize the construction of any dam across any of the navigable waters of the United States, and no time for the commencement and completion of such dam is named in said Act, the authority thereby granted shall cease and be null and void unless the actual construction of the dam authorized in such Act be commenced within one year and completed within three years from the date of the passage of such Act.

Act June 21, 1906, c. 3508, § 6, 34 Stat. 387. Act June 23, 1910, c. 360. 36 Stat. 596.

Reservation of right to amend or repeal act, without liability incurred by United States therefor.

Sec. 7. That the right to alter, amend, or repeal this Act is hereby expressly reserved as to any and all dams which may be constructed in accordance with the provisions of this Act, and the United States shall incur no liability for the alteration, amendment, or repeal thereof to the owner or owners or any other persons interested in any dam which shall have been constructed in accordance with its provisions.

Act June 21, 1906, c. 3508, § 7, 34 Stat. 387. Act June 23, 1910, c. 360, 36 Stat. 596.

Definition of words "persons" and "dam" as used in act.

Sec. 8. That the word "persons" as used in this Act shall be construed to import both the singular and the plural, as the case demands, and shall include corporations, companies, and associations. The word "dam" as used in this Act shall be construed to import both the singular and the plural, as the case demands.

Act June 21, 1906, c. 3508, § 8, 34 Stat. 387. Act June 23, 1910, c. 360, 36 Stat. 596.

RES. MARCH 26, 1908, No. 14. [S. J. R. 58.]

Joint Resolution Authorizing the Secretary of War to Establish Harbor Lines in Wilmington Harbor, California. (35 Stat. 569.)

Establishment of pierhead and bulkhead lines in Wilmington Harbor, Cal.

Resolved, &c., That the Secretary of War is hereby authorized to fix and establish pierhead and bulkhead lines, either or both, in the inner harbor of San Pedro, otherwise known as Wilmington Harbor, California, beyond which no piers, wharves, bulkheads, or other works shall be extended or deposits made except under such regulations as shall be prescribed from time to time by the Secretary of War.

Res. March 26, 1908, No. 14, 35 Stat. 569.

ACT MAY 28, 1908, c. 212, § 8. [H. R. 21815.]

Amendment of Act Aug. 18, 1894, c. 299, § 3.

That section three of the Act of August eighteenth, eighteen hundred and ninety-four, entitled "An Act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," be, and the same hereby is, amended so as to read as follows, sixty days after the passage of this Act:

Amendment of Act June 29, 1888, c. 496, § 3.

"Sec. 3. That section three of the Act to prevent obstructive and injurious deposits within the harbor and adjacent waters of New York City, by dumping or otherwise, and to punish and prevent such offenses, approved June twenty-ninth, eighteen hundred and eighty-eight, shall be, and hereby is, amended so as to read as follows:

Designation of dumping grounds; permits; making deposits at other places; penalty; scows or boats to have names, etc., painted thereon; to be equipped with life lines, etc.; lists of names of men employed; penalty for failure to comply with provisions; appointment of inspectors, etc., and powers and duties of supervisor of harbor, inspectors, etc., for enforcement of act; bribery; penalty; return of permits; penalty for violation of provisions.

"'Sec. 3. That in all cases of receiving on board of any scows or boats such forbidden matter or substance as herein described, the own-

er or master, or person acting in such capacity on board of such scows or boats, before proceeding to take or tow the same to the place of deposit, shall apply for and obtain from the supervisor of the harbor appointed hereunder a permit defining the precise limits within which the discharge of such scows or boats may be made; and it shall not be lawful for the owner or master, or person acting in such capacity, of any tug or towboat to tow or move any scow or boat so loaded with such forbidden matter until such permit shall have been obtained; and every person violating the foregoing provisions of this section shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not more than one thousand nor less than five hundred dollars, and in addition thereto the master of any tug or towboat so offending shall have his license revoked or suspended for a term to be fixed by the judge before whom tried and convicted.

" 'And any deviation from such dumping or discharging place specified in such permit shall be a misdemeanor, and the owner and master, or person acting in the capacity of master, of any scows or boats dumping or discharging such forbidden matter in any place other than that specified in such permit shall be liable to punishment therefor as provided in section one of the said Act of June twenty-ninth, eighteen hundred and eighty-eight; and the owner and master, or person acting in the capacity of master, of any tug or towboat towing such scows or boats shall be liable to equal punishment with the owner and master, or person acting in the capacity of master, of the scows or boats; and, further, every scowman or other employee on board of both scows and towboats shall be deemed to have knowledge of the place of dumping specified in such permit, and the owners and masters, or persons acting in the capacity of masters, shall be liable to punishment, as aforesaid, for any unlawful dumping, within the meaning of this Act or of the said Act of June twenty-ninth, eighteen hundred and eighty-eight, which may be caused by the negligence or ignorance of such scowman or other employee; and, further, neither defect in machinery nor avoidable accidents to scows or towboats, nor unfavorable weather, nor improper handling or moving of scows or boats of any kind whatsoever shall operate to release the owners and master and employees of scows and towboats from the penalties hereinbefore mentioned.

" 'Every scow or boat engaged in the transportation of dredgings, earth, sand, mud, cellar dirt, garbage, or other offensive material of any description shall have its name or number and owner's name painted in letters and numbers at least fourteen inches long on both sides of the scow or boat; these names and numbers shall be kept distinctly legible at all times, and no scow or boat not so marked shall be used to transport or dump any such material. Each such scow or boat shall be equipped at all times with a life line or rope extending at least the length of and three feet above the deck thereof, such rope to be attached to the coaming thereof, also with a life-preserver and a life buoy for each person on board thereof, also with anchor to weigh not less than two hundred and seventy-five pounds, and at least one hundred feet of cable attached thereto; a list of the names of all men employed on any such scow or boat shall be kept by the owner or master thereof and the said list shall be open to the inspection of all par-

ties. Failure to comply with any of the foregoing provisions shall render the owner of such scow or boat liable upon conviction thereof to a penalty of not more than five hundred dollars..

" 'The supervisor of the harbor of New York, designated as provided in section five of the said Act of June twenty-ninth, eighteen hundred and eighty-eight, is authorized and directed to appoint inspectors and deputy inspectors, and, for the purpose of enforcing the provisions of this Act and of the Act aforesaid, and of detecting and bringing to punishment offenders against the same, the said supervisor of the harbor, and the inspectors and deputy inspectors so appointed by him, shall have power and authority:

" 'First. To arrest and take into custody, with or without process, any person or persons who may commit any of the acts or offenses prohibited by this section and by the Act of June twenty-ninth, eighteen hundred and eighty-eight, aforesaid, or who may violate any of the provisions of the same: Provided, That no person shall be arrested without process for any offense not committed in the presence of the supervisor or his inspectors or deputy inspectors, or either of them: And provided further, That whenever any such arrest is made the person or persons so arrested shall be brought forthwith before a commissioner, judge, or court of the United States for examination of the offenses alleged against him; and such commissioner, judge, or court shall proceed in respect thereto as authorized by law in case of crimes against the United States.

" 'Second. To go on board of any scow or towboat engaged in unlawful dumping of prohibited material, or in moving the same without a permit, as required in this section of this Act, or otherwise violating any of the provisions of this section of this Act, and to seize and hold said boats until they are discharged by action of the commissioner, judge, or court of the United States before whom the offending persons are brought.

" 'Third. To arrest and take into custody any witness or witnesses to such unlawful dumping of prohibited material, the said witnesses to be released under proper bonds.

" 'Fourth. To go on board of any towboat having in tow scows or boats loaded with such prohibited material, and accompany the same to the place of dumping, whenever such action appears to be necessary to secure compliance with the requirements of this Act and of the Act aforesaid.

" 'Fifth. To enter gas and oil works and all other manufacturing works for the purpose of discovering the disposition made of sludge, acid, or other injurious material, whenever there is good reason to believe that such sludge, acid, or other injurious material is allowed to run into the tidal waters of the harbor in violation of section one of the aforesaid Act of June twenty-ninth, eighteen hundred and eighty-eight.

" 'Every person who, directly or indirectly, gives any sum of money or other bribe, present, or reward, or makes any offer of the same to any inspector, deputy inspector, or other employee of the office of the supervisor of the harbor with intent to influence such inspector, deputy inspector, or other employee to permit or overlook any violation of the provisions of this section or of the said Act of June twenty-ninth,

eighteen hundred and eighty-eight, shall, on conviction thereof, be fined not less than five hundred dollars nor more than one thousand dollars, and be imprisoned not less than six months nor more than one year.

"'Every permit issued in accordance with the provisions of this section of this Act, which may not be taken up by an inspector or deputy inspector, shall be returned within four days after issuance to the office of the supervisor of the harbor; such permit shall bear an indorsement by the master of the towboat, or the person acting in such capacity, stating whether the permit has been used, and, if so, the time and place of dumping. Any person violating the provisions of this section shall be liable to a fine of not more than five hundred dollars nor less than one hundred dollars.'"

Act May 28, 1908, c. 212, § 8, 35 Stat. 426.

This section is part of an act to amend the laws relating to navigation and for other purposes, cited above.

Act Aug. 18, 1894, c. 299, § 3, amended by this section, itself amended Act June 29, 1888, c. 496, § 3, and is incorporated in said section 3 of Act June 29, 1888, c. 496, as set forth in Comp. St. 1901, p. 3534.

The amendment by this act consists principally in the insertion, in the third paragraph of the section, of the provisions requiring equipment of scows or boats with life lines, etc., beginning with the words "Each such scow or boat shall be equipped" and ending with the words "five hundred dollars," at the end of said paragraph; in the insertion, in the subdivision numbered "Second," of the words "or otherwise violating any of the provisions of this section of this act"; and in the change in the time limited for return of permits in the last paragraph of the section, from "forty-eight hours" to "four days," as set forth here.

The section is further amended, as to the requirements in regard to life lines, etc., and the painting of names, etc., on scows or boats, by Act Feb. 16, 1909, c. 132, set forth below.

ACT FEB. 16, 1909, c. 132. [H. R. 27970.]

An Act to Amend Section Eight of the Act Approved May Twenty-Eighth, Nineteen Hundred and Eight, Entitled "An Act to Amend the Laws Relating to Navigation, and for Other Purposes." (35 Stat. 623.)

Requirements of amendment of Act June 29, 1888, c. 496, § 3, by Act May 28, 1908, c. 212, as to life lines, etc., not to apply to certain scows or boats; place where names, etc., to be painted on such scows or boats.

Be it enacted, &c., That the requirements in regard to life line or rope contained in section eight of the Act approved May twenty-eighth, nineteen hundred and eight (being chapter two hundred and twelve of the Statutes at Large, first session Sixtieth Congress) entitled "An Act to amend the laws relating to navigation, and for other purposes," shall not apply to any scow or boat the deck outside the coaming or rail of which shall not exceed one foot in width. On any such scow or boat its name or number and owner's name painted in letters and numbers, at least fourteen inches long on both ends of such scow or boat, shall be a compliance with the provisions of the said section in regard to name, number, and owner's name.

Act Feb. 16, 1909, c. 132, 35 Stat. 623.

Act May 28, 1908, c. 212, § 8, mentioned in this act, with Act June 29, 1888, c. 496, § 3, as amended thereby, is set forth above.

ACT JUNE 23, 1910, c. 359. [H. R. 18700.]

An Act to Prevent the Dumping of Refuse Material in Lake Michigan at or near Chicago. (36 Stat. 593.)

Throwing, discharging, etc., refuse matter into Lake Michigan, at certain places, unlawful; exceptions; violation of provisions, a misdemeanor; punishment.

Be it enacted, &c., That it shall not be lawful to throw, discharge, dump, or deposit, or cause, suffer, or procure, to be thrown, discharged, dumped, or deposited, any refuse matter of any kind or description whatever other than that flowing from streets and sewers and passing therefrom in a liquid state into Lake Michigan, at any point opposite or in front of the county of Cook, in the State of Illinois, or the county of Lake in the State of Indiana, within eight miles from the shore of said lake, unless said material shall be placed inside of a breakwater so arranged as not to permit the escape of such refuse material into the body of the lake and cause contamination thereof; and no officer of the Government shall dump or cause or authorize to be dumped any material contrary to the provisions of this Act: Provided, however, That the provisions of this Act shall not apply to work in connection with the construction, repair, and protection of breakwaters and other structures built in aid of navigation, or for the purpose of obtaining water supply. Any person violating any provision of this Act shall be guilty of a misdemeanor, and on conviction thereof shall be fined for each offense not exceeding one thousand dollars.

Act June 23, 1910, c. 359, 36 Stat. 593.

ACT JUNE 25, 1910, c. 436. [S. 6118.]

An Act to Confer upon the City of New York the Power to Obstruct Certain Navigable Waters Wholly within its Limits. (36 Stat. 866.)

Consent to obstruction by city of New York of navigation of river, etc., within limits of city; location and plans for proposed works to be approved; liability of city for damages.

Be it enacted, &c., That the consent of Congress is hereby given to the city of New York, in the State of New York, to obstruct navigation of any river or other waterway which does not form a connecting link between other navigable waters of the United States, and lying wholly within the limits of said city, by closing all or any portion of the same or by building structures in or over the same when the said city shall be lawfully authorized to do so by the State of New York: Provided, however, That any such obstruction shall be unlawful unless the location and plans for the proposed work or works before the commencement thereof shall have been filed with and approved by the Secretary of War and Chief of Engineers; and when the plans for any such obstruction have been approved by the Chief of Engineers and by the Secretary of War it shall not be lawful to deviate from such plans either before or after the completion of such obstruction, unless the modification of such plans has previously been submitted to and received the approval of the Chief of Engineers and the Secretary of War: And provided further, That the city of New

York shall be liable for any damage that may be inflicted upon private property by reason of any of the provisions of this Act.

Act June 25, 1910, c. 436, § 1, 36 Stat. 866.

Reservation of right to amend or repeal act, without liability incurred by United States therefor.

Sec. 2. That the right to alter, amend, or repeal this Act is hereby expressly reserved, and the United States shall incur no liability for the alteration, amendment, or repeal thereof to the city of New York, or to the owner or owners, or any other persons interested in any obstruction which shall have been constructed under its provisions.

Act June 25, 1910, c. 436, § 2, 36 Stat. 867.

[ANCHORAGE REGULATIONS.]

ACT MARCH 6, 1896, c. 49, §§ 1, 3.

[Amended. Act April 26, 1906, c. 1874.]

Sections 1 and 3 of Act March 6, 1896, c. 49, set forth in Comp. St. 1901, pp. 3551, 3552, are amended by Act April 26, 1906, c. 1874, to read as set forth below.

ACT APRIL 26, 1906, c. 1874. [S. 4925.]

An Act to Amend the Act Approved March Sixth, Eighteen hundred and ninety-six, Relating to the Anchorage and Movements of Vessels in Saint Marys River. (34 Stat. 136.)

Amendment of Act March 6, 1896, c. 49, § 1.

Be it enacted, &c., That section one of the Act approved March sixth, eighteen hundred and ninety-six, entitled "An Act relating to the anchorage and movements of vessels in Saint Marys River" be, and hereby is, amended to read as follows:

Regulations of movements and anchorage of vessels, etc., in Saint Marys River, authorized; detail of revenue cutters.

"That the Secretary of Commerce and Labor be, and he hereby is, authorized and directed to adopt and prescribe suitable rules and regulations governing the movements and anchorage of vessels and rafts in Saint Marys River from Point Iroquois, on Lake Superior, to Point Detour, on Lake Huron, and for the purpose of enforcing the observance of such regulations the Secretary of the Treasury is hereby authorized to detail one or more revenue cutters for duty upon the request of the Secretary of Commerce and Labor on said river."

Act April 26, 1906, c. 1874, § 1, 34 Stat. 136.

Act March 6, 1896, c. 49, § 1, amended by this section, is set forth in Comp. St. 1901, p. 3551. The amendment of sections 1 and 3 of that act by sections 1 and 2 of this act consists principally in authorizing the Secretary of Commerce and Labor, instead of the Secretary of the Treasury, to adopt and prescribe, etc., the rules and regulations provided for, and the omission of the provisions for forfeiture of the vessel, etc., for violation of such rules, prescribed as part of the penalty therefor by said section 3 as originally enacted.

Amendment of Act March 6, 1896, c. 49, § 3.

Sec. 2. That section three of the Act of March sixth, eighteen hundred and ninety-six, aforesaid, be, and hereby is, amended to read as follows:

Violation of rules; penalty.

"Sec. 3. That in the event of the violation of any such regulations or rules of the Secretary of Commerce and Labor by the owners, mas-

ter, or person in charge of such vessel, such owners, masters, or person in charge shall be liable to a penalty not exceeding two hundred dollars: Provided, That the Secretary of Commerce and Labor may remit said fine on such terms as he may prescribe: Provided also, That nothing in this Act shall be construed to amend or repeal the Act entitled 'An Act to regulate navigation on the Great Lakes and their connecting and tributary waters as far east as Montreal,' approved February eighth, eighteen hundred and ninety-five."

Act April 26, 1906, c. 1874, § 2, 34 Stat. 136.

Act March 6, 1896, c. 49, § 3, amended by this section, is set forth in Comp. St. 1901, p. 3552.

See note under preceding section of this act.

[CALIFORNIA DÉBRIS COMMISSION.]

ACT MARCH 1, 1893, c. 183, § 13.

[Amended. Act Feb. 27, 1907, c. 2077.]

This section, set forth in Comp. St. 1901, p. 3556, is amended by Act Feb. 27, 1907, c. 2077, to read as set forth below.

ACT FEB. 27, 1907, c. 2077. [H. R. 13367.]

An Act to Amend Section Thirteen of an Act of March First, Eighteen hundred and ninety-three, Entitled "An Act to Create the California Débris Commission and Regulate Hydraulic Mining in the State of California." (34 Stat. 1001.)

Amendment of Act March 1, 1893, c. 183, § 13.

Be it enacted, &c., That section thirteen of an Act of March first, eighteen hundred and ninety-three, entitled "An Act to create the California Débris Commission and regulate mining in the State of California," is hereby amended so as to read as follows:

Order by commission directing methods of mining; taxes on gross proceeds; authorizing hydraulic mining without restraining or impounding works, etc.

"Sec. 13. That in case a majority of the members of said Commission, within thirty days after the time so fixed, concur in the decision in favor of the petitioner or petitioners, the said Commission shall thereupon make an order directing the methods and specifying in detail the manner in which operations shall proceed in such mine or mines; what restraining or impounding works, if any, if facilities therefor can be found, shall be built and maintained; how and of what material; where to be located; and in general set forth such further requirements and safeguards as will protect the public interests and prevent injury to the said navigable rivers and the lands adjacent thereto, with such further conditions and limitations as will observe all the provisions of this Act in relation to the working thereof and the payment of taxes on the gross proceeds of the same: Provided, That all expense incurred in complying with said order shall be borne by the owner or owners of such mine or mines: And provided further, That where it shall appear to said Commission that hydraulic mining may be carried on without injury to the navigation of said navigable rivers and the lands adjacent thereto, an order may be made authorizing such mining to be carried on without requiring the construction of any restraining or impounding works or any settling reservoirs: And pro-

vided also, That where such an order is made a license to mine, no taxes provided for herein on the gross proceeds of such mining operations shall be collected."

Act Feb. 27, 1907, c. 2077, 34 Stat. 1001.

Act March 1, 1893, c. 183, § 13, amended by this act, is set forth in Comp. St. 1901, p. 3556. The amendment consists principally in the insertion, after the words "what restraining or impounding works," in the section as originally enacted, of the words "if any;" and in the addition, at the end of the section as originally enacted, of the two further provisos relating to authorizing hydraulic mining without restraining or impounding works, etc., as set forth here.

[ISTHMIAN CANAL.]

ACT JUNE 28, 1902, c. 1302.

An Act to Provide for the Construction of a Canal Connecting the Waters of the Atlantic and Pacific Oceans. (32 Stat. 481.)

Isthmian canal; purchase of rights, etc., of New Panama Canal Company, including the capital stock of the Panama Railway Company, authorized.

Be it enacted, &c., That the President of the United States is hereby authorized to acquire, for and on behalf of the United States, at a cost not exceeding forty millions of dollars, the rights, privileges, franchises, concessions, grants of land, right of way, unfinished work, plants, and other property, real, personal, and mixed, of every name and nature, owned by the New Panama Canal Company, of France, on the Isthmus of Panama, and all its maps, plans, drawings, records on the Isthmus of Panama and in Paris, including all the capital stock, not less, however, than sixty-eight thousand eight hundred and sixty-three shares of the Panama Railroad Company, owned by or held for the use of said canal company, provided a satisfactory title to all of said property can be obtained.

Act June 28, 1902, c. 1302, § 1, 32 Stat. 481.

Acquisition of right of way, etc.; jurisdiction over right of way and ports; additional territory.

Sec. 2. That the President is hereby authorized to acquire from the Republic of Colombia, for and on behalf of the United States, upon such terms as he may deem reasonable, perpetual control of a strip of land, the territory of the Republic of Colombia, not less than six miles in width, extending from the Caribbean Sea to the Pacific Ocean, and the right to use and dispose of the waters thereon, and to excavate, construct, and to perpetually maintain, operate, and protect thereon a canal, of such depth and capacity as will afford convenient passage of ships of the greatest tonnage and draft now in use, from the Caribbean Sea to the Pacific Ocean, which control shall include the right to perpetually maintain and operate the Panama Railroad, if the ownership thereof, or a controlling interest therein, shall have been acquired by the United States, and also jurisdiction over said strip and the ports at the ends thereof to make such police and sanitary rules and regulations as shall be necessary to preserve order and preserve the public health thereon, and to establish such judicial tribunals as may be agreed upon thereon as may be necessary to enforce such rules and regulations.

The President may acquire such additional territory and rights from Colombia as in his judgment will facilitate the general purpose hereof.

Act June 28, 1902, c. 1302, § 2, 32 Stat. 481.

On the acquisition of the property of the New Panama Canal Company, and the payment to the Republic of Panama of the sum provided by the treaty between the United States and that Republic, by which the use, etc., of the zone of land described in this section was granted by said Republic to the United States in perpetuity, the President was authorized to take possession of and occupy said zone, designated as "the Canal Zone," and, temporarily, the powers necessary for the government of said Canal Zone, and the rights, powers, and authority granted by said treaty, are to be vested and exercised as the President shall direct, by Act April 28, 1904, c. 1758, set forth below.

Appropriation for property of canal company and for right of way; construction of canal authorized; capacity of canal; harbors; defense; employés; compensation.

Sec. 3. That when the President shall have arranged to secure a satisfactory title to the property of the New Panama Canal Company, as provided in section one hereof, and shall have obtained by treaty control of the necessary territory from the Republic of Colombia, as provided in section two hereof, he is authorized to pay for the property of the New Panama Canal Company forty millions of dollars and to the Republic of Colombia such sum as shall have been agreed upon, and a sum sufficient for both said purposes is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to be paid on warrant or warrants drawn by the President.

The President shall then through the Isthmian Canal Commission hereinafter authorized cause to be excavated, constructed, and completed, utilizing to that end as far as practicable the work heretofore done by the New Panama Canal Company, of France, and its predecessor company, a ship canal from the Caribbean Sea to the Pacific Ocean. Such canal shall be of sufficient capacity and depth as shall afford convenient passage for vessels of the largest tonnage and greatest draft now in use, and such as may be reasonably anticipated, and shall be supplied with all necessary locks and other appliances to meet the necessities of vessels passing through the same from ocean to ocean; and he shall also cause to be constructed such safe and commodious harbors at the termini of said canal, and make such provisions for defense as may be necessary for the safety and protection of said canal and harbors. That the President is authorized for the purposes aforesaid to employ such persons as he may deem necessary, and to fix their compensation.

Act June 28, 1902, c. 1302, § 3, 32 Stat. 482.

The payment of $10,000,000, provided by article 14 of the treaty between the United States and the Republic of Panama, is to be in lieu of the indefinite appropriation made in this section, by a provision of Act April 28, 1904, c. 1758, § 1, set forth below.

Sec. 4. [Provided for construction of a canal by the Nicaragua route, on failure to obtain title to property of the New Panama Canal Company or rights from Republic of Colombia.]

Preliminary appropriation; contracts authorized; limit of expenditures for either route.

Sec. 5. That the sum of ten million dollars is hereby appropriated, out of any money in the Treasury not otherwise appropriated, toward the project herein contemplated by either route so selected.

And the President is hereby authorized to cause to be entered into such contract or contracts as may be deemed necessary for the proper excavation, construction, completion, and defense of said canal, harbors, and defenses, by the route finally determined upon under the provisions of this Act. Appropriations therefor shall from time to time be hereafter made, not to exceed in the aggregate the additional sum of one hundred and thirty-five millions of dollars should the Panama route be adopted, or one hundred and eighty millions of dollars should the Nicaragua route be adopted.

Act June 28, 1902, c. 1302, § 5, 32 Stat. 483.

Appropriations to continue the construction of the canal are made by Act Dec. 21, 1905, c. 3, § 2, set forth below, and by the urgent deficiency appropriation act for the fiscal year ending June 30, 1906, Act Feb. 27, 1906, c. 510, § 1, 34 Stat. 33, and for subsequent fiscal years by the annual sundry civil appropriation acts; all expenditures therefrom to be paid or reimbursed out of the proceeds of the sale of bonds authorized by section 8 of this act and section 39 of the Tariff Act of 1909, Act Aug. 5, 1909, set forth ante, under Title XLII, "The Public Debt." The provisions for the fiscal year ending June 30, 1912, are by Act March 4, 1911, c. 285, § 1, 36 Stat. 1449–1451.

Nothing in this section is to prevent the President from entering into such contract or contracts as may be deemed expedient by him for the completion of the construction of the canal, by Act March 4, 1907, c. 2918, § 6, set forth below.

A further provision authorizing the President to cause contracts to be entered into as may be deemed necessary for the construction, etc., of the canal, etc., contained in Act Aug. 5, 1909, c. 7, is set forth below.

Guarantee of use of canal and harbors to country ceding rights.

Sec. 6. That in any agreement with the Republic of Colombia, or with the States of Nicaragua and Costa Rica, the President is authorized to guarantee to said Republic or to said States the use of said canal and harbors, upon such terms as may be agreed upon, for all vessels owned by said States or by citizens thereof.

Act June 28, 1902, c. 1302, § 6, 32 Stat. 483.

Isthmian Canal Commission; appointment; qualifications; compensation; engineers; compensation; duties; reports; offices.

Sec. 7. That to enable the President to construct the canal and works appurtenant thereto as provided in this Act, there is hereby created the Isthmian Canal Commission, the same to be composed of seven members, who shall be nominated and appointed by the President, by and with the advice and consent of the Senate, and who shall serve until the completion of said canal unless sooner removed by the President, and one of whom shall be named as the chairman of said Commission. Of the seven members of said Commission at least four of them shall be persons learned and skilled in the science of engineering, and of the four at least one shall be an officer of the United States Army, and at least one other shall be an officer of the United States Navy, the said officers respectively being either upon the active or the retired list of the Army or of the Navy. Said commissioners shall each receive such compensation as the President shall prescribe until the same shall have been otherwise fixed by the Congress. In addition to the members of said Isthmian Canal Commission, the President is hereby authorized through said Commission to employ in said service any of the engineers of the United States Army at his discretion, and likewise to employ any engineers in civil life,

at his discretion, and any other persons necessary for the proper and expeditious prosecution of said work. The compensation of all such engineers and other persons employed under this Act shall be fixed by said Commission, subject to the approval of the President. The official salary of any officer appointed or employed under this Act shall be deducted from the amount of salary or compensation provided by or which shall be fixed under the terms of this Act. Said Commission shall in all matters be subject to the direction and control of the President, and shall make to the President annually and at such other periods as may be required, either by law or by the order of the President, full and complete reports of all their actings and doings and of all moneys received and expended in the construction of said work and in the performance of their duties in connection therewith, which said reports shall be by the President transmitted to Congress. And the said Commission shall furthermore give to Congress, or either House of Congress, such information as may at any time be required either by Act of Congress or by the order of either House of Congress. The President shall cause to be provided and assigned for the use of the Commission such offices as may, with the suitable equipment of the same, be necessary and proper, in his discretion, for the proper discharge of the duties thereof.

Act June 28, 1902, c. 1302, § 7, 32 Stat. 483.

The accounts for the Commission are to be audited by the Auditor for the War Department, by a provision of Act Feb. 3, 1905, c. 297, § 1, set forth ante, under Title VII, "The Department of the Treasury," c. 4.

Sec. 8. [Relates to issuance of bonds to defray expenditures under act.]

This section authorizes the Secretary of the Treasury to borrow as required to defray expenditures authorized by this act, and to issue bonds therefor. It is set forth ante, under Title XLII, "The Public Debt."

ACT APRIL 28, 1904, c. 1758. [S. 5342.]

An Act to Provide for the Temporary Government of the Canal Zone at Panama, the Protection of the Canal Works, and for Other Purposes. (33 Stat. 429.)

Possession and occupation of Canal Zone; payment to Panama.

Be it enacted, &c., That the President is hereby authorized, upon the acquisition of the property of the New Panama Canal Company and the payment to the Republic of Panama of the ten millions of dollars provided by article fourteen of the treaty between the United States and the Republic of Panama, the ratifications of which were exchanged on the twenty-sixth day of February, nineteen hundred and four, to be paid to the latter Government, to take possession of and occupy on behalf of the United States the zone of land and land under water of the width of ten miles, extending to the distance of five miles on each side of the center line of the route of the canal to be constructed thereon, which said zone begins in the Caribbean Sea three marine miles from mean low-water mark and extends to and across the Isthmus of Panama into the Pacific Ocean to the distance of three marine miles from mean low-water mark, and also of all islands within said zone, and in addition thereto the group of islands in the Bay of Panama named Perico, Naos, Culebra, and

Flamenco, and, from time to time, of any lands and waters outside of said zone which may be necessary and convenient for the construction, maintenance, operation, sanitation, and protection of the said canal, or of any auxiliary canals or other works necessary and convenient for the construction, maintenance, operation, sanitation, and protection of said enterprise, the use, occupation, and control whereof were granted to the United States by article two of said treaty. The said zone is hereinafter referred to as "the Canal Zone." The payment of the ten millions of dollars provided by article fourteen of said treaty shall be made in lieu of the indefinite appropriation made in the third section of the Act of June twenty-eighth, nineteen hundred and two, and is hereby appropriated for said purpose.

Act April 28, 1904, c. 1758, § 1, 33 Stat. 429.

Act June 28, 1902, c. 1302, § 3, mentioned in this section, is set forth above.

Temporary government of Canal Zone, and exercise of rights, powers, and authority granted by treaty with Panama.

Sec. 2. That until the expiration of the Fifty-eighth Congress, unless provision for the temporary government of the Canal Zone be sooner made by Congress, all the military, civil, and judicial powers as well as the power to make all rules and regulations necessary for the government of the Canal Zone and all the rights, powers, and authority granted by the terms of said treaty to the United States shall be vested in such person or persons and shall be exercised in such manner as the President shall direct for the government of said Zone and maintaining and protecting the inhabitants thereof in the free enjoyment of their liberty, property, and religion.

Act April 28, 1904, c. 1758, § 2. 33 Stat. 429.

ACT DEC. 21, 1905, c. 3. [H. R. 480.]

An Act Supplemental to an Act Entitled "An Act to Provide for the Construction of a Canal Connecting the Waters of the Atlantic and Pacific Oceans," Approved June Twenty-eighth, Nineteen hundred and two, and Making Appropriation for Isthmian Canal Construction, and for Other Purposes. (34 Stat. 5.)

Be it enacted, &c., [Sec. 1 relates to bonds authorized by Act June 28, 1902, c. 1302, § 8.]

This section provides that the bonds authorized by Act June 28, 1902, c. 1302, § 8, set forth ante, under Title XLII, "The Public Debt," shall have all the rights and privileges accorded by law to other two per cent. bonds of the United States, and imposes a tax on circulating notes of national banks based on deposit of said bonds. It is set forth ante, under Title XLII, "The Public Debt."

Appropriation to continue construction of canal; reimbursement of expenditures therefrom out of proceeds of sale of bonds.

Sec. 2. That there is hereby appropriated out of any money in the Treasury not otherwise appropriated, the sum of eleven million dollars to continue the construction of the Isthmian Canal, to be expended under the direction of the President in accordance with the said Act to provide for the construction of a canal connecting the waters of the Atlantic and Pacific oceans, approved June twenty-eighth, nineteen hundred and two, and for each and every purpose connected with the same, the said sum to continue available until expended: Provided, That all expenditures from the appropriation herein made shall be

reimbursed to the Treasury of the United States out of the proceeds of the sale of bonds authorized in section eight of the said Act approved June twenty-eighth, nineteen hundred and two.

Act Dec. 21, 1905, c. 3, § 2, 34 Stat. 5.

Act June 28, 1902, c. 1302, mentioned in this section, is set forth above, except section 8 thereof, mentioned in the proviso annexed to this section, which is set forth ante, under Title XLII, "The Public Debt."

Reports, including account of receipts and expenditures; annual estimates; no expenditures beyond appropriations.

Sec. 3. That the President shall annually, and at such other periods as may be provided, either by law or by his order, require full and complete reports to be made to him by the persons appointed or employed by him in charge of the government of the Canal Zone, the construction of the Isthmian Canal, and the operation of the Panama Railroad, including an itemized account of all moneys received and expended, which said reports shall be by the President transmitted to Congress. The President shall annually cause to be made, by the persons appointed and employed by him in charge of the government of said Canal Zone and the construction of said canal, estimates of expenditures and appropriations, in detail as far as practicable, which estimates shall cover all annual salaries paid to persons employed on said work, excepting laborers and skilled laborers, and shall be submitted to Congress in the manner provided in section five of the Act entitled "An Act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June thirtieth, nineteen hundred and two, and for other purposes." And no money shall be expended for any of the purposes of constructing and maintaining said Isthmian Canal, or for any expenses incident thereto, except in accordance with appropriations made by Congress.

Act Dec. 21, 1905, c. 3, § 3, 34 Stat. 5.

Section 5 of the legislative, executive, and judicial appropriation act for the fiscal year ending June 30, 1902, mentioned in this section, being Act March 3, 1901, c. 830, § 5, is set forth in Comp. St. 1901, p. 2445.

ACT FEB. 27, 1906, c. 510, § 1. [H. R. 12320.]

Limitation of hours of daily service of laborers and mechanics on public works not applicable to alien laborers employed in construction of Isthmian Canal.

The provisions of the Act entitled "An Act relating to the limitations of the hours of daily service of laborers and mechanics employed upon the public works of the United States and of the District of Columbia," approved August first, eighteen hundred and ninety-two, shall not apply to alien laborers employed in the construction of the Isthmian Canal within the Canal Zone.

Act Feb. 27, 1906, c. 510, § 1, 34 Stat. 33.

Act Aug. 1, 1892, c. 352, mentioned in this provision, is set forth in Comp. St. 1901, p. 2521.

A subsequent similar provision relating to unskilled alien laborers, their foremen and superintendents, contained in Act June 30, 1906, c. 3912, § 4, is set forth below.

RES. JUNE 25, 1906, No. 35. [S. J. R. 60.]

Joint Resolution Providing for the Purchase of Material and Equipment for Use in the Construction of the Panama Canal. (34 Stat. 835.)

Purchases of material and equipment for construction of canal restricted to articles of domestic production and manufacture.

Resolved, &c., That purchases of material and equipment for use in the construction of the Panama Canal shall be restricted to articles of domestic production and manufacture, from the lowest responsible bidder, unless the President shall, in any case, deem the bids or tenders therefor to be extortionate or unreasonable.

Res. June 25, 1906, No. 35. 34 Stat. 835.

ACT JUNE 29, 1906, c. 3597. [S. 6191.]

An Act to Provide for the Construction of a Lock Canal Connecting the Waters of the Atlantic and Pacific Oceans, and the Method of Construction. (34 Stat. 611.)

Lock canal to be constructed across Isthmus of Panama.

Be it enacted, &c., That a lock canal be constructed across the Isthmus of Panama connecting the waters of the Atlantic and Pacific oceans, of the general type proposed by the minority of the Board of Consulting Engineers, created by order of the President dated January twenty-fourth, nineteen hundred and five, in pursuance of an Act entitled "An Act to provide for the construction of a canal connecting the waters of the Atlantic and Pacific oceans," approved June twenty-eighth, nineteen hundred and two.

Act June 29, 1906, c. 3597, 34 Stat. 611.

The appropriation to continue the construction of the canal, by the sundry civil appropriation act for the fiscal year ending June 30, 1907, Act June 30, 1906, c. 3914, § 1, 34 Stat. 761, is accompanied by a proviso, "That no part of the sums herein appropriated shall be used for the construction of a canal of the so-called sea level type."

ACT JUNE 30, 1906, c. 3912, § 4. [H. R. 20403.]

Limitation of hours of daily service of laborers and mechanics on public works not applicable to unskilled alien laborers and foremen and superintendents of such laborers employed in construction of Isthmian Canal.

The provisions of an Act entitled "An Act relating to the limitations of the hours of daily service of laborers and mechanics employed upon the public works of the United States and of the District of Columbia," approved August first, eighteen hundred and ninety-two. and of an Act entitled "An Act making appropriations to supply urgent deficiencies in the appropriations for the fiscal year ending June thirtieth, nineteen hundred and six, and for prior years, and for other purposes," approved February twenty-seventh, nineteen hundred and six, shall not apply to unskilled alien laborers and to the foremen and superintendents of such laborers employed in the construction of the Isthmian Canal within the Canal Zone.

Act June 30, 1906, c. 3912, § 4, 34 Stat. 669.

Act Aug. 1, 1892, c. 352, mentioned in this section, is set forth in Comp. St. 1901, p. 2521. The provision of Act Feb. 27, 1906, c. 510, § 1, also mentioned in this section, and similar to some extent to the provisions thereof, is set forth above.

ACT MARCH 4, 1907, c. 2918, §§ 6, 8. [H. R. 25745.]

Contract or contracts by President for completion of canal, as deemed expedient by him, authorized.

Sec. 6. Nothing contained in section five of the Act of June twenty-eighth, nineteen hundred and two, entitled "An Act to provide for the

construction of a canal connecting the waters of the Atlantic and Pacific oceans," shall prevent the President from entering into such contract or contracts as may be deemed expedient by him for the completion of the construction of the Panama Canal.

Act March 4, 1907, c. 2918, § 6, 34 Stat. 1370.

This section and section 8 next following are part of the sundry civil appropriation act for the fiscal year ending June 30, 1908, cited above.

Act June 28, 1902, c. 1302, § 5, mentioned in this section, is set forth above.

A further provision authorizing the President to cause contracts to be entered into, as may be deemed necessary for the construction, etc., of the canal, etc., contained in Act Aug. 5, 1909, c. 7, is set forth below.

Deduction from compensation of employés of amounts due from them.

Sec. 8. All amounts due from employees, whether to the Commission, Panama Railroad Company, or contractor, for transportation, board, supplies, or for any other service, are hereby authorized to be deducted from the compensation otherwise payable to the said employees, and to be paid to the authorized parties, or to be credited to the appropriation out of which the transportation, board, supplies, or other service was originally paid.

Act March 4, 1907, c. 2918, § 8, 34 Stat. 1371.

See note under section 6 of this act, next preceding.

ACT MAY 27, 1908, c. 200, §§ 4, 5. [H. R. 21260.]

Appropriations for construction of canal available for payment of obligations of Canal Commission, direct or under contract.

Sec. 4. All sums appropriated hereunder or that may hereafter be appropriated for the construction of the Isthmian Canal shall be available for the payment of the direct obligations of the Canal Commission, or of the Commission's obligations under any contract or contracts that may hereafter be entered into for the construction of the Isthmian Canal.

Act May 27, 1908, c. 200, § 4, 35 Stat. 387.

This section and the section next following are part of the sundry civil appropriation act for the fiscal year ending June 30, 1909, cited above.

Funds derived from customs duties on property of United States imported from Canal Zone reappropriated for construction of canal.

Sec. 5. All funds that hereafter may be derived from customs duties collected upon property of the United States imported from the Canal Zone are hereby reappropriated for the construction of the Isthmian Canal and may be expended under any of the classified appropriations for the department of construction and engineering.

Act May 27, 1908, c. 200, § 5, 35 Stat. 387.

See note under preceding section of this act.

ACT FEB. 27, 1909, c. 224. [H. R. 18694.]

An Act Relating to the Use, Control, and Ownership of Lands in the Canal Zone, Isthmus of Panama. (35 Stat. 658.)

Leases by President of public lands in Canal Zone authorized; conditions; preference to occupants.

Be it enacted, &c., That the President is hereby authorized to grant leases of the public lands in the Canal Zone, Isthmus of Panama, for such period, not exceeding twenty-five years, and upon such terms

and conditions as he may deem advisable. No lease, however, shall be granted for a tract of land in excess of fifty hectares, nor to any person who shall not have first established, by affidavit and by such other proof as may be required, that such person is the head of a family or over the age of twenty-one years, and that the application for a lease is made in good faith for the purposes of actual settlement and cultivation, and not for the benefit of any other person whatsoever, and that such person will faithfully comply with all the requirements of law as to settlement, residence, and cultivation. In granting such leases preference shall be accorded to actual occupants of lands in good faith.

Act Feb. 27, 1909, c. 224, § 1, 35 Stat. 658.

Lands to be leased which it is not contemplated to use in canal construction or to set aside as town site; leases subject to right, if necessary, to occupy or use land.

Sec. 2. That no portion of the lands of the United States within the Canal Zone shall be leased hereunder unless it shall first be made to appear, by a statement or plat filed by the Isthmian Canal Commission with the collector of revenues for the Canal Zone, that it is not contemplated to use such lands in the work of canal construction or to set the same aside as a town site; and all leases shall be made subject to the provision that if at any time it shall become necessary, notwithstanding, for the United States to occupy or use any portion of the leased lands, it shall have the right to so do without further compensation to the lessee than for the reasonable value of the necessary improvements made upon said tracts by the lessee, the same to be determined by the courts of the Canal Zone.

Act Feb. 27, 1909, c. 224, § 2, 35 Stat. 658.

Reservation in leases of mineral, oil, and gas rights.

Sec. 3. That all leases of lands hereunder shall reserve to the United States all mineral, oil, and gas rights in the lands leased.

Act Feb. 27, 1909, c. 224, § 3, 35 Stat. 658.

Land survey of Canal Zone authorized.

Sec. 4. That the President may, in his discretion, require a land survey to be made of the Canal Zone.

Act Feb. 27, 1909, c. 224, § 4, 35 Stat. 658.

Exercise of powers of President under act through Canal Commission or otherwise.

Sec. 5. That the powers conferred upon the President under this Act may be exercised by him through the Isthmian Canal Commission or in such other manner as he may designate.

Act Feb. 27, 1909, c. 224, § 5, 35 Stat. 658.

ACT AUG. 5, 1909, c. 7. [H. R. 11570.]

Contract or contracts by President for construction, etc., of canal and harbors, as deemed necessary, authorized.

The President is hereby authorized to cause to be entered into such contract or contracts, not to exceed the amount of the bond issue authorized in the Act entitled "An Act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," enacted during the first session of the Sixty-first Congress, and Acts supplementary thereto, as may be deemed necessary

for the proper excavation, construction, and completion of such canal and harbors, to be paid for as appropriations may from time to time be made by law.

Act Aug. 5, 1909, c. 7, 36 Stat. 130.

This is a provision of the urgent deficiency appropriation act for the fiscal year 1909, cited above. A previous provision relating to the same subject, contained in Act March 4, 1907, c. 2918, § 6, is set forth above.

The bond issue mentioned in this provision is authorized by a section of the Tariff Act of 1909, Act Aug. 5, 1909, c. 6, § 39, set forth ante, under Title XLII, "The Public Debt."

ACT JUNE 25, 1910, c. 384, § 2. [H. R. 25552.]

Payment by Panama Railroad Company of annual subsidy under concession granted by Colombia, not to be required.

* * That hereafter payment by the Panama Railroad Company to the United States, in accordance with the treaty with Panama, of the annual subsidy of two hundred and fifty thousand dollars, as provided by the concession granted by the United States of Colombia, shall not be required.

Act June 25, 1910, c. 384, § 2, 36 Stat. 772.

This is a proviso annexed to section 2 of the sundry civil appropriation act for the fiscal year ending June 30, 1911, cited above.

ACT MARCH 4, 1911, c. 285, §§ 1, 2, 5, 6. [H. R. 32909.]

Expenditures from appropriations for canal to be paid or reimbursed from proceeds of sale of bonds authorized therefor.

* * That all expenditures from the appropriations heretofore, herein, and hereafter made for the Isthmian Canal, exclusive of fortifications, shall be paid from, or reimbursed to the Treasury of the United States out of the proceeds of the sale of bonds authorized in section eight of the said Act approved June twenty-eighth, nineteen hundred and two, and section thirty-nine of the tariff Act approved August fifth, nineteen hundred and ten.

Act March 4, 1911, c. 285, § 1, 36 Stat. 1450.

This is a proviso annexed to the appropriations to continue the construction of the canal in section 1 of the sundry civil appropriation act for the fiscal year ending June 30, 1912.

Provisions similar to this, to a greater or less extent, accompanied the appropriations for the same purpose for previous years.

Panama Railroad Company to carry no insurance, nor make further payment on notes given by it to the United States.

Sec. 2. Hereafter the Panama Railroad Company shall carry no insurance to cover marine or fire losses, nor make any further payment on the principal or interest on notes heretofore given by it to the United States for moneys appropriated for its use.

Act March 4, 1911, c. 285, § 2, 36 Stat. 1451.

A similar provision as to insurance was contained in the sundry civil appropriation act for the preceding year, Act June 25, 1910, c. 384, § 2, 36 Stat. 772.

Compensation to employees under Isthmian Canal Commission for injuries sustained in course of employment.

Sec. 5. That hereafter the Act granting to certain employees of the United States the right to receive from it compensation for injuries sustained in the course of their employment shall apply to all employees under the Isthmian Canal Commission, when injured in the course of their employment; and claims for compensation on account

of injury or death resulting from an accident occurring hereafter shall be settled by the chairman of the Isthmian Canal Commission, who shall, as to such claims and under such regulations as he may prescribe, perform all the duties now devolving upon the Secretary of Commerce and Labor: Provided, That when an injury results in death, claim for compensation on account thereof shall be filed within one year after such death.

Act March 4, 1911, c. 285, § 5, 36 Stat. 1452.

The act mentioned in this section is Act May 30, 1908, c. 236, set forth ante, in Title XIX, "Provisions Applicable to Several Classes of Officers," under Rev. St. § 1790.

Panama Railroad Company not to be required to give bond in contracts for services, etc., to Army, Navy, etc.; such contracts may be for less than one year; writing not required.

Sec. 6. Hereafter the Panama Railroad Company shall not be required to give bond, either with or without surety, in contracts which it may make to furnish services, materials, or supplies to the Army, Navy, Marine Corps, or other departments of the Government, and such contracts may be made for periods less than one year, as may be agreed on, and formal contracts in writing shall not be required unless agreed on.

Act March 4, 1911, c. 285, § 6, 36 Stat. 1452.

TITLE LXIV.

RAILWAYS.

Sec. 5260.

ACT JUNE 30, 1882, c. 254, § 1.

Payment for Army transportation services to certain railroads.

The Army appropriation acts for recent fiscal years contain provisions similar to those of Act June 30, 1882, c. 254, § 1, set forth in Comp. St. 1901, p. 3574, relating to payment for army transportation to land-grant railroads, which are as follows:

"For the payment of army transportation lawfully due such land-grant railroads as have not received aid in Government bonds (to be adjusted in accordance with the decisions of the Supreme Court in cases decided under such land-grant acts), but in no case shall more than fifty per centum of full amount of service be paid: Provided, That such compensation shall be computed upon the basis of the tariff or lower special rates for like transportation performed for the public at large, and shall be accepted as in full for all demands for such service: Provided further, That in expending the money appropriated by this Act a railroad company which has not received aid in bonds of the United States, and which obtained a grant of public land to aid in the construction of its railroad on condition that such railroad should be a post route and military road, subject to the use of the United States for postal, military, naval, and other Government services, and also subject to such regulations as Congress may impose restricting the charge for such Government transportation, having claims against the United States for transportation of troops and munitions of war and military supplies and property over such aided railroads, shall be paid out of the moneys appropriated by the foregoing provision only on the basis of such rate for the transportation of such troops and munitions of war and military supplies and property as the Secretary of War shall deem just and reasonable under the foregoing provision, such rate not to exceed fifty per centum of the compensation for such Government transportation as shall at that time be charged to and paid by private parties to any such company for like and similar transportation; and the amount so fixed to be paid shall be accepted as in full for all demands for such service."

The provisions for the fiscal year ending June 30, 1912, are by Act March 3, 1911, c. 209, 36 Stat. 1050.

Similar provisions relating to transportation of Indian goods and supplies, contained in Act April 30, 1908, c. 153, are set forth below.

ACT APRIL 30, 1908, c. 153. [H. R. 15219.]

Payment for transportation of Indian goods and supplies.

* * That hereafter payment for transportation of Indian goods and supplies shall include all Indian transportation lawfully due such land-grant railroads as have not received aid in Government bonds (to be adjusted in accordance with the decisions of the Supreme Court in cases decided under such land-grant Acts), but in no case shall more than fifty per centum of full amount of service be paid to said land-grant roads: Provided, That such compensation shall be computed upon the basis of the tariff or lower special rates for like transportation performed for the public at large, and shall be accepted as in full for all demands for such service: Provided further, That hereafter in

expending money appropriated for this purpose a railroad company which has not received aid in bonds of the United States, and which obtained a grant of public lands to aid in the construction of its railroad on condition that such railroad should be a post route and military road, subject to the use of the United States for postal, military, naval, and other Government services, and also subject to such regulations as Congress may impose, restricting the charge for such Government transportation, having claims against the United States for transportation of Indian goods and supplies over such aided railroads, shall be paid out of the moneys appropriated for such purpose only on the basis of such rate for the transportation of such Indian goods and supplies as the Secretary of the Interior shall deem just and reasonable under the provisions set forth herein, such rate not to exceed fifty per centum of the compensation for such Government transportation as shall at that time be charged to and paid by private parties to any such company for like and similar transportation; and the amount so fixed to be paid shall be accepted as in full for all demands for such service.

Act April 30, 1908, c. 153, 35 Stat. 73.

These are provisos annexed to an appropriation for goods and supplies for the Indian service in the Indian appropriation act for the fiscal year ending June 30, 1909, cited above.

TITLE LXV.

TELEGRAPHS.

Sec. 5269.

ACT JUNE 23, 1874, c. 461.

[Repealed. Act March 4, 1909, c. 321, § 341.]

This act, set forth in Comp. St. 1901, p. 3582, making punishable willful or malicious injury to government telegraph lines, is incorporated in the act to codify, etc., the penal laws, Act March 4, 1909, c. 321, in chapter 4, § 60, thereof, and is expressly repealed by chapter 15, § 341, of said act, taking effect January 1, 1910. Said act is set forth post, under Title LXIX A, "The Criminal Code."

TITLE LXVI.

EXTRADITION.

Secs. 5270-5277. [*As amended* 1900.]

Fugitives from the justice of a foreign country, [or a country under the control of the United States.]

The provisions of Rev. St. §§ 5270–5277, set forth in Comp. St. 1901, pp. 3591–3597, as amended by Act Aug. 3, 1882, c. 378, set forth in Comp. St. 1901, pp. 3593, 3594, are to apply, so far as applicable, to the Philippine Islands, by Act Feb. 6, 1905, c. 454, set forth below.

Fees and costs in extradition cases are to be paid out of the appropriation for the expense of the judiciary, and the Attorney-General is required to certify to the Secretary of State the amounts to be paid to the United States on account of such fees and costs by the foreign government requesting the extradition, and the Secretary of State is required to cause such amounts to be collected and transmitted to the Attorney-General for deposit in the Treasury, by a proviso in Act June 28, 1902, c. 1301, § 1, set forth below.

ACT JUNE 28, 1902, c. 1301, § 1.

Fees and costs in extradition cases, how paid; duties of Attorney-General and Secretary of State.

* * That from and after June thirtieth, nineteen hundred and three, all the fees and costs in extradition cases shall be paid out of the appropriations to defray the expenses of the judiciary, and the Attorney-General shall certify to the Secretary of State the amounts to be paid to the United States on account of said fees and costs in extradition cases by the foreign government requesting the extradition, and the Secretary of State shall cause said amounts to be collected and transmitted to the Attorney-General for deposit in the Treasury of the United States.

Act June 28, 1902, c. 1301, § 1, 32 Stat. 475.

This is a proviso annexed to an appropriation for salaries, etc., of marshals in the sundry civil appropriation act for the fiscal year ending June 30, 1903, cited above.

Other provisions for the payment of fees and costs are contained in Act Aug. 3, 1882, c. 378, § 4, Comp. St. 1901, p. 3595.

ACT FEB. 6, 1905, c. 454. [H. R. 17646.]

An Act to Extend Certain Provisions of the Revised Statutes of the United States to the Philippine Islands. (33 Stat. 698.)

Delivery of fugitives from justice, as between foreign country and Philippine Islands.

Be it enacted, &c., That the provisions of sections fifty-two hundred and seventy, fifty-two hundred and seventy-one, fifty-two hundred and seventy-two, fifty-two hundred and seventy-three, fifty-two hundred and seventy-four, fifty-two hundred and seventy-five, fifty-two hundred and seventy-six, and fifty-two hundred and seventy-seven of the Revised Statutes (as amended by the Act approved August third, eighteen hundred and eighty-two), so far as applicable,

shall apply to the Philippine Islands for the arrest and removal therefrom of any fugitives from justice charged with the commission within the jurisdiction of any foreign government of any of the crimes provided for by treaty between the United States and such foreign nation, and for the delivery by a foreign government of any person accused of crime committed within the jurisdiction of the Philippine Islands. Such fugitive from justice of a foreign country may, upon warrant duly issued by any judge or magistrate of the Philippine Islands, and agreeably to the usual mode of process against offenders therein, be arrested and brought before such judge or magistrate, who shall proceed in the matter in accordance with the provisions of the Revised Statutes hereby made applicable to the Philippine Islands: Provided, That for the purposes of this section the order or warrant for delivery of a person committed for extradition prescribed by section fifty-two hundred and seventy-two of the Revised Statutes shall be issued by the governor of the Philippine Islands under his hand and seal of office, and not by the Secretary of State.

Act Feb. 6, 1905, c. 454, § 1, 33 Stat. 698.

Rev. St. §§ 5270–5277, and Act Aug. 3, 1882, c. 378, mentioned in this section, are set forth in Comp. St. 1901, pp. 3591–3597.

Allowing prisoners to escape punishable.

Sec. 2. That the provisions of sections fifty-four hundred and nine and fifty-four hundred and ten of the Revised Statutes are hereby made applicable to proceedings in extradition from the Philippine Islands, either to the United States under an Act entitled "An Act to provide for the removal of persons accused of crime to and from the Philippine Islands for trial," approved February ninth, nineteen hundred and three, or to foreign countries under the provisions of this Act.

Act Feb. 6, 1905, c. 454, § 2, 33 Stat. 698.

Rev. St. §§ 5409, 5410, mentioned in this section, are set forth in Comp. St. 1901, pp. 3658, 3659. They make punishable any marshal, deputy marshal, etc., who, having in his custody any prisoner by virtue of process issued under the laws of the United States, voluntarily suffers such prisoner to escape.

Act Feb. 9, 1903, c. 529, § 2, also mentioned in this section, is set forth below.

Secs. 5278, 5279.

Fugitives from justice of a State or Territory.

The provisions of Rev. St. §§ 5278, 5279, set forth in Comp. St. 1901, p. 3597, are to apply, so far as applicable, to the Philippine Islands, by Act Feb. 9, 1903, c. 529, § 2, set forth below.

ACT FEB. 9, 1903, c. 529, § 2.

Fugitives from justice of Philippine Islands.

That the provisions of sections fifty-two hundred and seventy-eight and fifty-two hundred and seventy-nine of the Revised Statutes, so far as applicable, shall apply to the Philippine Islands, which, for the purposes of said sections, shall be deemed a Territory within the meaning thereof.

Act Feb. 9, 1903, c. 529, § 2, 32 Stat. 807.

This section is part of an act to provide for the removal of persons accused of crime to and from the Philippine Islands, cited above. Sec-

tion 1 of the act is set forth ante, under Title XIII, "The Judiciary," c. 18.

Rev. St. §§ 5278, 5279, mentioned in this section, are set forth in Comp. St. 1901, p. 3597.

The provisions of Rev. St. §§ 5409, 5410, Comp. St. 1901, pp. 3658, 3659, which make punishable voluntarily suffering a prisoner, in custody by virtue of process under the laws of the United States, to escape, are made applicable to proceedings under this act, by Act Feb. 6, 1905, c. 454, § 2, set forth ante, under Rev. St. §§ 5270-5277.

TITLE LXVII.

NEUTRALITY.

Secs. 5281–5291.

[Repealed. Act March 4, 1909, c. 321, § 341.]

These sections, constituting the whole of Title LXVII of the Revised Statutes, "Neutrality," set forth in Comp. St. 1901, pp. 3599–3603, are incorporated in the act to codify, etc., the penal laws, Act March 4, 1909, c. 321, in chapter 2 thereof, and are expressly repealed by chapter 15, § 341, of said act, taking effect January 1, 1910. Said act is set forth post, under Title LXIX A, "The Criminal Code."

TITLE LXVIII.

REMISSION OF FINES, PENALTIES, AND FORFEITURES.

Sec. 5293. [*As amended* 1877.]

Upon investigation under regulations of Secretary of the Treasury.

Provisions for remission of forfeitures and restoration of proceeds of sales of property seized and sold under the revenue laws, to be granted on application to the Secretary of the Treasury therefor, are contained in Rev. St. § 3078, set forth in Comp. St. 1901, p. 2013.

Provisions for remission of fines, penalties, and forfeitures, etc., under laws relating to the officers, etc., or business of the postal service, on investigation by the Auditor of the Treasury for the Post-Office Department under rules, etc., prescribed by the Postmaster-General, by said Auditor with the written consent of the Postmaster-General, are contained in Rev. St. § 409, set forth in Comp. St. 1901, p. 229.

[TITLE LXIX A.]

[THE CRIMINAL CODE.]

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14.	*General and special provisions*	323	1684
15.	*Repealing provisions*	341	1688]

Under this Title are included, besides the Criminal Code enacted as Act March 4, 1909, c. 321, all specific amendments of that act and provisions subsequent thereto which relate to the subjects codified and revised in it. Such amendments are incorporated in the sections amended thereby, respectively, and such other subsequent provisions are inserted in the various chapters of the Criminal Code, each in such place as is appropriate to its subject matter in the arrangement of the Code, each section designated by the number of the preceding section of the Code with an added letter, enclosed in brackets.

ACT MARCH 4, 1909, c. 321. [S. 2982.]

An Act to Codify, Revise, and Amend the Penal Laws of the United States. (35 Stat. 1088.)

Criminal Code.

Be it enacted, &c., That the penal laws of the United States be, and they hereby are, codified, revised, and amended, with title, chapters, headnotes, and sections, entitled, numbered, and to read as follows:

CRIMES.

CHAPTER ONE.

Offenses against the Existence of the Government.

Sec.
1. Treason.
2. Punishment of treason.
3. Misprision of treason.
4. Inciting or engaging in rebellion or insurrection.
5. Criminal correspondence with foreign governments.
6. Seditious conspiracy.
7. Recruiting soldiers or sailors to serve against the United States.
8. Enlistment to serve against the United States.

Treason defined.

Sec. 1. Whoever, owing allegiance to the United States, levies war against them or adheres to their enemies, giving them aid and comfort within the United States or elsewhere, is guilty of treason.

Act March 4, 1909, c. 321, § 1, 35 Stat. 1088.
See Rev. St. § 5331, Comp. St. 1901, p. 3623.

Punishment for.

Sec. 2. Whoever is convicted of treason shall suffer death; or, at the discretion of the court, shall be imprisoned not less than five years and fined not less than ten thousand dollars, to be levied on and collected out of any or all of his property, real and personal, of which he was the owner at the time of committing such treason, any sale or conveyance to the contrary notwithstanding; and every person so convicted of treason shall, moreover, be incapable of holding any office under the United States.

Act March 4, 1909, c. 321, § 2, 35 Stat. 1088.
See Rev. St. § 5332, Comp. St. 1901, p. 3623.

Misprision of treason defined; punishment for.

Sec. 3. Whoever, owing allegiance to the United States and having knowledge of the commission of any treason against them, conceals and does not, as soon as may be, disclose and make known the same to the President or to some judge of the United States, or to the governor or to some judge or justice of a particular State, is guilty of misprision of treason and shall be imprisoned not more than seven years and fined not more than one thousand dollars.

Act March 4, 1909, c. 321, § 3, 35 Stat. 1088.
See Rev. St. 1901, § 5333, Comp. St. 1901, p. 3623.

Inciting, etc., rebellion or insurrection; punishment for.

Sec. 4. Whoever incites, sets on foot, assists, or engages in any rebellion or insurrection against the authority of the United States or the laws thereof, or gives aid or comfort thereto, shall be imprisoned not more than ten years, or fined not more than ten thousand dollars, or both; and shall, moreover, be incapable of holding any office under the United States.

Act March 4, 1909, c. 321, § 4, 35 Stat. 1088.
See Rev. St. § 5334, Comp. St. 1901, p. 3624.

Criminal correspondence with foreign governments; punishment for; redress of private injuries.

Sec. 5. Every citizen of the United States, whether actually resident or abiding within the same, or in any place subject to the jurisdiction thereof, or in any foreign country, without the permission or authority of the Government, directly or indirectly, commences or carries on any verbal or written correspondence or intercourse with any foreign government or any officer or agent thereof, with an intent to influence the measures or conduct of any foreign government or of any officer or agent thereof, in relation to any disputes or controversies with the United States, or to defeat the measures of the Government of the United States; and every person, being a citizen of or resident within the United States or in any place subject to the jurisdiction thereof, and not duly authorized, counsels, advises, or assists in any such correspondence with such intent, shall be fined not more than five thousand dollars and imprisoned not more than three

years; but nothing in this section shall be construed to abridge the right of a citizen to apply, himself or his agent, to any foreign government or the agents thereof for redress of any injury which he may have sustained from such government or any of its agents or subjects.

Act March 4, 1909, c. 321, § 5, 35 Stat. 1088.
See Rev. St. § 5335, Comp. St. 1901, p. 3624.

Seditious conspiracy; punishment for.

Sec. 6. If two or more persons in any State or Territory, or in any place subject to the jurisdiction of the United States, conspire to overthrow, put down, or to destroy by force the Government of the United States, or to levy war against them, or to oppose by force the authority thereof, or by force to prevent, hinder, or delay the execution of any law of the United States, or by force to seize, take, or possess any property of the United States contrary to the authority thereof, they shall each be fined not more than five thousand dollars, or imprisoned not more than six years, or both.

Act March 4, 1909, c. 321, § 6, 35 Stat. 1089.
See Rev. St. § 5336, Comp. St. 1901, p. 3624.

Recruiting for service against United States; punishment for.

Sec. 7. Whoever recruits soldiers or sailors within the United States, or in any place subject to the jurisdiction thereof, to engage in armed hostility against the same, or opens within the United States, or in any place subject to the jurisdiction thereof, a recruiting station for the enlistment of such soldiers or sailors to serve in any manner in armed hostility against the United States, shall be fined not more than one thousand dollars and imprisoned not more than five years.

Act March 4, 1909, c. 321, § 7, 35 Stat. 1089.
See Rev. St. § 5337, Comp. St. 1901, p. 3625.

Enlisting to serve against United States; punishment for.

Sec. 8. Every person enlisted or engaged within the United States or in any place subject to the jurisdiction thereof, with intent to serve in armed hostility against the United States, shall be fined one hundred dollars and imprisoned not more than three years.

Act March 4, 1909, c. 321, § 8, 35 Stat. 1089.
See Rev. St. § 5338, Comp. St. 1901, p. 3625.

CHAPTER TWO.

Offenses against Neutrality.

Sec.
9. Accepting a foreign commission.
10. Enlisting in foreign service.
11. Arming vessels against people at peace with the United States.
12. Augmenting force of foreign vessel of war.
13. Military expeditions against people at peace with the United States.
14. Enforcement of foregoing provisions.
15. Compelling foreign vessels to depart.
16. Armed vessels to give bond on clearance.
17. Detention by collectors of customs.
18. Construction of this chapter.

Accepting foreign commission to serve against friendly power; punishment for.

Sec. 9. Every citizen of the United States who, within the territory or jurisdiction thereof, accepts and exercises a commission to serve a foreign prince, state, colony, district, or people, in war, by land or

by sea, against any prince, state, colony, district, or people, with whom the United States are at peace, shall be fined not more than two thousand dollars and imprisoned not more than three years.

Act March 4, 1909, c. 321, § 9, 35 Stat. 1089.
See Rev. St. § 5281, Comp. St. 1901, p. 3599.

Enlisting in foreign service; punishment for.

Sec. 10. Whoever, within the territory or jurisdiction of the United States, enlists, or enters himself, or hires or retains another person to enlist or enter himself, or to go beyond the limits or jurisdiction of the United States with intent to be enlisted or entered in the service of any foreign prince, state, colony, district, or people, as a soldier, or as a marine or seaman, on board of any vessel of war, letter of marque, or privateer, shall be fined not more than one thousand dollars and imprisoned not more than three years.

Act March 4, 1909, c. 321, § 10, 35 Stat. 1089.
See Rev. St. § 5282, Comp. St. 1901, p. 3599.

Arming vessels against friendly powers; punishment; forfeiture of vessel, etc.

Sec. 11. Whoever, within the territory or jurisdiction of the United States, fits out and arms, or attempts to fit out and arm, or procures to be fitted out and armed, or knowingly is concerned in the furnishing, fitting out, or arming of any vessel, with intent that such vessel shall be employed in the service of any foreign prince or state, or of any colony, district, or people, to cruise or commit hostilities against the subjects, citizens, or property of any foreign prince or state, or of any colony, district, or people, with whom the United States are at peace, or whoever issues or delivers a commission within the territory or jurisdiction of the United States for any vessel, to the intent that she may be so employed, shall be fined not more than ten thousand dollars and imprisoned not more than three years. And every such vessel, her tackle, apparel, and furniture, together with all materials, arms, ammunition, and stores which may have been procured for the building and equipment thereof, shall be forfeited; one half to the use of the informer and the other half to the use of the United States.

Act March 4, 1909, c. 321, § 11, 35 Stat. 1090.
See Rev. St. § 5283, Comp. St. 1901, p. 3599.

Augmenting force of foreign armed vessel; punishment for.

Sec. 12. Whoever, within the territory or jurisdiction of the United States, increases or augments, or procures to be increased or augmented, or knowingly is concerned in increasing or augmenting, the force of any ship of war, cruiser, or other armed vessel which, at the time of her arrival within the United States, was a ship of war, or cruiser, or armed vessel, in the service of any foreign prince or state, or of any colony, district, or people, or belonging to the subjects or citizens of any such prince or state, colony, district, or people, the same being at war with any foreign prince or state, or of any colony, district, or people, with whom the United States are at peace, by adding to the number of the guns of such vessel, or by changing those on board of her for guns of a larger caliber, or by adding thereto any equipment solely applicable to war, shall be fined not more than one thousand dollars and imprisoned not more than one year.

Act March 4, 1909, c. 321, § 12, 35 Stat. 1090.
Rev. St. § 5285, Comp. St. 1901, p. 3600.

Organizing military expedition against friendly power; punishment for.

Sec. 13. Whoever, within the territory or jurisdiction of the United States, begins, or sets on foot, or provides or prepares the means for, any military expedition or enterprise, to be carried on from thence against the territory or dominions of any foreign prince or state, or of any colony, district, or people, with whom the United States are at peace, shall be fined not more than three thousand dollars and imprisoned not more than three years.

Act March 4, 1909, c. 321, § 13, 35 Stat. 1090.
See Rev. St. § 5286, Comp. St. 1901, p. 3601.

Enforcement by courts; employment of land or naval forces.

Sec. 14. The district courts shall take cognizance of all complaints, by whomsoever instituted, in cases of captures made within the waters of the United States, or within a marine league of the coasts or shores thereof. In every case in which a vessel is fitted out and armed, or attempted to be fitted out and armed, or in which the force of any vessel of war, cruiser, or other armed vessel is increased or augmented, or in which any military expedition or enterprise is begun or set on foot, contrary to the provisions and prohibitions of this chapter; and in every case of the capture of a vessel within the jurisdiction or protection of the United States as before defined; and in every case in which any process issuing out of any court of the United States is disobeyed or resisted by any person having the custody of any vessel of war, cruiser, or other armed vessel of any foreign prince or state, or of any colony, district, or people, or of any subjects or citizens of any foreign prince or state, or of any colony, district, or people, it shall be lawful for the President, or such other person as he shall have empowered for that purpose, to employ such part of the land or naval forces of the United States, or of the militia thereof, for the purpose of taking possession of and detaining any such vessel, with her prizes, if any, in order to enforce the execution of the prohibitions and penalties of this chapter, and the restoring of such prizes in the cases in which restoration shall be adjudged; and also for the purpose of preventing the carrying on of any such expedition or enterprise from the territory or jurisdiction of the United States against the territory or dominion of any foreign prince or state, or of any colony, district, or people with whom the United States are at peace.

Act March 4, 1909, c. 321, § 14, 35 Stat. 1090.
See Rev. St. § 5287, Comp. St. 1901, p. 3601.

Compelling foreign vessels to depart.

Sec. 15. It shall be lawful for the President, or such person as he shall empower for that purpose, to employ such part of the land or naval forces of the United States, or of the militia thereof, as shall be necessary to compel any foreign vessel to depart the United States in all cases in which, by the laws of nations or the treaties of the United States, she ought not to remain within the United States.

Act March 4, 1909, c. 321, § 15, 35 Stat. 1091.
See Rev. St. § 5288, Comp. St. 1901, p. 3602.

Bonds from armed vessels on clearing.

Sec. 16. The owners or consignees of every armed vessel sailing out of the ports of, or under the jurisdiction of, the United States, belonging wholly or in part to citizens thereof, shall, before clearing out the same, give bond to the United States, with sufficient sureties,

in double the amount of the value of the vessel and cargo on board, including her armament, conditioned that the vessel shall not be employed by such owners to cruise or commit hostilities against the subjects, citizens, or property of any foreign prince or state, or of any colony, district, or people, with whom the United States are at peace.

Act March 4, 1909, c. 321, § 16, 35 Stat. 1091.
See Rev. St. § 5289, Comp. St. 1901, p. 3602.

Detention by collectors of customs.

Sec. 17. The several collectors of the customs shall detain any vessel manifestly built for warlike purposes, and about to depart the United States, or any place subject to the jurisdiction thereof, the cargo of which principally consists of arms and munitions of war, when the number of men shipped on board, or other circumstances, render it probable that such vessel is intended to be employed by the owners to cruise or commit hostilities upon the subjects, citizens, or property of any foreign prince or state, or of any colony, district, or people with whom the United States are at peace, until the decision of the President is had thereon, or until the owner gives such bond and security as is required of the owners of armed vessels by the preceding section.

Act March 4, 1909, c. 321, § 17, 35 Stat. 1091.
See Rev. St. § 5290, Comp. St. 1901, p. 3602.

Construction of this chapter; transient aliens; prosecutions for treason or piracy not affected.

Sec. 18. The provisions of this chapter shall not be construed to extend to any subject or citizen of any foreign prince, state, colony, district, or people who is transiently within the United States and enlists or enters himself on board of any vessel of war, letter of marque, or privateer, which at the time of its arrival within the United States was fitted and equipped as such, or hires or retains another subject or citizen of the same foreign prince, state, colony, district, or people who is transiently within the United States to enlist or enter himself to serve such foreign prince, state, colony, district, or people on board such vessel of war, letter of marque, or privateer, if the United States shall then be at peace with such foreign prince, state, colony, district, or people. Nor shall they be construed to prevent the prosecution or punishment of treason, or of any piracy defined by the laws of the United States.

Act March 4, 1909, c. 321, § 18, 35 Stat. 1091.
See Rev. St. § 5291, Comp. St. 1901, p. 3602.

CHAPTER THREE.

Offenses against the Elective Franchise and Civil Rights of Citizens.

Sec.
19. Conspiracy to injure, etc., persons in the exercise of civil rights.
20. Depriving citizens of civil rights under color of State laws.
21. Conspiring to prevent officer from performing duties.
22. Unlawful presence of troops at elections.
23. Intimidation of voters by officers, etc., of Army or Navy.
24. Officers of Army or Navy prescribing qualifications of voters.
25. Officers, etc., of Army or Navy interfering with officers of election, etc.
26. Persons disqualified from holding office: when soldiers, etc., may vote.

Conspiracy to injure, etc., persons in the exercise of civil rights; punishment for.

Sec. 19. If two or more persons conspire to injure, oppress, threaten, or intimidate any citizen in the free exercise or enjoyment of any right or privilege secured to him by the Constitution or laws of the United States, or because of his having so exercised the same, or if two or more persons go in disguise on the highway, or on the premises of another, with intent to prevent or hinder his free exercise or enjoyment of any right or privilege so secured, they shall be fined not more than five thousand dollars and imprisoned not more than ten years, and shall, moreover, be thereafter ineligible to any office, or place of honor, profit, or trust created by the Constitution or laws of the United States.

Act March 4, 1909, c. 321, § 19, 35 Stat. 1092.
See Rev. St. § 5508, Comp. St. 1901, p. 3712.

Depriving citizens of civil rights under color of State laws, etc.; punishment for.

Sec. 20. Whoever, under color of any law, statute, ordinance, regulation, or custom, willfully subjects, or causes to be subjected, any inhabitant of any State, Territory, or District to the deprivation of any rights, privileges, or immunities secured or protected by the Constitution and laws of the United States, or to different punishments, pains, or penalties, on account of such inhabitant being an alien, or by reason of his color, or race, than are prescribed for the punishment of citizens, shall be fined not more than one thousand dollars, or imprisoned not more than one year, or both.

Act March 4, 1909, c. 321, § 20, 35 Stat. 1092.
See Rev. St. § 5510, Comp. St. 1901, p. 3713.

Conspiring to prevent officer from performing duties; punishment for.

Sec. 21. If two or more persons in any State, Territory, or District conspire to prevent, by force, intimidation, or threat, any person from accepting or holding any office, trust, or place of confidence under the United States, or from discharging any duties thereof; or to induce by like means any officer of the United States to leave any State, Territory, District, or place, where his duties as an officer are required to be performed, or to injure him in his person or property on account of his lawful discharge of the duties of his office, or while engaged in the lawful discharge thereof, or to injure his property so as to molest, interrupt, hinder, or impede him in the discharge of his official duties, each of such persons shall be fined not more than five thousand dollars, or imprisoned not more than six years, or both.

Act March 4, 1909, c. 321, § 21, 35 Stat. 1092.
See Rev. St. § 5518, Comp. St. 1901, p. 3714.

Unlawful presence of troops at polls; punishment for.

Sec. 22. Every officer of the Army or Navy, or other person in the civil, military, or naval service of the United States, who orders, brings, keeps, or has under his authority or control any troops or armed men at any place where a general or special election is held in any State, unless such force be necessary to repel armed enemies of the United States, shall be fined not more than five thousand dollars and imprisoned not more than five years.

Act March 4, 1909, c. 321, § 22, 35 Stat. 1092.
See Rev. St. § 5528, Comp. St. 1901, p. 3716.

Intimidating voters by Army or Navy officers, etc.; punishment for.

Sec. 23. Every officer or other person in the military or naval service of the United States who, by force, threat, intimidation, order, advice, or otherwise, prevents, or attempts to prevent, any qualified voter of any State from freely exercising the right of suffrage at any general or special election in such State shall be fined not more than five thousand dollars and imprisoned not more than five years.

Act March 4, 1909, c. 321, § 23, 35 Stat. 1092.
See Rev. St. § 5529, Comp. St. 1901, p. 3716.

Army or Navy officers prescribing qualifications of voters.

Sec. 24. Every officer of the army or navy who prescribes or fixes, or attempts to prescribe or fix, whether by proclamation, order, or otherwise, the qualifications of voters at any election in any State shall be punished as provided in the preceding section.

Act March 4, 1909, c. 321, § 24, 35 Stat. 1092.
See Rev. St. § 5530, Comp. St. 1901, p. 3716.

Interfering with election officers by Army or Navy officers, etc.

Sec. 25. Every officer or other person in the military or naval service of the United States who, by force, threat, intimidation, order, or otherwise, compels, or attempts to compel, any officer holding an election in any State to receive a vote from a person not legally qualified to vote, or who imposes, or attempts to impose, any regulations for conducting any general or special election in a State different from those prescribed by law, or who interferes in any manner with any officer of an election in the discharge of his duty, shall be punished as provided in section twenty-three.

Act March 4, 1909, c. 321, § 25, 35 Stat. 1092.
See Rev. St. § 5531, Comp. St. 1901, p. 3716.

Additional punishment; suffrage by officers, etc., not impaired.

Sec. 26. Every person convicted of any offense defined in the four preceding sections shall, in addition to the punishment therein prescribed, be disqualified from holding any office of honor, profit, or trust under the United States; but nothing therein shall be construed to prevent any officer, soldier, sailor, or marine from exercising the right of suffrage in any election district to which he may belong, if otherwise qualified according to the laws of the State in which he offers to vote.

Act March 4, 1909, c. 321, § 26, 35 Stat. 1093.
See Rev. St. § 5532, Comp. St. 1901, p. 3717.

CHAPTER FOUR.

Offenses against the Operations of the Government.

Sec.
27. Forgery of letters patent.
28. Forging bids, public records, etc.
29. Forging deeds, powers of attorney, etc.
30. Having forged papers in possession.
31. False acknowledgments.
32. Falsely pretending to be United States officer.
33. False personation of holder of public stock.
34. False demand on fraudulent power of attorney.
35. Making or presenting false claims.
36. Embezzling arms, stores, etc.
37. Conspiracy to commit offense against the United States; all parties liable for acts of one.

Sec.
38. Delaying or defrauding captor or claimant, etc., of prize property.
39. Bribery of United States officer.
40. Unlawfully taking or using papers relating to claims.
41. Persons interested not to act as agents of the Government.
42. Enticing desertions from the military or naval service.
43. Enticing away workmen.
44. Injuries to fortifications, harbor defenses, etc.
45. Unlawfully entering upon military reservation, fort, etc.
[45a.] Obtaining unlawful information respecting national defense, or receiving, communicating, etc., such information; punishment.
[45b.] Communicating information unlawfully obtained respecting national defense to foreign government, etc.; punishment.
[45c.] Jurisdiction of offenses against preceding provisions.
46. Robbery or larceny of personal property of the United States.
47. Embezzling, stealing, etc., public property.
48. Receivers, etc., of stolen public property.
49. Timber depredations on public lands.
50. Timber, etc., depredations on Indian and other reservations or Indian trust allotments.
51. Boxing, etc., timber on public lands for turpentine, etc.
52. Setting fire to timber on public lands.
53. Failing to extinguish fires.
54. Fines to be paid into school fund.
55. Trespassing on Bull Run National Forest, Oregon.
56. Breaking fence or gate inclosing reserved lands, or driving or permitting live stock to enter upon.
57. Injuring or removing posts or monuments.
58. Interrupting surveys.
59. Agreement to prevent bids at sale of lands.

Sec.
[59a.] Inducing conveyances by Indians of trust interests in lands; punishment for; exception.
60. Injuries to United States telegraph, etc., lines.
61. Counterfeiting weather forecast.
62. Interfering with employees of Bureau of Animal Industry.
63. Forgery of certificate of entry.
64. Concealment or destruction of invoices, etc.
65. Resisting revenue officer; rescuing or destroying seized property, etc.
66. Falsely assuming to be a revenue officer.
67. Offering presents to revenue officer.
68. Admitting merchandise to entry for less than legal duty.
69. Securing entry of merchandise by false samples, etc.
70. False certification by consular officer.
71. Taking seized property from custody of revenue officer.
72. Forging or altering ship's papers or custom-house documents.
73. Forging military bounty-land warrant, etc.
74. Forging, etc., certificate of citizenship.
75. Engraving, etc., plate for printing, or photographing, selling, or bringing into United States, etc., certificate of citizenship.
76. False personation, etc., in procuring naturalization.
77. Using false certificate of citizenship, or denying citizenship, etc.
78. Using false certificate, etc., as evidence of right to vote, etc.
79. Falsely claiming citizenship.
80. Taking false oath in naturalization proceedings.
81. Provisions applicable to all courts of naturalization.
82. Shanghaiing and falsely inducing person intoxicated to go on vessel prohibited.
83. Corporations, etc., not to contribute money for political elections, etc.
84. Hunting birds, or taking their eggs from breeding grounds, prohibited.

Forging, etc., letters patent; punishment for.

Sec. 27. Whosoever shall falsely make, forge, counterfeit, or alter any letters patent granted or purporting to have been granted by the President of the United States; or whoever shall pass, utter, or publish, or attempt to pass, utter, or publish as genuine, any such forged, counterfeited, or falsely altered letters patent, knowing the same to be forged, counterfeited, or falsely altered, shall be fined not more than five thousand dollars and imprisoned not more than ten years.

Act March 4, 1909, c. 321, § 27, 35 Stat. 1094.
See Rev. St. § 5416, Comp. St. 1901, p. 3665.

Forging bonds, bids, public records, etc.; transmitting forged, etc., papers; punishment for.

Sec. 28. Whoever shall falsely make, alter, forge, or counterfeit, or cause or procure to be falsely made, altered, forged, or counterfeited, or willingly aid, or assist in the false making, altering, forging, or counterfeiting, any bond, bid, proposal, contract, guarantee, security, official bond, public record, affidavit, or other writing for the purpose of defrauding the United States; or shall utter or publish as true, or cause to be uttered or published as true, or have in his possession with the intent to utter or publish as true, any such false, forged, altered, or counterfeited bond, bid, proposal, contract, guarantee, security, official bond, public record, affidavit, or other writing, for the purpose of defrauding the United States, knowing the same to be false, forged, altered, or counterfeited; or shall transmit to, or present at, or cause or procure to be transmitted to, or presented at, the office of any officer of the United States, any such false, forged, altered, or counterfeited bond, bid, proposal, contract, guarantee, security, official bond, public record, affidavit, or other writing, knowing the same to be false, forged, altered, or counterfeited, for the purpose of defrauding the United States, shall be fined not more than one thousand dollars, or imprisoned not more than ten years, or both.

Act March 4, 1909, c. 321, § 28, 35 Stat. 1094.
See Rev. St. §§ 5418, 5479, Comp. St. 1901, pp. 3666, 3696.

Forging deeds, powers of attorney, etc.; transmitting forged, etc., papers; punishment for.

Sec. 29. Whoever shall falsely make, alter, forge, or counterfeit, or cause or procure to be falsely made, altered, forged, or counterfeited, or willingly aid, or assist in the false making, altering, forging, or counterfeiting, any deed, power of attorney, order, certificate, receipt, contract, or other writing, for the purpose of obtaining or receiving, or of enabling any other person, either directly or indirectly, to obtain or receive from the United States, or any of their officers or agents, any sum of money; or whoever shall utter or publish as true, or cause to be uttered or published as true, any such false, forged, altered, or counterfeited deed, power of attorney, order, certificate, receipt, contract, or other writing, with intent to defraud the United States, knowing the same to be false, altered, forged, or counterfeited; or whoever shall transmit to, or present at, or cause or procure to be transmitted to, or presented at, any office or officer of the Government of the United States, any deed, power of attorney, order, certificate, receipt, contract, or other writing, in support of, or in relation to, any account or claim, with intent to defraud the United States, knowing the same to be false, altered, forged, or counterfeited, shall be fined not more than one thousand dollars and imprisoned not more than ten years.

Act March 4, 1909, c. 321, § 29, 35 Stat. 1094.
See Rev. St. § 5421, Comp. St. 1901, p. 3667.

Having false, etc., papers in possession; punishment for.

Sec. 30. Whoever, knowingly and with intent to defraud the United States, shall have in his possession any false, altered, forged, or counterfeited deed, power of attorney, order, certificate, receipt, contract, or other writing, for the purpose of enabling another to obtain from the United States, or from any officer or agent thereof, any sum of

money, shall be fined not more than five hundred dollars, or imprisoned not more than five years, or both.

Act March 4, 1909, c. 321, § 30, 35 Stat. 1094.
See Rev. St. § 5422, Comp. St. 1901, p. 3668.

Officer making false acknowledgments; punishment for.

Sec. 31. Whoever, being an officer authorized to administer oaths or to take and certify acknowledgments, shall knowingly make any false acknowledgment, certificate, or statement concerning the appearance before him or the taking of an oath or affirmation by any person with respect to any proposal, contract, bond, undertaking, or other matter, submitted to, made with, or taken on behalf of, the United States, and concerning which an oath or affirmation is required by law or regulation made in pursuance of law, or with respect to the financial standing of any principal, surety, or other party to any such proposal, contract, bond, undertaking, or other instrument, shall be fined not more than two thousand dollars, or imprisoned not more than two years, or both.

Act March 4, 1909, c. 321, § 31, 35 Stat. 1094.

Falsely pretending to be United States officer; punishment for.

Sec. 32. Whoever, with intent to defraud either the United States or any person, shall falsely assume or pretend to be an officer or employee acting under the authority of the United States, or any Department, or any officer of the Government thereof, and shall take upon himself to act as such, or shall in such pretended character demand or obtain from any person or from the United States, or any Department, or any officer of the Government thereof, any money, paper, document, or other valuable thing, shall be fined not more than one thousand dollars, or imprisoned not more than three years, or both.

Act March 4, 1909, c. 321, § 32, 35 Stat. 1095.
See Rev. St. § 5438, Comp. St. 1901, p. 3674; Act April 18, 1884, c. 26, Comp. St. 1901, p. 3679.

False personation of holder of public stocks, pensioner, etc.; punishment for.

Sec. 33. Whoever shall falsely personate any true and lawful holder of any share or sum in the public stocks or debt of the United States, or any person entitled to any annuity, dividend, pension, prize money, wages, or other debt due from the United States, and, under color of such false personation, shall transfer or endeavor to transfer such public stock or any part thereof, or shall receive or endeavor to receive the money of such true and lawful holder thereof, or the money of any person really entitled to receive such annuity, dividend, pension, prize money, wages, or other debt, shall be fined not more than five thousand dollars and imprisoned not more than ten years.

Act March 4, 1909, c. 321, § 33, 35 Stat. 1095.
See Rev. St. § 5435, Comp. St. 1901, p. 3673.

False demand on fraudulent power of attorney; punishment for.

Sec. 34. Whoever shall knowingly or fraudulently demand or endeavor to obtain any share or sum in the public stocks of the United States, or to have any part thereof transferred, assigned, sold, or conveyed, or to have any annuity, dividend, pension, prize money, wages, or other debt due from the United States, or any part thereof, received, or paid by virtue of any false, forged, or counterfeited power of attor-

ney, authority, or instrument, shall be fined not more than five thousand dollars and imprisoned not more than ten years.

Act March 4, 1909, c. 321, § 34, 35 Stat. 1095.
See Rev. St. § 5436, Comp. St. 1901, p. 3673.

Presenting false claims; punishment for; unlawful purchase of public property; punishment for.

Sec. 35. Whoever shall make or cause to be made, or present or cause to be presented, for payment or approval, to or by any person or officer in the civil, military, or naval service of the United States, any claim upon or against the Government of the United States, or any department or officer thereof, knowing such claim to be false, fictitious, or fraudulent; or whoever, for the purpose of obtaining or aiding to obtain the payment or approval of such claim, shall make or use, or cause to be made or used, any false bill, receipt, voucher, roll, account, claim, certificate, affidavit, or deposition, knowing the same to contain any fraudulent or fictitious statement or entry; or whoever shall enter into any agreement, combination, or conspiracy to defraud the Government of the United States, or any department or officer thereof, by obtaining or aiding to obtain the payment or allowance of any false or fraudulent claim; or whoever, having charge, possession, custody, or control of any money or other public property used or to be used in the military or naval service, with intent to defraud the United States or willfully to conceal such money or other property, shall deliver or cause to be delivered, to any other person having authority to receive the same, any amount of such money or other property less than that for which he received a certificate or took a receipt; or whoever, being authorized to make or deliver any certificate, voucher, receipt, or other paper certifying the receipt of arms, ammunition, provisions, clothing, or other property so used or to be used, shall make or deliver the same to any other person without a full knowledge of the truth of the facts stated therein, and with intent to defraud the United States, shall be fined not more than five thousand dollars, or imprisoned not more than five years, or both. And whoever shall knowingly purchase or receive in pledge for any obligation or indebtedness from any soldier, officer, sailor, or other person called into or employed in the military or naval service, any arms, equipments, ammunition, clothes, military stores, or other public property, whether furnished to the soldier, sailor, officer, or person, under a clothing allowance or otherwise, such soldier, sailor, officer, or other person not having the lawful right to pledge or sell the same, shall be fined not more than five hundred dollars, and imprisoned not more than two years.

Act March 4, 1909, c. 321, § 35, 35 Stat. 1095.
See Rev. St. § 5438, Comp. St. 1901, p. 3674, amended by Act May 30, 1908, c. 235, 36 Stat. 555.

Embezzling arms, stores, etc.

Sec. 36. Whoever shall steal, embezzle, or knowingly apply to his own use, or unlawfully sell, convey, or dispose of, any ordnance, arms, ammunition, clothing, subsistence, stores, money, or other property of the United States, furnished or to be used for the military or naval service, shall be punished as prescribed in the preceding section.

Act March 4, 1909, c. 321, § 36, 35 Stat. 1096.
See Rev. St. § 5439, Comp. St. 1901, p. 3675.

Conspiring to commit offense against United States; punishment for all parties.

Sec. 37. If two or more persons conspire either to commit any offense against the United States, or to defraud the United States in any manner or for any purpose, and one or more of such parties do any act to effect the object of the conspiracy, each of the parties to such conspiracy shall be fined not more than ten thousand dollars, or imprisoned not more than two years, or both.

Act March 4, 1909, c. 321, § 37, 35 Stat. 1096.

See Rev. St. § 5440, amended by Act May 17, 1879, c. 8, Comp. St. 1901, p. 3676.

Fraudulent interference with delivery, etc., of prize property; punishment for.

Sec. 38. Whoever shall willfully do, or aid or advise in the doing, of any act relating to the bringing in, custody, preservation, sale, or other disposition of any property captured as prize, or relating to any documents or papers connected with the property, or to any deposition or other document or paper connected with the proceedings, with intent to defraud, delay, or injure the United States or any captor or claimant of such property, shall be fined not more than ten thousand dollars, or imprisoned not more than five years, or both.

Act March 4, 1909, c. 321, § 38, 35 Stat. 1096.

See Rev. St. § 5441, Comp. St. 1901, p. 3676.

Bribery of United States officer; punishment for.

Sec. 39. Whoever shall promise, offer, or give, or cause or procure to be promised, offered, or given, any money or other thing of value, or shall make or tender any contract, undertaking, obligation, gratuity, or security for the payment of money, or for the delivery or conveyance of anything of value, to any officer of the United States, or to any person acting for or on behalf of the United States in any official function, under or by authority of any department or office of the Government thereof, or to any officer or person acting for or on behalf of either House of Congress, or of any committee of either House, or both Houses thereof, with intent to influence his decision or action on any question, matter, cause, or proceeding which may at any time be pending, or which may by law be brought before him in his official capacity, or in his place of trust or profit, or with intent to influence him to commit or aid in committing, or to collude in, or allow, any fraud, or make opportunity for the commission of any fraud, on the United States, or to induce him to do or omit to do any act in violation of his lawful duty, shall be fined not more than three times the amount of money or value of the thing so offered, promised, given, made, or tendered, or caused or procured to be so offered, promised, given, made, or tendered, and imprisoned not more than three years.

Act March 4, 1909, c. 321, § 39, 35 Stat. 1096.

See Rev. St. § 5451, Comp. St. 1901, p. 3680.

Unlawfully taking or using papers relating to claims; punishment for.

Sec. 40. Whoever shall take and carry away, without authority from the United States, from the place where it has been filed, lodged, or deposited, or where it may for the time being actually be kept by authority of the United States, any certificate, affidavit, deposition, written statement of facts, power of attorney, receipt, voucher, assign-

ment, or other document, record, file, or paper, prepared, fitted, or intended to be used or presented in order to procure the payment of money from or by the United States, or any officer or agent thereof, or the allowance or payment of the whole or any part of any claim, account, or demand against the United States, whether the same has or has not already been so used or presented, and whether such claim, account, or demand, or any part thereof, has or has not already been allowed or paid; or whoever shall present, use, or attempt to use, any such document, record, file, or paper so taken and carried away, in order to procure the payment of any money from or by the United States, or any officer or agent thereof, or the allowance or payment of the whole or any part of any claim, account, or demand against the United States, shall be fined not more than five thousand dollars, or imprisoned not more than ten years, or both.

Act March 4, 1909, c. 321, § 40, 35 Stat. 1096.
See Rev. St. § 5454, Comp. St. 1901, p. 3682.

Persons interested not to act as government agents; punishment for.

Sec. 41. No officer or agent of any corporation, joint stock company, or association, and no member or agent of any firm, or person directly or indirectly interested in the pecuniary profits or contracts of such corporation, joint stock company, association, or firm, shall be employed or shall act as an officer or agent of the United States for the transaction of business with such corporation, joint stock company, association, or firm. Whoever shall violate the provision of this section shall be fined not more than two thousand dollars and imprisoned not more than two years.

Act March 4, 1909, c. 321, § 41, 35 Stat. 1097.
See Rev. St. § 1783, Comp. St. 1901, p. 1213.

Enticing desertion from Army or Navy.

Sec. 42. Whoever shall entice or procure, or attempt or endeavor to entice or procure, any soldier in the military service, or any seaman or other person in the naval service of the United States, or who has been recruited for such service, to desert therefrom, or shall aid any such soldier, seaman, or other person in deserting or in attempting to desert from such service; or whoever shall harbor, conceal, protect, or assist any such soldier, seaman, or other person who may have deserted from such service, knowing him to have deserted therefrom, or shall refuse to give up and deliver such soldier, seaman, or other person on the demand of any officer authorized to receive him, shall be imprisoned not more than three years and fined not more than two thousand dollars.

Act March 4, 1909, c. 321, § 42, 35 Stat. 1097.
See Rev. St. §§ 1553, 5455, Comp. St. 1901, pp. 1065, 3682.

Enticing workmen from arsenals or armories; punishment for.

Sec. 43. Whoever shall procure or entice any artificer or workman retained or employed in any arsenal or armory, to depart from the same during the continuance of his engagement, or to avoid or break his contract with the United States; or whoever, after due notice of the engagement of such workman or artificer, during the continuance of such engagement, shall retain, hire, or in anywise employ, harbor,

or conceal such artificer or workman, shall be fined not more than fifty dollars, or imprisoned not more than three months, or both.

Act March 4, 1909, c. 321, § 43, 35 Stat. 1097.
See Rev. St. § 1668, Comp. St. 1901, p. 1140.

Injuries to fortifications, etc.; punishment for.

Sec. 44. Whoever shall willfully trespass upon, injure, or destroy any of the works or property or material of any submarine mine or torpedo, or fortification or harbor-defense system owned or constructed or in process of construction by the United States, or shall willfully interfere with the operation or use of any such submarine mine, torpedo, fortification, or harbor-defense system, shall be fined not more than five thousand dollars, or imprisoned not more than five years, or both.

Act March 4, 1909, c. 321, § 44, 35 Stat. 1097.
See Act July 7, 1898, c. 576, § 1, Comp. St. 1901, p. 3652.

Unlawfully entering fort, etc.; punishment for.

Sec. 45. Whoever shall go upon any military reservation, army post, fort, or arsenal, for any purpose prohibited by law or military regulation made in pursuance of law, or whoever shall reenter or be found within any such reservation, post, fort, or arsenal, after having been removed therefrom or ordered not to reenter by any officer or person in command or charge thereof, shall be fined not more than five hundred dollars, or imprisoned not more than six months, or both.

Act March 4, 1909, c. 321, § 45, 35 Stat. 1097.

Obtaining unlawful information respecting national defense, or receiving, communicating, etc., such information; punishment.

[Sec. 45a.] That whoever, for the purpose of obtaining information respecting the national defense, to which he is not lawfully entitled, goes upon any vessel, or enters any navyyard, naval station, fort, battery, torpedo station, arsenal, camp, factory, building, office, or other place connected with the national defense, owned or constructed or in process of construction by the United States, or in the possession or under the control of the United States or any of its authorities or agents, and whether situated within the United States or in any place noncontiguous to but subject to the jurisdiction thereof; or whoever, when lawfully or unlawfully upon any vessel, or in or near any such place, without proper authority, obtains, takes, or makes, or attempts to obtain, take, or make, any document, sketch, photograph, photographic negative, plan, model, or knowledge of anything connected with the national defense to which he is not entitled; or whoever, without proper authority, receives or obtains, or undertakes or agrees to receive or obtain, from any person, any such document, sketch, photograph, photographic negative, plan, model, or knowledge, knowing the same to have been so obtained, taken, or made; or whoever, having possession of or control over any such document, sketch, photograph, photographic negative, plan, model, or knowledge, willfully and without proper authority, communicates or attempts to communicate the same to any person not entitled to receive it, or to whom the same ought not, in the interest of the national defense, be communicated at that time; or whoever, being lawfully intrusted with any such document, sketch, photograph, photographic

negative, plan, model, or knowledge, willfully and in breach of his trust, so communicates or attempts to communicate the same, shall be fined not more than one thousand dollars, or imprisoned not more than one year, or both.

Act March 3, 1911, c. 226, § 1; 36 Stat. 1084.

This section and the two sections next following are provisions of an act entitled "an act to prevent the disclosure of national defense secrets," cited above, inserted here and designated respectively as sections 45a, 45b, and 45c.

Communicating information unlawfully obtained respecting national defense to foreign government, etc.; punishment.

Sec. [45b] 2. That whoever, having committed any offense defined in the preceding section, communicates or attempts to communicate to any foreign government, or to any agent or employee thereof, any document, sketch, photograph, photographic negative, plan, model, or knowledge so obtained, taken, or made, or so intrusted to him, shall be imprisoned not more than ten years.

Act March 3, 1911, c. 226, § 2, 36 Stat. 1085.
See note under preceding section.

Jurisdiction of offenses against preceding provisions.

Sec. [45c] 3. That offenses against the provisions of this Act committed upon the high seas or elsewhere outside of a judicial district shall be cognizable in the district where the offender is found or into which he is first brought; but offenses hereunder committed within the Philippine Islands shall be cognizable in any court of said islands having original jurisdiction of criminal cases, with the same right of appeal as is given in other criminal cases where imprisonment exceeding one year forms a part of the penalty; and jurisdiction is hereby conferred upon such courts for such purpose.

Act March 3, 1911, c. 226, § 3, 36 Stat. 1085.
See note under section 45a, ante.

Robbery of personal property of the United States; punishment for.

Sec. 46. Whoever shall rob another of any kind or description of personal property belonging to the United States, or shall feloniously take and carry away the same, shall be fined not more than five thousand dollars, or imprisoned not more than ten years, or both.

Act March 4, 1909, c. 321, § 46, 35 Stat. 1097.
See Rev. St. § 5456, Comp. St. 1901, p. 3683.

Embezzling public moneys, etc.; punishment for.

Sec. 47. Whoever shall embezzle, steal, or purloin any money, property, record, voucher, or valuable thing whatever, of the moneys, goods, chattels, records, or property of the United States, shall be fined not more than five thousand dollars, or imprisoned not more than five years, or both.

Act March 4, 1909, c. 321, § 47, 35 Stat. 1097.
See Act March 3, 1875, c. 144, § 1, Comp. St. 1901, p. 3675.

Receiving, etc., stolen public property; punishment for.

Sec. 48. Whoever shall receive, conceal, or aid in concealing, or shall have or retain in his possession with intent to convert to his own use or gain, any money, property, record, voucher, or valuable thing whatever, of the moneys, goods, chattels, records, or property of the United States, which has theretofore been embezzled, stolen, or pur-

loined by any other person, knowing the same to have been so embezzled, stolen, or purloined, shall be fined not more than five thousand dollars, or imprisoned not more than five years, or both; and such person may be tried either before or after the conviction of the principal offender.

Act March 4, 1909, c. 321, § 48, 35 Stat. 1098.
See Act March 3, 1875, c. 144, § 2, Comp. St. 1901, p. 3676.

Timber depredations on public lands; punishment for; rights of entrymen.

Sec. 49. Whoever shall cut, or cause or procure to be cut, or shall wantonly destroy, or cause to be wantonly destroyed, any timber growing on the public lands of the United States; or whoever shall remove, or cause to be removed, any timber from said public lands, with intent to export or to dispose of the same; or whoever, being the owner, master, or consignee of any vessel, or the owner, director, or agent of any railroad, shall knowingly transport any timber so cut or removed from said lands, or lumber manufactured therefrom, shall be fined not more than one thousand dollars, or imprisoned not more than one year, or both. Nothing in this section shall prevent any miner or agriculturist from clearing his land in the ordinary working of his mining claim, or in the preparation of his farm for tillage, or from taking the timber necessary to support his improvements, or the taking of timber for the use of the United States. And nothing in this section shall interfere with or take away any right or privilege under any existing law of the United States to cut or remove timber from any public lands.

Act March 4, 1909, c. 321, § 49, 35 Stat. 1098.
See Act June 3, 1878, c. 151, § 4, Comp. St. 1901, p. 1529; Act Aug. 4, 1892, c. 375, § 2, Comp. St. 1901, p. 1547.

Timber, etc., depredations on Indian lands or trust allotments; punishment for.

Sec. 50. Whoever shall unlawfully cut, or aid in unlawfully cutting, or shall wantonly injure or destroy, or procure to be wantonly injured or destroyed, any tree, growing, standing, or being upon any land of the United States which, in pursuance of law, has been reserved or purchased by the United States for any public use, or upon any Indian reservation, or lands belonging to or occupied by any tribe of Indians under the authority of the United States, or any Indian allotment while the title to the same shall be held in trust by the Government, or while the same shall remain inalienable by the allottee without the consent of the United States, shall be fined not more than five hundred dollars, or imprisoned not more than one year, or both.

Act March 4, 1909, c. 321, § 50, 35 Stat. 1098; Act June 25, 1910, c. 431, § 6, 36 Stat. 857.
See Rev. St. § 5388, as amended Act June 4, 1888, c. 340, Comp. St. 1901, p. 3649.

Boxing, etc., trees for turpentine, etc.; punishment for.

Sec. 51. Whoever shall cut, chip, chop, or box any tree upon any lands belonging to the United States, or upon any lands covered by or embraced in any unperfected settlement, application, filing, entry, selection, or location, made under any law of the United States, for the purpose of obtaining from such tree any pitch, turpentine, or other substance, or shall knowingly encourage, cause, procure, or aid in the

cutting, chipping, chopping, or boxing of any such tree, or shall buy, trade for, or in any manner acquire any pitch, turpentine, or other substance, or any article or commodity made from any such pitch, turpentine, or other substance, when he has knowledge that the same has been so unlawfully obtained from such trees, shall be fined not more than five hundred dollars, or imprisoned not more than one year, or both.

Act March 4, 1909, c. 321, § 51, 35 Stat. 1098.
See Act June 4, 1906, c. 2571, 34 Stat. 208.

Setting fire to timber on public lands; punishment for.

Sec. 52. Whoever shall willfully set on fire, or cause to be set on fire, any timber, underbrush, or grass upon the public domain, or shall leave or suffer fire to burn unattended near any timber or other inflammable material, shall be fined not more than five thousand dollars, or imprisoned not more than two years, or both.

Act March 4, 1909, c. 321, § 52, 35 Stat. 1098.
See Act Feb. 24, 1897, c. 313, § 1, as amended by Act May 5, 1900, c. 349, Comp. St. 1901, p. 1532.

Failing to extinguish fires; punishment for.

Sec. 53. Whoever shall build a fire in or near any forest, timber, or other inflammable material upon the public domain, or upon any Indian reservation, or lands belonging to or occupied by any tribe of Indians under the authority of the United States, or upon any Indian allotment while the title to the same shall be held in trust by the Government, or while the same shall remain inalienable by the allottee without the consent of the United States, shall, before leaving said fire, totally extinguish the same; and whoever shall fail to do so shall be fined not more than one thousand dollars, or imprisoned not more than one year, or both.

Act March 4, 1909, c. 321, § 53, 35 Stat. 1098; Act June 25, 1910, c. 431, § 6, 36 Stat. 857.
See Act Feb. 24, 1897, c. 313, § 2, as amended by Act May 5, 1900, c. 349, Comp. St. 1901, p. 1532.

Fines to be paid into school funds.

Sec. 54. In all cases arising under the two preceding sections the fines collected shall be paid into the public school fund of the county in which the lands where the offense was committed are situated.

Act March 4, 1909, c. 321, § 54, 35 Stat. 1099.
See Act Feb. 24, 1897, c. 313, § 3, as amended by Act May 5, 1900, c. 349, Comp. St. 1901, p. 1533.

Trespassing on Bull Run National Forest, Oregon; punishment for.

Sec. 55. Whoever, except forest rangers and other persons employed by the United States to protect the forest, federal, and state officers in the discharge of their duties, and the employees of the water board of the city of Portland, State of Oregon, shall knowingly trespass upon any part of the reserve known as Bull Run National Forest, in the Cascade Mountains, in the State of Oregon, or shall enter thereon for the purpose of grazing stock, or shall engage in grazing stock thereon, or shall permit stock of any kind to graze thereon, shall be fined not more than five hundred dollars, or imprisoned not more than six months, or both.

Act March 4, 1909, c. 321, § 55, 35 Stat. 1099.
See Act April 28, 1904, c. 1774, 33 Stat. 526.

Breaking fences, driving cattle, etc., on inclosed public lands; punishment for; lands excepted.

Sec. 56. Whoever shall knowingly and unlawfully break, open, or destroy any gate, fence, hedge, or wall inclosing any lands of the United States which, in pursuance of any law, have been reserved or purchased by the United States for any public use; or whoever shall drive any cattle, horses, hogs, or other live stock upon any such lands for the purpose of destroying the grass or trees on said lands, or where they may destroy the said grass or trees; or whoever shall knowingly permit his cattle, horses, hogs, or other live stock, to enter through any such inclosure upon any such lands of the United States, where such cattle, horses, hogs, or other live stock may or can destroy the grass or trees or other property of the United States on the said lands, shall be fined not more than five hundred dollars, or imprisoned not more than one year, or both: Provided, That nothing in this section shall be construed to apply to unreserved public lands.

Act March 4, 1909, c. 321, § 56, 35 Stat. 1099.
See Act March 3, 1875, c. 151, §§ 2, 3, Comp. St. 1901, p. 3650.

Injuring or removing survey marks; punishment for.

Sec. 57. Whoever shall willfully destroy, deface, change, or remove to another place any section corner, quarter-section corner, or meander post, on any Government line of survey, or shall willfully cut down any witness tree or any tree blazed to mark the line of a Government survey, or shall willfully deface, change, or remove any monument or bench mark of any Government survey, shall be fined not more than two hundred and fifty dollars, or imprisoned not more than six months, or both.

Act March 4, 1909, c. 321, § 57, 35 Stat. 1099.
See Act June 10, 1896, c. 398, § 1, Comp. St. 1901, p. 1486.

Interrupting surveys; punishment for.

Sec. 58. Whoever in any manner, by threats or force, shall interrupt, hinder, or prevent the surveying of the public lands, or of any private land claim which has been or may be confirmed by the United States, by the persons authorized to survey the same, in conformity with the instructions of the Commissioner of the General Land Office, shall be fined not more than three thousand dollars and imprisoned not more than three years.

Act March 4, 1909, c. 321, § 58, 35 Stat. 1099.
See Rev. St. § 2412, Comp. St. 1901, p. 1483.

Agreement to prevent bids at land sales; punishment for.

Sec. 59. Whoever, before or at the time of the public sale of any of the lands of the United States, shall bargain, contract, or agree, or attempt to bargain, contract, or agree with any other person, that the last-named person shall not bid upon or purchase the land so offered for sale, or any parcel thereof; or whoever by intimidation, combination, or unfair management shall hinder or prevent, or attempt to hinder or prevent, any person from bidding upon or purchasing any tract of land so offered for sale, shall be fined not more than one thousand dollars, or imprisoned not more than two years, or both.

Act March 4, 1909, c. 321, § 59, 35 Stat. 1099.
See Rev. St. § 2373, Comp. St. 1901, p. 1451.

Inducing conveyances by Indians of trust interests in lands; punishment for; exception.

Sec. [59a.] That it shall be unlawful for any person to induce any Indian to execute any contract, deed, mortgage, or other instrument purporting to convey any land or any interest therein held by the United States in trust for such Indian, or to offer any such contract, deed, mortgage, or other instrument for record in the office of any recorder of deeds. Any person violating this provision shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by a fine not exceeding five hundred dollars for the first offense, and if convicted for a second offense may be punished by a fine not exceeding five hundred dollars or imprisonment not exceeding one year, or by both such fine and imprisonment, in the discretion of the court: Provided, That this section shall not apply to any lease or other contract authorized by law to be made.

Act June 25, 1910, c. 431, § 5, 36 Stat. 857.

This section is part of an act to provide for determining the heirs of deceased Indians, etc., cited above, inserted here and designated section 59a.

Injuries to United States telegraph, etc., lines; punishment for.

Sec. 60. Whoever shall willfully or maliciously injure or destroy any of the works, property, or material of any telegraph, telephone, or cable line, or system, operated or controlled by the United States, whether constructed or in process of construction, or shall willfully or maliciously interfere in any way with the working or use of any such line, or system, or shall willfully or maliciously obstruct, hinder, or delay the transmission of any communication over any such line, or system, shall be fined not more than one thousand dollars, or imprisoned not more than three years, or both.

Act March 4, 1909, c. 321, § 60, 35 Stat. 1099.

See Act June 23, 1874, c. 461, Comp. St. 1901, p. 3582.

Counterfeiting weather forecasts; punishment for.

Sec. 61. Whoever shall knowingly issue or publish any counterfeit weather forecast or warning of weather conditions falsely representing such forecast or warning to have been issued or published by the Weather Bureau, United States Signal Service, or other branch of the Government service, shall be fined not more than five hundred dollars, or imprisoned not more than ninety days, or both.

Act March 4, 1909, c. 321, § 61, 35 Stat. 1100.

See Act March 3, 1905, c. 1405, 33 Stat. 864.

See, also, note under Act Aug. 8, 1894, c. 238, ante, under Title XII, "The Department of Agriculture," c. 4, "The Weather Bureau."

Molesting Animal Industry employees; punishment for; using deadly weapon; punishment for.

Sec. 62. Whoever shall forcibly assault, resist, oppose, prevent, impede, or interfere with any officer or employee of the Bureau of Animal Industry of the Department of Agriculture in the execution of his duties, or on account of the execution of his duties, shall be fined not more than one thousand dollars, or imprisoned not more than one year, or both; and whoever shall use any deadly or dangerous weapon in resisting any officer or employee of the Bureau of Animal Industry of the Department of Agriculture in the execution of his duties, with intent to commit a bodily injury upon him or to deter

or prevent him from discharging his duties, or on account of the performance of his duties, shall be fined not more than one thousand dollars, or imprisoned not more than five years, or both.

Act March 4, 1909, c. 321, § 62, 35 Stat. 1100.
See Act March 3, 1905, c. 1496, § 4, 33 Stat. 1265.

Forging customs entry certificates; punishment for.

Sec. 63. Whoever shall forge, counterfeit, or falsely alter any certificate of entry made or required to be made in pursuance of law by any officer of the customs, or shall use any such forged, counterfeited, or falsely altered certificate, knowing the same to be forged, counterfeited, or falsely altered, shall be fined not more than ten thousand dollars and imprisoned not more than three years.

Act March 4, 1909, c. 321, § 63, 35 Stat. 1100.
See Rev. St. § 5417, Comp. St. 1901, p. 3666.

Concealing or destroying invoices, etc.; punishment for.

Sec. 64. Whoever shall willfully conceal or destroy any invoice, book, or paper relating to any merchandise liable to duty, which has been or may be imported into the United States from any foreign port or country, after an inspection thereof has been demanded by the collector of any collection district, or shall at any time conceal or destroy any such invoice, book, or paper for the purpose of suppressing any evidence of fraud therein contained, shall be fined not more than five thousand dollars, or imprisoned not more than two years, or both.

Act March 4, 1909, c. 321, § 64, 35 Stat. 1100.
See Rev. St. § 5443, Comp. St. 1901, p. 3677.

Resisting revenue officers, rescuing or destroying seized property, etc.; punishment for; using deadly weapon; punishment for.

Sec. 65. Whoever shall forcibly assault, resist, oppose, prevent, impede, or interfere with any officer of the customs or of the internal revenue, or his deputy, or any person assisting him in the execution of his duties, or any person authorized to make searches and seizures, in the execution of his duty, or shall rescue, attempt to rescue, or cause to be rescued, any property which has been seized by any person so authorized; or whoever before, at, or after such seizure, in order to prevent the seizure or securing of any goods, wares, or merchandise by any person so authorized, shall stave, break, throw overboard, destroy, or remove the same, shall be fined not more than two thousand dollars, or imprisoned not more than one year, or both; and whoever shall use any deadly or dangerous weapon in resisting any person authorized to make searches or seizures, in the execution of his duty, with intent to commit a bodily injury upon him or to deter or prevent him from discharging his duty, shall be imprisoned not more than ten years.

Act March 4, 1909, c. 321, § 65, 35 Stat. 1100.
See Rev. St. § 5447, Comp. St. 1901, p. 3678.

Falsely assuming to be a revenue officer; punishment for.

Sec. 66. Whoever shall falsely represent himself to be a revenue officer, and, in such assumed character, demand or receive any money or other article of value from any person for any duty or tax due to the United States, or for any violation or pretended violation of any

revenue law of the United States, shall be fined not more than five hundred dollars and imprisoned not more than two years.

Act March 4, 1909, c. 321, § 66, 35 Stat. 1100.
See Rev. St. § 5448, Comp. St. 1901, p. 3679.

Offering presents to customs officer; punishment for.

Sec. 67. Whoever, being engaged in the importation into the United States of any goods, wares, or merchandise, or being interested as principal, clerk, or agent in the entry of any goods, wares, or merchandise, shall at any time make, or offer to make, to any officer of the revenue, any gratuity or present of money or other thing of value, shall be fined not more than five thousand dollars, or imprisoned not more than two years, or both.

Act March 4, 1909, c. 321, § 67, 35 Stat. 1100.
See Rev. St. § 5452, Comp. St. 1901, p. 3680.

Admitting entries for less than legal duty; punishment for.

Sec. 68. Whoever, being an officer of the revenue, shall, by any means whatever, knowingly admit or aid in admitting to entry, any goods, wares, or merchandise, upon payment of less than the amount of duty legally due thereon, shall be removed from office and fined not more than five thousand dollars, or imprisoned not more than two years, or both.

Act March 4, 1909, c. 321, § 68, 35 Stat. 1101.
See Rev. St. § 5444, Comp. St. 1901, p. 3677.

Securing false entry of goods; punishment for.

Sec. 69. Whoever, by any means whatever, shall knowingly effect, or aid in effecting, any entry of goods, wares, or merchandise, at less than the true weight or measure thereof, or upon a false classification thereof as to quality or value, or by the payment of less than the amount of duty legally due thereon, shall be fined not more than five thousand dollars, or imprisoned not more than two years, or both.

Act March 4, 1909, c. 321, § 69, 35 Stat. 1101.
See Rev. St. § 5445, Comp. St. 1901, p. 3678.

False certification by consular officer; punishment for.

Sec. 70. Whoever, being a consul, or vice-consul, or other person employed in the consular service of the United States, shall knowingly certify falsely to any invoice, or other paper, to which his certificate is by law authorized or required, shall be fined not more than ten thousand dollars and imprisoned not more than three years.

Act March 4, 1909, c. 321, § 70, 35 Stat. 1101.
See Rev. St. § 5442, Comp. St. 1901, p. 3677.

Taking seized property from revenue officer; punishment for.

Sec. 71. Whoever shall dispossess or rescue, or attempt to dispossess or rescue, any property taken or detained by any officer or other person under the authority of any revenue law of the United States, or shall aid or assist therein, shall be fined not more than three hundred dollars and imprisoned not more than one year.

Act March 4, 1909, c. 321, § 71, 35 Stat. 1101.
See Rev. St. § 5446, Comp. St. 1901, p. 3678.

Forging or altering ship's or custom-house papers; punishment for.

Sec. 72. Whoever shall falsely make, forge, counterfeit, or alter any instrument in imitation of, or purporting to be, an abstract or

official copy or certificate of the recording, registry, or enrollment of any vessel, in the office of any collector of the customs, or a license to any vessel for carrying on the coasting trade or fisheries of the United States, or a certificate of ownership, pass, passport, sea letter, or clearance, granted for any vessel, under the authority of the United States, or a permit, debenture, or other official document granted by any collector or other officer of the customs by virtue of his office; or whoever shall utter, publish, or pass, or attempt to utter, publish, or pass, as true, any such false, forged, counterfeited, or falsely altered instrument, abstract, official copy, certificate, license, pass, passport, sea letter, clearance, permit, debenture, or other official document herein specified, knowing the same to be false, forged, counterfeited, or falsely altered, with an intent to defraud, shall be fined not more than one thousand dollars and imprisoned not more than three years.

Act March 4, 1909, c. 321, § 72, 35 Stat. 1101.
See Rev. St. § 5423, Comp. St. 1901, p. 3668.

Forging, etc., military bounty-land warrants, etc.; punishment for.

Sec. 73. Whoever shall falsely make, alter, forge, or counterfeit any military bounty-land warrant, or military bounty-land warrant certificate, issued or purporting to have been issued by the Commissioner of Pensions under any law of Congress, or any certificate or duplicate certificate of location of any military bounty-land warrant, or military bounty-land warrant certificate upon any of the lands of the United States, or any certificate or duplicate certificate of the purchase of any of the lands of the United States, or any receipt or duplicate receipt for the purchase money of any of the lands of the United States, issued or purporting to have been issued by the register and receiver at any land office of the United States or by either of them; or whoever shall utter, publish, or pass as true, any such false, forged, or counterfeited military bounty-land warrant, military bounty-land warrant certificate, certificate or duplicate certificate of location, certificate or duplicate certificate of purchase, receipt or duplicate receipt for the purchase money of any of the lands of the United States, knowing the same to be false, forged, or counterfeited, shall be imprisoned not more than ten years.

Act March 4, 1909, c. 321, § 73, 35 Stat. 1101.
See Rev. St. § 5420, Comp. St. 1901, p. 3667.

Forging, etc., certificates of citizenship; punishment for.

Sec. 74. Whoever shall falsely make, forge, or counterfeit, or cause or procure to be falsely made, forged, or counterfeited, or shall knowingly aid or assist in falsely making, forging, or counterfeiting any certificate of citizenship, with intent to use the same, or with the intent that the same may be used by some other person, shall be fined not more than ten thousand dollars, or imprisoned not more than ten years, or both.

Act March 4, 1909, c. 321, § 74, 35 Stat. 1102.
See Act June 29, 1906, c. 3592, § 16, 34 Stat. 602.

Engraving, etc., counterfeit plates for citizenship certificates; printing, etc.; distinctive paper; punishment for.

Sec. 75. Whoever shall engrave, or cause or procure to be engraved, or assist in engraving, any plate in the likeness of any plate designed for the printing of a certificate of citizenship; or whoever

shall sell any such plate, or shall bring into the United States from any foreign place any such plate, except under the direction of the Secretary of Commerce and Labor or other proper officer; or whoever shall have in his control, custody, or possession any metallic plate engraved after the similitude of any plate from which any such certificate has been printed, with intent to use or to suffer such plate to be used in forging or counterfeiting any such certificate or any part thereof; or whoever shall print, photograph, or in any manner cause to be printed, photographed, made, or executed, any print or impression in the likeness of any such certificate, or any part thereof; or whoever shall sell any such certificate, or shall bring the same into the United States from any foreign place, except by direction of some proper officer of the United States; or whoever shall have in his possession a distinctive paper which has been adopted by the proper officer of the United States for the printing of such certificate, with intent unlawfully to use the same, shall be fined not more than ten thousand dollars, or imprisoned not more than ten years, or both.

Act March 4, 1909, c. 321, § 75, 35 Stat. 1102.
See Act June 29, 1906, c. 3592, § 17, 34 Stat. 602.

False personation, etc., in procuring naturalization; punishment for.

Sec. 76. Whoever, when applying to be admitted a citizen, or when appearing as a witness for any such person, shall knowingly personate any person other than himself, or shall falsely appear in the name of a deceased person, or in an assumed or fictitious name; or whoever shall falsely make, forge, or counterfeit any oath, notice, affidavit, certificate, order, record, signature, or other instrument, paper, or proceeding required or authorized by any law relating to or providing for the naturalization of aliens; or whoever shall utter, sell, dispose of, or shall use as true or genuine, for any unlawful purpose, any false, forged, antedated, or counterfeit oath, notice, certificate, order, record, signature, instrument, paper, or proceeding above specified; or whoever shall sell or dispose of to any person other than the person for whom it was originally issued any certificate of citizenship or certificate showing any person to be admitted a citizen, shall be fined not more than one thousand dollars, or imprisoned not more than five years, or both.

Act March 4, 1909, c. 321, § 76, 35 Stat. 1102.
See Rev. St. § 5424, Comp. St. 1901, p. 3669.

Using false certificate of citizenship; citizenship blanks; denying citizenship; punishment for.

Sec. 77. Whoever shall use or attempt to use, or shall aid, assist, or participate in the use of any certificate of citizenship, knowing the same to be forged, counterfeit, or antedated, or knowing the same to have been procured by fraud or otherwise unlawfully obtained; or whoever, without lawful excuse, shall knowingly possess any false, forged, antedated, or counterfeit certificate of citizenship purporting to have been issued under any law of the United States relating to naturalization, knowing such certificate to be false, forged, antedated, or counterfeit, with the intent unlawfully to use the same; or whoever shall obtain, accept, or receive any certificate of citizenship, knowing the same to have been procured by fraud or by the use or means of any false name or statement given or made with the intent

to procure, or to aid in procuring, the issuance of such certificate, or knowing the same to have been fraudulently altered or antedated; or whoever, without lawful excuse, shall have in his possession any blank certificate of citizenship provided by the Bureau of Immigration and Naturalization with the intent unlawfully to use the same; or whoever, after having been admitted to be a citizen, shall, on oath or by affidavit, knowingly deny that he has been so admitted, with the intent to evade or avoid any duty or liability imposed or required by law, shall be fined not more than one thousand dollars, or imprisoned not more than five years, or both.

Act March 4, 1909, c. 321, § 77, 35 Stat. 1102.
See Rev. St. § 5425, Comp. St. 1901, p. 3669; Act June 29, 1906, c. 3592, § 19, 34 Stat. 602.

Attempting to vote, etc., on false certificate; punishment for.

Sec. 78. Whoever shall in any manner use, for the purpose of registering as a voter, or as evidence of a right to vote, or otherwise unlawfully, any order, certificate of citizenship, or certificate, judgment, or exemplification, showing any person to be admitted to be a citizen, whether heretofore or hereafter issued or made, knowing that such order, certificate, judgment, or exemplification has been unlawfully issued or made; or whoever shall unlawfully use, or attempt to use, any such order or certificate, issued to or in the name of any other person, or in a fictitious name, or the name of a deceased person, shall be fined not more than one thousand dollars, or imprisoned not more than five years, or both.

Act March 4, 1909, c. 321, § 78, 35 Stat. 1103.
See Rev. St. § 5426, Comp. St. 1901, p. 3669.

Falsely claiming citizenship; punishment for.

Sec. 79. Whoever shall knowingly use any certificate of naturalization heretofore or which hereafter may be granted by any court, which has been or may be procured through fraud or by false evidence, or which has been or may hereafter be issued by the clerk or any other officer of the court without any appearance and hearing of the applicant in court and without lawful authority; or whoever, for any fraudulent purpose whatever, shall falsely represent himself to be a citizen of the United States without having been duly admitted to citizenship, shall be fined not more than one thousand dollars, or imprisoned not more than two years, or both.

Act March 4, 1909, c. 321, § 79, 35 Stat. 1103.
See Rev. St. § 5428, Comp. St. 1901, p. 3670.

Falsely swearing in naturalization cases; punishment for.

Sec. 80. Whoever, in any proceeding under or by virtue of any law relating to the naturalization of aliens, shall knowingly swear falsely in any case where an oath is made or affidavit taken, shall be fined not more than one thousand dollars and imprisoned not more than five years.

Act March 4, 1909, c. 321, § 80, 35 Stat. 1103.
See Rev. St. § 5395, Comp. St. 1901, p. 3655.

Provisions applicable to all courts of naturalization.

Sec. 81. The provisions of the five sections last preceding shall apply to all proceedings had or taken, or attempted to be had or taken, before any court in which any proceeding for naturalization

may be commenced or attempted to be commenced, and whether such court was vested by law with jurisdiction in naturalization proceedings or not.

Act March 4, 1909, c. 321, § 81, 35 Stat. 1103.
See Rev. St. § 5429, Comp. St. 1901, p. 3670.

Shanghaiing of sailors, described; punishment for.

Sec. 82. Whoever, with intent that any person shall perform service or labor of any kind on board of any vessel engaged in trade and commerce among the several States or with foreign nations, or on board of any vessel of the United States engaged in navigating the high seas or any navigable water of the United States, shall procure or induce, or attempt to procure or induce, another, by force or threats or by representations which he knows or believes to be untrue, or while the person so procured or induced is intoxicated or under the influence of any drug, to go on board of any such vessel, or to sign or in anywise enter into any agreement to go on board of any such vessel to perform service or labor thereon; or whoever shall knowingly detain on board of any such vessel any person so procured or induced to go on board thereof, or to enter into any agreement to go on board thereof, by any means herein defined; or whoever shall knowingly aid or abet in the doing of any of the things herein made unlawful, shall be fined not more than one thousand dollars, or imprisoned not more than one year, or both.

Act March 4, 1909, c. 321, § 82, 35 Stat. 1103.
See Act June 28, 1906, c. 3583, §§ 1-3, 34 Stat. 551, amended by Act March 2, 1907, c. 2359, 34 Stat. 1233.

Corporations contributing for political elections; penalty for; additional to officers.

Sec. 83. It shall be unlawful for any national bank, or any corporation organized by authority of any law of Congress, to make a money contribution in connection with any election to any political office. It shall also be unlawful for any corporation whatever to make a money contribution in connection with any election at which Presidential and Vice-Presidential electors or a Representative in Congress is to be voted for, or any election by any State legislature of a United States Senator. Every corporation which shall make any contribution in violation of the foregoing provisions shall be fined not more than five thousand dollars; and every officer or director of any corporation who shall consent to any contribution by the corporation in violation of the foregoing provisions shall be fined not more than one thousand dollars, or imprisoned not more than one year, or both.

Act March 4, 1909, c. 321, § 83, 35 Stat. 1103.
See Act Jan. 26, 1907, c. 420, 34 Stat. 864.

Hunting, taking eggs, etc., on bird-breeding grounds; punishment for.

Sec. 84. Whoever shall hunt, trap, capture, willfully disturb, or kill any bird of any kind whatever, or take the eggs of any such bird, on any lands of the United States which have been set apart or reserved as breeding grounds for birds, by any law, proclamation, or executive order, except under such rules and regulations as the Secretary of Agriculture may, from time to time, prescribe, shall

be fined not more than five hundred dollars, or imprisoned not more than six months, or both.

Act March 4, 1909, c. 321, § 84, 35 Stat. 1104.

See Act June 28, 1906, c. 3565, 34 Stat. 536.

An appropriation for the enforcement of this section is made by the agricultural appropriation act for the fiscal year ending June 30, 1912, Act March 4, 1911, c. 238, 36 Stat. 1258.

CHAPTER FIVE.

Offenses Relating to Official Duties.

Sec.
85. Officer, etc., of the United States guilty of extortion.
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87. Disbursing officer unlawfully converting, etc., public money.
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109. Officer not to be interested in claims against the United States.
110. Member of Congress, etc., soliciting or accepting bribe, etc.
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118. Political contributions not to be solicited by certain officers.
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120. Immunity from official proscription.
121. Giving money to officials for political purposes prohibited.
122. Penalty for violating provisions of four preceding sections.
123. Governmental officer, etc., giving out advance information respecting crop reports.
124. Government officer, etc., knowingly compiling or issuing false statistics respecting crops.

Extortion by officials; punishment for.

Sec. 85. Every officer, clerk, agent, or employee of the United States, and every person representing himself to be or assuming to act as such officer, clerk, agent, or employee, who, under color of his office, clerkship, agency, or employment, or under color of his pretended or assumed office, clerkship, agency, or employment, is

guilty of extortion, and every person who shall attempt any act which if performed would make him guilty of extortion, shall be fined not more than five hundred dollars, or imprisoned not more than one year, or both.

Act March 4, 1909, c. 321, § 85, 35 Stat. 1104.
See Rev. St. § 5481, Comp. St. 1901, p. 3701, amended by Act June 28, 1906, c. 3574, 34 Stat. 546.

Receipting for larger sums than are paid; punishment for.

Sec. 86. Whoever, being an officer, clerk, agent, employee, or other person charged with the payment of any appropriation made by Congress, shall pay to any clerk or other employee of the United States a sum less than that provided by law, and require such employee to receipt or give a voucher for an amount greater than that actually paid to and received by him, is guilty of embezzlement, and shall be fined in double the amount so withheld from any employee of the Government and imprisoned not more than two years.

Act March 4, 1909, c. 321, § 86, 35 Stat. 1105.
See Rev. St. § 5483, Comp. St. 1901, p. 3702.

Disbursing officers unlawfully using, etc., public money; punishment for.

Sec. 87. Whoever, being a disbursing officer of the United States, or a person acting as such, shall in any manner convert to his own use, or loan with or without interest, or deposit in any place or in any manner, except as authorized by law, any public money intrusted to him; or shall, for any purpose not prescribed by law, withdraw from the Treasurer or any assistant treasurer, or any authorized depositary, or transfer, or apply, any portion of the public money intrusted to him, shall be deemed guilty of an embezzlement of the money so converted, loaned, deposited, withdrawn, transferred, or applied, and shall be fined not more than the amount embezzled, or imprisoned not more than ten years, or both.

Act March 4, 1909, c. 321, § 87, 35 Stat. 1105.
See Rev. St. § 5488, Comp. St. 1901, p. 3703.

Failure of depositaries to safely keep public deposits; punishment for.

Sec. 88. If the Treasurer of the United States or any assistant treasurer, or any public depositary, fails safely to keep all moneys deposited by any disbursing officer or disbursing agent, as well as all moneys deposited by any receiver, collector, or other person having money of the United States, he shall be deemed guilty of embezzlement of the moneys not so safely kept, and shall be fined in a sum equal to the amount of money so embezzled and imprisoned not more than ten years.

Act March 4, 1909, c. 321, § 88, 35 Stat. 1105.
See Rev. St. § 5489, Comp. St. 1901, p. 3704.

Custodian failing to keep, etc., public moneys; punishment for.

Sec. 89. Every officer or other person charged by any Act of Congress with the safe-keeping of the public moneys, who shall loan, use, or convert to his own use, or shall deposit in any bank or exchange for other funds, except as specially allowed by law, any portion of the public moneys intrusted to him for safe-keeping, shall be guilty of embezzlement of the money so loaned, used, converted, deposited,

or exchanged, and shall be fined in a sum equal to the amount of money so embezzled and imprisoned not more than ten years.

Act March 4, 1909, c. 321, § 89, 35 Stat. 1105.
See Rev. St. § 5490, Comp. St. 1901, p. 3704.

Failure of officer to render accounts; punishment for.

Sec. 90. Every officer or agent of the United States who, having received public money which he is not authorized to retain as salary, pay, or emolument, fails to render his accounts for the same as provided by law shall be deemed guilty of embezzlement, and shall be fined in a sum equal to the amount of the money embezzled and imprisoned not more than ten years.

Act March 4, 1909, c. 321, § 90, 35 Stat. 1105.
See Rev. St. § 5491, Comp. St. 1901, p. 3704.

Failure to deposit as required; punishment for.

Sec. 91. Whoever, having money of the United States in his possession or under his control, shall fail to deposit it with the Treasurer, or some assistant treasurer, or some public depositary of the United States, when required so to do by the Secretary of the Treasury, or the head of any other proper department, or by the accounting officers of the Treasury, shall be deemed guilty of embezzlement thereof, and shall be fined in a sum equal to the amount of money embezzled and imprisoned not more than ten years.

Act March 4, 1909, c. 321, § 91, 35 Stat. 1105.
See Rev. St. § 5492, Comp. St. 1901, p. 3705.

Persons affected.

Sec. 92. The provisions of the five preceding sections shall be construed to apply to all persons charged with the safe-keeping, transfer, or disbursement of the public money, whether such persons be indicted as receivers or depositaries of the same.

Act March 4, 1909, c. 321, § 92, 35 Stat. 1105.
See Rev. St. § 5493, Comp. St. 1901, p. 3705.

Record evidence of embezzlement.

Sec. 93. Upon the trial of any indictment against any person for embezzling public money under any provision of the six preceding sections, it shall be sufficient evidence, prima facie, for the purpose of showing a balance against such person, to produce a transcript from the books and proceedings of the Treasury, as required in civil cases, under the provisions for the settlement of accounts between the United States and receivers of public money.

Act March 4, 1909, c. 321, § 93, 35 Stat. 1105.
See Rev. St. § 5494, Comp. St. 1901, p. 3706.

Prima facie evidence.

Sec. 94. The refusal of any person, whether in or out of office, charged with the safe-keeping, transfer, or disbursement of the public money to pay any draft, order, or warrant, drawn upon him by the proper accounting officer of the Treasury, for any public money in his hands belonging to the United States, no matter in what capacity the same may have been received, or may be held, or to transfer or disburse any such money, promptly, upon the legal requirement of any authorized officer, shall be deemed, upon the trial of any indictment

against such person for embezzlement, prima facie evidence of such embezzlement.

Act March 4, 1909, c. 321, § 94, 35 Stat. 1106.
See Rev. St. § 5495, Comp. St. 1901, p. 3706.

Evidence of conversion.

Sec. 95. If any officer charged with the disbursement of the public moneys accepts, receives, or transmits to the Treasury Department to be allowed in his favor any receipt or voucher from a creditor of the United States without having paid to such creditor in such funds as the officer received for disbursement, or in such funds as he may be authorized by law to take in exchange, the full amount specified in such receipt or voucher, every such act is an act of conversion by such officer to his own use of the amount specified in such receipt or voucher.

Act March 4, 1909, c. 321, § 95, 35 Stat. 1106.
See Rev. St. § 5496, Comp. St. 1901, p. 3706.

Banker, etc., receiving unauthorized deposit of public money; punishment for.

Sec. 96. Every banker, broker, or other person not an authorized depositary of public moneys, who shall knowingly receive from any disbursing officer, or collector of internal revenue, or other agent of the United States, any public money on deposit, or by way of loan or accommodation, with or without interest, or otherwise than in payment of a debt against the United States, or shall use, transfer, convert, appropriate, or apply any portion of the public money for any purpose not prescribed by law; and every president, cashier, teller, director, or other officer of any bank or banking association who shall violate any provision of this section is guilty of embezzlement of the public money so deposited, loaned, transferred, used, converted, appropriated, or applied, and shall be fined not more than the amount embezzled, or imprisoned not more than ten years, or both.

Act March 4, 1909, c. 321, § 96, 35 Stat. 1106.
See Rev. St. § 5497, Comp. St. 1901, p. 3707.

Embezzlement by internal-revenue officer; punishment for.

Sec. 97. Any officer connected with, or employed in, the Internal-Revenue Service of the United States, and any assistant of such officer, who shall embezzle or wrongfully convert to his own use any money or other property of the United States, and any officer of the United States, or any assistant of such officer, who shall embezzle or wrongfully convert to his own use any money or property which may have come into his possession or under his control in the execution of such office or employment, or under color or claim of authority as such officer or assistant, whether the same shall be the money or property of the United States or of some other person or party, shall, where the offense is not otherwise punishable by some statute of the United States, be fined not more than the value of the money and property thus embezzled or converted, or imprisoned not more than ten years, or both.

Act March 4, 1909, c. 321, § 97, 35 Stat. 1106.
See Act Feb. 3, 1879, c. 42, amending Rev. St. § 5497, Comp. St. 1901, p. 3767.

Officer contracting beyond specific appropriation.

Sec. 98. Whoever, being an officer of the United States, shall knowingly contract for the erection, repair, or furnishing of any public building, or for any public improvement, to pay a larger amount than the specific sum appropriated for such purpose, shall be fined not more than two thousand dollars and imprisoned not more than two years.

Act March 4, 1909, c. 321, § 98, 35 Stat. 1106.
See Rev. St. § 5503, Comp. St. 1901, p. 3710.

Court officers failing to deposit money, etc.; punishment for; delivery upon security.

Sec. 99. Whoever, being a clerk or other officer of a court of the United States, shall fail forthwith to deposit any money belonging in the registry of the court, or hereafter paid into court or received by the officers thereof, with the Treasurer, assistant treasurer, or a designated depositary of the United States, in the name and to the credit of such court, or shall retain or convert to his own use or to the use of another any such money, is guilty of embezzlement, and shall be fined not more than the amount embezzled, or imprisoned not more than ten years, or both; but nothing herein shall be held to prevent the delivery of any such money upon security, according to agreement of parties, under the direction of the court.

Act March 4, 1909, c. 321, § 99, 35 Stat. 1106.
See Rev. St. § 5504, Comp. St. 1901, p. 3710.

Receiving loan, etc., from court officer; punishment for.

Sec. 100. Whoever shall knowingly receive, from a clerk or other officer of a court of the United States, as a deposit, loan, or otherwise, any money belonging in the registry of such court, is guilty of embezzlement, and shall be punished as prescribed in the preceding section.

Act March 4, 1909, c. 321, § 100, 35 Stat. 1107.
See Rev. St. § 5505, Comp. St. 1901, p. 3711.

Failure to make returns or reports; punishment for.

Sec. 101. Every officer who neglects or refuses to make any return or report which he is required to make at stated times by any Act of Congress or regulation of the Department of the Treasury, other than his accounts, within the time prescribed by such Act or regulation, shall be fined not more than one thousand dollars.

*Act March 4, 1909, c. 321, § 101, 35 Stat. 1107.
See Rev. St. § 1780, Comp. St. 1901, p. 1211.

False entries in accounts or records, or false reports of public or trust moneys or securities; punishment.

[Sec. 101a.] That whoever, being an officer, clerk, agent, or other person holding any office or employment under the Government of the United States and, being charged with the duty of keeping accounts or records of any kind, shall, with intent to deceive, mislead, injure, or defraud the United States or any person, make in any such account or record any false or fictitious entry or record of any matter relating to or connected with his duties, or whoever with like intent shall aid or abet any such officer, clerk, agent, or other person in so doing; or whoever, being an officer, clerk, agent, or other person holding any office or employment under the Government of the United States and, being charged with the duty of receiving, holding,

or paying over moneys or securities to, for, or on behalf of the United States, or of receiving or holding in trust for any person any moneys or securities, shall, with like intent, make a false report of such moneys or securities, or whoever with like intent shall aid or abet any such officer, clerk, agent, or other person in so doing, shall be fined not more than five thousand dollars, or imprisoned not more than ten years, or both.

Act March 4, 1911, c. 270, 36 Stat. 1355.

This section is an act entitled "An act to provide punishment for the falsification of accounts and the making of false reports by persons in the employ of the United States," cited above, inserted here and designated section 101a.

Aiding in obscene literature trade, etc.; punishment for.

Sec. 102. Whoever, being an officer, agent, or employee of the Government of the United States, shall knowingly aid or abet any person engaged in violating any provision of law prohibiting importing, advertising, dealing in, exhibiting, or sending or receiving by mail, obscene or indecent publications, or representations, or means for preventing conception or producing abortion, or other article of indecent or immoral use or tendency, shall be fined not more than five thousand dollars, or imprisoned not more than ten years, or both.

Act March 4, 1909, c. 321, § 102, 35 Stat. 1107.

See Rev. St. § 1785, Comp. St. 1901, p. 1214; Act July 24, 1897, c. 11, § 17, Comp. St. 1901, p. 1696.

Section 17 of the Tariff Act of July 24, 1897, last above mentioned, was incorporated in this section, and was repealed by section 341 of this act, set forth below; but it is re-enacted, in the same language, in the subsequent Tariff Act of 1909, Act Aug. 5, 1909, c. 6, § 10, set forth ante, under Title XXXIII, "Duties upon Imports."

Trading in public property by collecting or disbursing officer; punishment for.

Sec. 103. Whoever, being an officer of the United States concerned in the collection or the disbursement of the revenues thereof, shall carry on any trade or business in the funds or debts of the United States, or of any State, or in any public property of either, shall be fined not more than three thousand dollars, or imprisoned not more than one year, or both, and be removed from office, and thereafter be incapable of holding any office under the United States.

Act March 4, 1909, c. 321, § 103, 35 Stat. 1107.

See Rev. St. §§ 1788, 1789, Comp. St. 1901, pp. 1214, 1215.

Court officials purchasing fees at less than face value; punishment for.

Sec. 104. Whoever, being a judge, clerk, or deputy clerk of any court of the United States, or of any territory thereof, or a United States district attorney, assistant attorney, marshal, deputy marshal, commissioner, or other person holding any office or employment, or position of trust or profit under the Government of the United States shall, either directly or indirectly, purchase at less than the full face value thereof, any claim against the United States for the fee, mileage, or expenses of any witness, juror, deputy marshal, or any other officer of the court whatsoever, shall be fined not more than one thousand dollars.

Act March 4, 1909, c. 321, § 104, 35 Stat. 1107.

See Act Feb. 25, 1897, c. 316, Comp. St. 1901, p. 1213.

Falsely certifying as to record of deeds; punishment.

Sec. 105. Whoever, being an officer or other person authorized by any law of the United States to record a conveyance of real property or any other instrument which by such law may be recorded, shall knowingly certify falsely that such conveyance or instrument has or has not been recorded, shall be fined not more than one thousand dollars, or imprisoned not more than seven years, or both.

Act March 4, 1909, c. 321, § 105, 35 Stat. 1107.

Other false certificates; punishment.

Sec. 106. Whoever, being a public officer or other person authorized by any law of the United States to make or give a certificate or other writing, shall knowingly make and deliver as true such a certificate or writing, containing any statement which he knows to be false, in a case where the punishment thereof is not elsewhere expressly provided by law, shall be fined not more than five hundred dollars, or imprisoned not more than one year, or both.

Act March 4, 1909, c. 321, § 106, 35 Stat. 1107.

Steamboat inspectors taking illegal fees; punishment for.

Sec. 107. Every inspector of steamboats who, upon any pretense, receives any fee or reward for his services, except what is allowed to him by law, shall forfeit his office, and be fined not more than five hundred dollars, or imprisoned not more than six months, or both.

Act March 4, 1909, c. 321, § 107, 35 Stat. 1107.
See Rev. St. § 5482, Comp. St. 1901, p. 3701.

Pension agents taking fee; punishment for.

Sec. 108. Every pension agent, or other person employed or appointed by him, who takes, receives, or demands any fee or reward from any pensioner for any service in connection with the payment of his pension, shall be fined not more than five hundred dollars.

Act March 4, 1909, c. 321, § 108, 35 Stat. 1107.
See Rev. St. § 5487, Comp. St. 1901, p. 3703.

Officers interested in claims against United States; punishment for.

Sec. 109. Whoever, being an officer of the United States, or a person holding any place of trust or profit, or discharging any official function under, or in connection with, any Executive Department of the Government of the United States, or under the Senate or House of Representatives of the United States, shall act as an agent or attorney for prosecuting any claim against the United States, or in any manner, or by any means, otherwise than in discharge of his proper official duties, shall aid or assist in the prosecution or support of any such claim, or receive any gratuity, or any share of or interest in any claim from any claimant against the United States, with intent to aid or assist, or in consideration of having aided or assisted, in the prosecution of such claim, shall be fined not more than five thousand dollars, or imprisoned not more than one year, or both.

Act March 4, 1909, c. 321, § 109, 35 Stat. 1107.
See Rev. St. § 5498, Comp. St. 1901, p. 3707.

Accepting, etc., bribe by Member of Congress; punishment for.

Sec. 110. Whoever, being elected or appointed a Member of or Delegate to Congress, or a Resident Commissioner, shall, after his election or appointment and either before or after he has qualified, and during his continuance in office, directly or indirectly, ask, accept,

receive, or agree to receive, any money, property, or other valuable consideration, or any promise, contract, undertaking, obligation, gratuity, or security for the payment of money or for the delivery or conveyance of anything of value to him or to any person with his consent, connivance, or concurrence, for his attention to, or services, or with the intent to have his action, vote, or decision influenced, on any question, matter, cause, or proceeding, which may at any time be pending in either House of Congress or before any committee thereof, or which by law or under the Constitution may be brought before him in his official capacity, or in his place as such Member, Delegate, or Resident Commissioner, shall be fined not more than three times the amount asked, accepted, or received, and imprisoned not more than three years; and shall, moreover, forfeit his office or place, and thereafter be forever disqualified from holding any office of honor, trust, or profit under the Government of the United States.

Act March 4, 1909, c. 321, § 110, 35 Stat. 1108.

See Rev. St. §§ 1781, 5450, 5502, Comp. St. 1901, pp. 1212, 3680, 3709.

Offering, etc., bribe to Member of Congress; punishment for.

Sec. 111. Whoever shall promise, offer, or give, or cause to be promised, offered, or given, any money or other thing of value, or shall make or tender any contract, undertaking, obligation, gratuity, or security for the payment of money or for the delivery or conveyance of anything of value, to any Member of either House of Congress, or Delegate to Congress, or Resident Commissioner, after his election or appointment and either before or after he has qualified, and during his continuance in office, or to any person with his consent, connivance, or concurrence, with intent to influence his action, vote, or decision, on any question, matter, cause, or proceeding which may at any time be pending in either House of Congress, or before any committee thereof, or which by law or under the Constitution may be brought before him in his official capacity or in his place as such Member, Delegate, or Resident Commissioner, shall be fined not more than three times the amount of money or value of the thing so promised, offered, given, made, or tendered, and imprisoned not more than three years.

Act March 4, 1909, c. 321, § 111, 35 Stat. 1108.

See Rev. St. § 5450, Comp. St. 1901, p. 3680.

Member of Congress taking consideration for procuring contract, etc.; offering Member of Congress consideration to procure contract, etc.; punishment for; contracts voidable.

Sec. 112. Whoever, being elected or appointed a Member of or Delegate to Congress, or a Resident Commissioner, shall, after his election or appointment and either before or after he has qualified, and during his continuance in office, or being an officer or agent of the United States, shall directly or indirectly take, receive, or agree to receive, from any person, any money, property, or other valuable consideration whatever, for procuring, or aiding to procure, any contract, appointive office, or place, from the United States or from any officer or department thereof, for any person whatever, or for giving any such contract, appointive office, or place to any person whomsoever; or whoever, directly or indirectly, shall offer, or agree to give, or shall give, or bestow, any money, property, or other valuable con-

sideration whatever, for the procuring, or aiding to procure, any such contract, appointive office, or place, shall be fined not more than ten thousand dollars and imprisoned not more than two years; and shall, moreover, be disqualified from holding any office of honor, profit, or trust under the Government of the United States. Any such contract or agreement may, at the option of the President, be declared void.

Act March 4, 1909, c. 321, § 112, 35 Stat. 1108.
See Rev. St. § 1781, Comp. St. 1901, p. 1212.

Receiving pay by Senator or Member of Congress in matters affecting United States; punishment for.

Sec. 113. Whoever, being elected or appointed a Senator, Member of or Delegate to Congress, or a Resident Commissioner, shall, after his election or appointment and either before or after he has qualified, and during his continuance in office, or being the head of a department, or other officer or clerk in the employ of the United States, shall, directly or indirectly, receive, or agree to receive, any compensation whatever for any services rendered or to be rendered to any person, either by himself or another, in relation to any proceeding, contract, claim, controversy, charge, accusation, arrest, or other matter or thing in which the United States is a party or directly or indirectly interested, before any department, court-martial, bureau, officer, or any civil, military, or naval commission whatever, shall be fined not more than ten thousand dollars and imprisoned not more than two years; and shall moreover, thereafter be incapable of holding any office of honor, trust, or profit under the Government of the United States.

Act March 4, 1909, c. 321, § 113, 35 Stat. 1109.
See Rev. St. § 1782, Comp. St. 1901, p. 1212.

Member of Congress interested in public contracts; punishment for; contracts void; repayment, etc.

Sec. 114. Whoever, being elected or appointed a Member of or Delegate to Congress, or a Resident Commissioner, shall, after his election or appointment and either before or after he has qualified, and during his continuance in office, directly or indirectly, himself, or by any other person in trust for him, or for his use or benefit, or on his account, undertake, execute, hold, or enjoy, in whole or in part, any contract or agreement, made or entered into in behalf of the United States by any officer or person authorized to make contracts on its behalf, shall be fined not more than three thousand dollars. All contracts or agreements made in violation of this section shall be void; and whenever any sum of money is advanced by the United States, in consideration of any such contract or agreement, it shall forthwith be repaid; and in case of failure or refusal to repay the same when demanded by the proper officer of the department under whose authority such contract or agreement shall have been made or entered into, suit shall at once be brought against the persons so failing or refusing and his sureties, for the recovery of the money so advanced.

Act March 4, 1909, c. 321, § 114, 35 Stat. 1109.
See Rev. St. § 3739, Comp. St. 1909, p. 2508.

Making official contract with Member of Congress; punishment for.

Sec. 115. Whoever, being an officer of the United States, shall on behalf of the United States, directly or indirectly make or enter into

any contract, bargain, or agreement, in writing or otherwise, with any Member of or Delegate to Congress, or any Resident Commissioner, after his election or appointment as such Member, Delegate, or Resident Commissioner, and either before or after he has qualified, and during his continuance in office, shall be fined not more than three thousand dollars.

Act March 4, 1909, c. 321, § 115, 35 Stat. 1109.
See Rev. St. § 3742, Comp. St. 1901, p. 2509.

Contracts not affected.

Sec. 116. Nothing contained in the two preceding sections shall extend, or be construed to extend, to any contract or agreement made or entered into, or accepted, by any incorporated company, where such contract or agreement is made for the general benefit of such incorporation or company; nor to the purchase or sale of bills of exchange or other property by any Member of or Delegate to Congress, or Resident Commissioner, where the same are ready for delivery, and payment therefor is made, at the time of making or entering into the contract or agreement.

Act March 4, 1909, c. 321, § 116, 35 Stat. 1109.
See Rev. St. § 3740, Comp. St. 1901, p. 2508.

Official accepting bribe; punishment for.

Sec. 117. Whoever, being an officer of the United States, or a person acting for or on behalf of the United States, in any official capacity, under or by virtue of the authority of any department or office of the Government thereof; or whoever, being an officer or person acting for or on behalf of either House of Congress, or of any committee of either House, or of both Houses thereof, shall ask, accept, or receive any money, or any contract, promise, undertaking, obligation, gratuity, or security for the payment of money, or for the delivery or conveyance of anything of value, with intent to have his decision or action on any question, matter, cause, or proceeding which may at any time be pending, or which may by law be brought before him in his official capacity, or in his place of trust or profit, influenced thereby, shall be fined not more than three times the amount of money or value of the thing so asked, accepted, or received, and imprisoned not more than three years; and shall, moreover, forfeit his office or place and thereafter be forever disqualified from holding any office of honor, trust, or profit under the Government of the United States.

Act March 4, 1909, c. 321, § 117, 35 Stat. 1109.
See Rev. St. §§ 5501, 5502, Comp. St. 1901, p. 3709.

Political contributions not to be solicited by officers named.

Sec. 118. No Senator or Representative in, or Delegate or Resident Commissioner to Congress, or Senator, Representative, Delegate, or Resident Commissioner elect, or officer or employee of either House of Congress, and no executive, judicial, military, or naval officer of the United States, and no clerk or employee of any department, branch, or bureau of the executive, judicial, or military or naval service of the United States, shall, directly or indirectly, solicit or receive, or be in any manner concerned in soliciting or receiving, any assessment, subscription, or contribution for any political purpose whatever, from any officer, clerk, or employee of the United States, or any department, branch, or bureau thereof, or from any person

receiving any salary or compensation from moneys derived from the Treasury of the United States.

Act March 4, 1909, c. 321, § 118, 35 Stat. 1110.
See Act Jan. 16, 1883, c. 27, § 11, Comp. St. 1901, p. 1223.

Political contributions not to be received in public offices.

Sec. 119. No person shall, in any room or building occupied in the discharge of official duties by any officer or employee of the United States mentioned in the preceding section, or in any navy-yard, fort, or arsenal, solicit in any manner whatever or receive any contribution of money or other thing of value for any political purpose whatever.

Act March 4, 1909, c. 321, § 119, 35 Stat. 1110.
See Act Jan. 16, 1883, c. 27, § 12, Comp. St. 1901, p. 1223.

Immunity from official proscription.

Sec. 120. No officer or employee of the United States mentioned in section one hundred and eighteen, shall discharge, or promote, or degrade, or in any manner change the official rank or compensation of any other officer or employee, or promise or threaten so to do, for giving or withholding or neglecting to make any contribution of money or other valuable thing for any political purpose.

Act March 4, 1909, c. 321, § 120, 35 Stat. 1110.
See Act Jan. 16, 1883, c. 27, § 13, Comp. St. 1901, p. 1224.

Making political contributions to officials.

Sec. 121. No officer, clerk, or other person in the service of the United States shall, directly or indirectly, give or hand over to any other officer, clerk, or person in the service of the United States, or to any Senator or Member of or Delegate to Congress, or Resident Commissioner, any money or other valuable thing on account of or to be applied to the promotion of any political object whatever.

Act March 4, 1909, c. 321, § 121, 35 Stat. 1110.
See Act Jan. 16, 1883, c. 27, § 14, Comp. St. 1901, p. 1224.

Punishment for violations.

Sec. 122. Whoever shall violate any provision of the four preceding sections shall be fined not more than five thousand dollars, or imprisoned not more than three years, or both.

Act March 4, 1909, c. 321, § 122, 35 Stat. 1110.
See Act Jan. 16, 1883, c. 27, § 15, Comp. St. 1901, p. 1224.

Officials, etc., giving advance information of crop reports; punishment for; actual knowledge required.

Sec. 123. Whoever, being an officer or employee of the United States or a person acting for or on behalf of the United States in any capacity under or by virtue of the authority of any department or office thereof, and while holding such office, employment, or position shall, by virtue of the office, employment, or position held by him, become possessed of any information which might exert an influence upon or affect the market value of any product of the soil grown within the United States, which information is by law or by the rules of the department or office required to be withheld from publication until a fixed time, and shall willfully impart, directly or indirectly, such information, or any part thereof, to any person not entitled under the law or the rules of the department or office to receive the same; or shall, before such information is made public through regular official channels, directly or indirectly speculate in any such product respecting which he has thus become possessed of such information, by

buying or selling the same in any quantity, shall be fined not more than ten thousand dollars, or imprisoned not more than ten years, or both: Provided, That no person shall be deemed guilty of a violation of any such rule, unless prior to such alleged violation he shall have had actual knowledge thereof.

Act March 4, 1909, c. 321, § 123, 35 Stat. 1110.

Official knowingly issuing false crop reports; punishment for.

Sec. 124. Whoever, being an officer or employee of the United States and whose duties require the compilation or report of statistics or information relative to the products of the soil, shall knowingly compile for issuance, or issue, any false statistics or information as a report of the United States, shall be fined not more than five thousand dollars, or imprisoned not more than five years, or both.

Act March 4, 1909, c. 321, § 124, 35 Stat. 1111.

CHAPTER SIX.

Offenses against Public Justice.

Sec.
125. Perjury.
126. Subornation of perjury.
127. Stealing or altering process; procuring false bail, etc.
128. Destroying, etc., public records.
129. Destroying records by officer in charge.
130. Forging signature of judge, etc.
131. Bribery of a judge or judicial officer.
132. Judge or judicial officer accepting a bribe, etc.
133. Juror, referee, master, etc., or judicial officer, etc., accepting bribe.
134. Witness accepting bribe.
135. Intimidation or corruption of witness, or grand or petit juror, or officer.
136. Conspiring to intimidate party, witness, or juror.
137. Attempt to influence juror.
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139. Application of preceding section.
140. Obstructing process or assaulting an officer.
141. Rescuing, etc., prisoner; concealing, etc., person for whom warrant has issued.
142. Rescue at execution.
143. Rescue of prisoner.
144. Rescue of body of executed offender.
145. Extortion by informer.
146. Misprision of felony.

Perjury defined; punishment for.

Sec. 125. Whoever, having taken an oath before a competent tribunal, officer, or person, in any case in which a law of the United States authorizes an oath to be administered, that he will testify, declare, depose, or certify truly, or that any written testimony, declaration, deposition, or certificate by him subscribed, is true, shall willfully and contrary to such oath state or subscribe any material matter which he does not believe to be true, is guilty of perjury, and shall be fined not more than two thousand dollars and imprisoned not more than five years.

Act March 4, 1909, c. 321, § 125, 35 Stat. 1111.
See Rev. St. § 5392, Comp. St. 1901, p. 3653.

Subornation of perjury.

Sec. 126. Whoever shall procure another to commit any perjury is guilty of subornation of perjury, and punishable as in the preceding section prescribed.

Act March 4, 1909, c. 321, § 126, 35 Stat. 1111.
See Rev. St. § 5393, Comp. St. 1901, p. 3654.

Stealing or altering process; procuring false bail, etc.; punishment for.

Sec. 127. Whoever shall feloniously steal, take away, alter, falsify, or otherwise avoid any record, writ, process, or other proceeding, in any court of the United States, by means whereof any judgment is reversed, made void, or does not take effect; or whoever shall acknowledge, or procure to be acknowledged, in any such court, any recognizance, bail, or judgment, in the name of any other person not privy or consenting to the same, shall be fined not more than five thousand dollars, or imprisoned not more than seven years, or both; but this provision shall not extend to the acknowledgment of any judgment by an attorney, duly admitted, for any person against whom such judgment is had or given.

Act March 4, 1909, c. 321, § 127, 35 Stat. 1111.
See Rev. St. § 5394, Comp. St. 1901, p. 3654.

Destroying, etc., public records; punishment for.

Sec. 128. Whoever shall willfully and unlawfully conceal, remove, mutilate, obliterate, or destroy, or attempt to conceal, remove, mutilate, obliterate, or destroy, or, with intent to conceal, remove, mutilate, obliterate, destroy, or steal, shall take and carry away any record, proceeding, map, book, paper, document, or other thing, filed or deposited with any clerk or officer of any court of the United States, or in any public office, or with any judicial or public officer of the United States, shall be fined not more than two thousand dollars, or imprisoned not more than three years, or both.

Act March 4, 1909, c. 321, § 128, 35 Stat. 1111.
See Rev. St. § 5403, Comp. St. 1901, p. 3656.

Destroying records by officer in charge; punishment for.

Sec. 129. Whoever, having the custody of any record, proceeding, map, book, document, paper, or other thing specified in the preceding section, shall willfully and unlawfully conceal, remove, mutilate, obliterate, falsify, or destroy any such record, proceeding, map, book, document, paper, or thing, shall be fined not more than two thousand dollars, or imprisoned not more than three years, or both; and shall moreover forfeit his office and be forever afterward disqualified from holding any office under the Government of the United States.

Act March 4, 1909, c. 321, § 129, 35 Stat. 1112.
See Rev. St. § 5408, Comp. St. 1901, p. 3658.

Forging signature of judge, etc.; punishment for.

Sec. 130. Whoever shall forge the signature of any judge, register, or other officer of any court of the United States, or of any Territory thereof, or shall forge or counterfeit the seal of any such court, or shall knowingly concur in using any such forged or counterfeit signature or seal, for the purpose of authenticating any proceeding or document, or shall tender in evidence any such proceeding or document with a false or counterfeit signature of any such judge, register, or other officer, or a false or counterfeit seal of the court, subscribed or attached thereto, knowing such signature or seal to be false or counterfeit, shall be fined not more than five thousand dollars and imprisoned not more than five years.

Act March 4, 1909, c. 321, § 130, 35 Stat. 1112.
See Rev. St. § 5419, Comp. St. 1901, p. 3666.

Bribery of judicial officer; punishment for.

Sec. 131. Whoever, directly or indirectly, shall give or offer, or cause to be given or offered any money, property, or value of any kind, or any promise or agreement therefor, or any other bribe, to any judge, judicial officer, or other person authorized by any law of the United States to hear or determine any question, matter, cause, proceeding, or controversy, with intent to influence his action, vote, opinion, or decision thereon, or because of any such action, vote, opinion, or decision, shall be fined not more than twenty thousand dollars, or imprisoned not more than fifteen years, or both; and shall forever be disqualified to hold any office of honor, trust, or profit under the United States.

Act March 4, 1909, c. 321, § 131, 35 Stat. 1112.
See Rev. St. § 5449, Comp. St. 1901, p. 3679.

Judicial officer accepting bribe; punishment for.

Sec. 132. Whoever, being a judge of the United States, shall in anywise accept or receive any sum of money, or other bribe, present, or reward, or any promise, contract, obligation, gift, or security for the payment of money, or for the delivery or conveyance of anything of value, with the intent to be influenced thereby in any opinion, judgment, or decree in any suit, controversy, matter, or cause depending before him, or because of any such opinion, ruling, decision, judgment, or decree, shall be fined not more than twenty thousand dollars, or imprisoned not more than fifteen years, or both; and shall be forever disqualified to hold any office of honor, trust, or profit under the United States.

Act March 4, 1909, c. 321, § 132, 35 Stat. 1112.
See Rev. St. § 5499, Comp. St. 1901, p. 3708.

Juror, referee, etc., accepting bribe; punishment for.

Sec. 133. Whoever, being a juror, referee, arbitrator, appraiser, assessor, auditor, master, receiver, United States commissioner, or other person authorized by any law of the United States to hear or determine any question, matter, cause, controversy, or proceeding, shall ask, receive, or agree to receive, any money, property, or value of any kind, or any promise or agreement therefor, upon any agreement or understanding that his vote, opinion, action, judgment, or decision shall be influenced thereby, or because of any such vote, opinion, action, judgment, or decision, shall be fined not more than two thousand dollars, or imprisoned not more than two years, or both.

Act March 4, 1909, c. 321, § 133, 35 Stat. 1112.

Witness accepting bribe; punishment for.

Sec. 134. Whoever, being, or about to be, a witness upon a trial, hearing, or other proceeding, before any court or any officer authorized by the laws of the United States to hear evidence or take testimony, shall receive, or agree or offer to receive, a bribe, upon any agreement or understanding that his testimony shall be influenced thereby, or that he will absent himself from the trial, hearing, or other proceeding, or because of such testimony, or such absence, shall be fined not more than two thousand dollars, or imprisoned not more than two years, or both.

Act March 4, 1909, c. 321, § 134, 35 Stat. 1113.

Attempting to influence witness, juror, or officer; punishment for.

Sec. 135. Whoever corruptly, or by threats or force, or by any threatening letter or communication, shall endeavor to influence, intimidate, or impede any witness, in any court of the United States or before any United States commissioner or officer acting as such commissioner, or any grand or petit juror, or officer in or of any court of the United States, or officer who may be serving at any examination or other proceeding before any United States commissioner or officer acting as such commissioner, in the discharge of his duty, or who corruptly or by threats or force, or by any threatening letter or communication, shall influence, obstruct, or impede, or endeavor to influence, obstruct, or impede, the due administration of justice therein, shall be fined not more than one thousand dollars, or imprisoned not more than one year, or both.

Act March 4, 1909, c. 321, § 135, 35 Stat. 1113.
See Rev. St. §§ 5399, 5404. Comp. St. 1901, pp. 3656, 3657.

Conspiring to intimidate party, witness, or juror; punishment for.

Sec. 136. If two or more persons conspire to deter by force, intimidation, or threat, any party or witness in any court of the United States, or in any examination before a United States commissioner or officer acting as such commissioner, from attending such court or examination, or from testifying to any matter pending therein, freely, fully, and truthfully, or to injure such party or witness in his person or property on account of his having so attended or testified, or to influence the verdict, presentment, or indictment of any grand or petit juror in any such court, or to injure such juror in his person or property on account of any verdict, presentment, or indictment lawfully assented to by him, or on account of his being or having been such juror, each of such persons shall be fined not more than five thousand dollars, or imprisoned not more than six years, or both.

Act March 4, 1909, c. 321, § 136, 35 Stat. 1113.
See Rev. St. § 5406, Comp. St. 1901, p. 3657.

Attempt to influence juror by writing; punishment for.

Sec. 137. Whoever shall attempt to influence the action or decision of any grand or petit juror of any court of the United States upon any issue or matter pending before such juror, or before the jury of which he is a member, or pertaining to his duties, by writing or sending to him any letter or any communication, in print or writing, in relation to such issue or matter, shall be fined not more than one thousand dollars, or imprisoned not more than six months, or both.

Act March 4, 1909, c. 321, § 137, 35 Stat. 1113.
See Rev. St. § 5405, Comp. St. 1901, p. 3657.

Allowing prisoner to escape.

Sec. 138. Whenever any marshal, deputy marshal, ministerial officer, or other person has in his custody any prisoner by virtue of process issued under the laws of the United States by any court, judge, or commissioner, and such marshal, deputy marshal, ministerial officer, or other person voluntarily suffers such prisoner to escape, he shall be fined not more than two thousand dollars, or imprisoned not more than two years, or both.

Act March 4, 1909, c. 321, § 138, 35 Stat. 1113.
See Rev. St. § 5409, Comp. St. 1901, p. 3658.

Application of provisions.

Sec. 139. The preceding section shall be construed to apply not only to cases in which the prisoner who escaped was charged or found guilty of an offense against the laws of the United States, and to cases in which the prisoner may be in custody charged with offenses against any foreign government with which the United States have treaties of extradition, but also to cases in which the prisoner may be held in custody for removal to or from the Philippine Islands as provided by law.

Act March 4, 1909, c. 321, § 139, 35 Stat. 1113.
See Rev. St. § 5410, Comp. St. 1901, p. 3659; Act Feb. 6, 1905, c. 454, § 2, 33 Stat. 698.

Obstructing process or assaulting officer; punishment for.

Sec. 140. Whoever shall knowingly and willfully obstruct, resist, or oppose any officer of the United States, or other person duly authorized, in serving, or attempting to serve or execute, any mesne process or warrant, or any rule or order, or any other legal or judicial writ or process of any court of the United States, or United States commissioner, or shall assault, beat, or wound any officer or other person duly authorized, knowing him to be such officer, or other person so duly authorized, in serving or executing any such writ, rule, order, process, warrant, or other legal or judicial writ or process, shall be fined not more than three hundred dollars and imprisoned not more than one year.

Act March 4, 1909, c. 321, § 140, 35 Stat. 1114.
See Rev. St. § 5398, Comp. St. 1901, p. 3655.

Rescuing, etc., prisoner; concealing person from arrest; punishment for.

Sec. 141. Whoever shall rescue or attempt to rescue, from the custody of any officer or person lawfully assisting him, any person arrested upon a warrant or other process issued under the provisions of any law of the United States, or shall, directly or indirectly, aid, abet, or assist any person so arrested to escape from the custody of such officer or other person, or shall harbor or conceal any person for whose arrest a warrant or process has been so issued, so as to prevent his discovery and arrest, after notice or knowledge of the fact that a warrant or process has been issued for the apprehension of such person, shall be fined not more than one thousand dollars, or imprisoned not more than six months, or both.

Act March 4, 1909, c. 321, § 141, 35 Stat. 1114.
See Rev. St. § 5516, Comp. St. 1901, p. 3713.

Rescue at execution; punishment for.

Sec. 142. Whoever, by force, shall set at liberty or rescue any person found guilty in any court of the United States of any capital crime, while going to execution or during execution, shall be fined not more than twenty-five thousand dollars and imprisoned not more than twenty-five years.

Act March 4, 1909, c. 321, § 142, 35 Stat. 1114.
See Rev. St. § 5400, Comp. St. 1901, p. 3656.

Rescue of prisoner; punishment for.

Sec. 143. Whoever, by force, shall set at liberty or rescue any person who, before conviction, stands committed for any capital crime:

or whoever, by force, shall set at liberty or rescue any person committed for or convicted of any offense other than capital, shall be fined not more than five hundred dollars and imprisoned not more than one year.

Act March 4, 1909, c. 321, § 143, 35 Stat. 1114.
See Rev. St. § 5401, Comp. St. 1901, p. 3656.

Rescue of dead body of executed offender; punishment for.

Sec. 144. Whoever, by force, shall rescue or attempt to rescue, from the custody of any marshal or his officers, the dead body of an executed offender, while it is being conveyed to a place of dissection, as provided by section three hundred and thirty-one hereof, or by force shall rescue or attempt to rescue such body from the place where it has been deposited for dissection in pursuance of that section, shall be fined not more than one hundred dollars, or imprisoned not more than one year, or both.

Act March 4, 1909, c. 321, § 144, 35 Stat. 1114.
See Rev. St. § 5402, Comp. St. 1901, p. 3656.

Extortion by informer; punishment for.

Sec. 145. Whoever shall, under a threat of informing, or as a consideration for not informing, against any violation of any law of the United States, demand or receive any money or other valuable thing, shall be fined not more than two thousand dollars, or imprisoned not more than one year, or both.

Act March 4, 1909, c. 321, § 145, 35 Stat. 1114.
See Rev. St. § 5484, Comp. St. 1901, p. 3702.

Misprision of felony; punishment for.

Sec. 146. Whoever, having knowledge of the actual commission of the crime of murder or other felony cognizable by the courts of the United States, conceals and does not as soon as may be disclose and make known the same to some one of the judges or other persons in civil or military authority under the United States, shall be fined not more than five hundred dollars, or imprisoned not more than three years, or both.

Act March 4, 1909, c. 321, § 146, 35 Stat. 1114.
See Rev. St. § 5390, Comp. St. 1901, p. 3651.

CHAPTER SEVEN.

Offenses against the Currency, Coinage, etc.

Sec.
147. "Obligation or other security of the United States" defined.
148. Forging or counterfeiting United States securities.
149. Counterfeiting national-bank notes.
150. Using plates to print notes without authority, etc.
151. Passing, selling, concealing, etc., forged obligations.
152. Taking impressions of tools, implements, etc.
153. Having in possession unlawfully such impressions.
154. Buying, selling, or dealing in forged bonds, notes, etc.
155. Secreting or removing tools or material used for printing bonds, notes, stamps, etc.
156. Counterfeiting notes, bonds, etc., of foreign governments.
157. Passing such forged notes, bonds, etc.
158. Counterfeiting notes of foreign banks.
159. Passing such counterfeit bank notes.

Sec.
160. Having in possession such forged notes, bonds, etc.
161. Having unlawfully in possession or using plates for such notes, bonds, etc.
162. Connecting parts of different instruments.
163. Counterfeiting gold or silver coins or bars.
164. Counterfeiting minor coins.
165. Falsifying, mutilating, or lightening coinage.
166. Debasement of coinage by officers of the Mint.
167. Making or uttering coins in resemblance of money.
168. Making or issuing devices of minor coins.
169. Counterfeiting, etc., dies for coins of United States.
170. Counterfeiting, etc., dies for foreign coins.
Sec.
171. Making, importing, or having in possession tokens, prints, etc., similar to United States or foreign coins.
172. Counterfeit obligations, securities, coins, or material for counterfeiting, to be forfeited.
173. Issue of search warrant for suspected counterfeits, etc.; forfeiture.
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175. Imitating national-bank notes with printed advertisements thereon.
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178. Notes of less than one dollar not to be issued.

"Obligation or other security of the United States" defined.

Sec. 147. The words "obligation or other security of the United States" shall be held to mean all bonds, certificates of indebtedness, national-bank currency, coupons, United States notes, Treasury notes, gold certificates, silver certificates, fractional notes, certificates of deposit, bills, checks, or drafts for money, drawn by or upon authorized officers of the United States, stamps and other representatives of value, of whatever denomination, which have been or may be issued under any Act of Congress.

Act March 4, 1909, c. 321, § 147, 35 Stat. 1115.
See Rev. St. § 5413, Comp. St. 1901, p. 3662.

Forging or counterfeiting securities; punishment for.

Sec. 148. Whoever, with intent to defraud, shall falsely make, forge, counterfeit, or alter any obligation or other security of the United States shall be fined not more than five thousand dollars and imprisoned not more than fifteen years.

Act March 4, 1909, c. 321, § 148, 35 Stat. 1115.
See Rev. St. § 5414, Comp. St. 1901, p. 3662.

Counterfeiting national-bank notes; punishment for.

Sec. 149. Whoever shall falsely make, forge, or counterfeit, or cause or procure to be made, forged, or counterfeited, or shall willingly aid or assist in falsely making, forging, or counterfeiting, any note in imitation of, or purporting to be in imitation of, the circulating notes issued by any banking association now or hereafter authorized and acting under the laws of the United States; or whoever shall pass, utter, or publish, or attempt to pass, utter, or publish, any false, forged, or counterfeited note, purporting to be issued by any such association doing a banking business, knowing the same to be falsely made, forged, or counterfeited; or whoever shall falsely alter, or cause or procure to be falsely altered, or shall willingly aid or assist in falsely altering, any such circulating notes, or shall pass, utter, or publish, or attempt to pass, utter, or publish as true, any falsely altered or spurious circulating note issued, or purporting to have

been issued, by any such banking association, knowing the same to be falsely altered or spurious, shall be fined not more than one thousand dollars and imprisoned not more than fifteen years.

Act March 4, 1909, c. 321, § 149, 35 Stat. 1115.
See Rev. St. § 5415, Comp. St. 1901, p. 3662.

Using plates to print notes without authority, etc.; distinctive paper without authority; punishment for.

Sec. 150. Whoever, having control, custody, or possession of any plate, stone, or other thing, or any part thereof, from which has been printed, or which may be prepared by direction of the Secretary of the Treasury for the purpose of printing, any obligation or other security of the United States, shall use such plate, stone, or other thing, or any part thereof, or knowingly suffer the same to be used for the purpose of printing any such or similar obligation or other security, or any part thereof, except as may be printed for the use of the United States by order of the proper officer thereof; or whoever by any way, art, or means shall make or execute, or cause or procure to be made or executed, or shall assist in making or executing any plate, stone, or other thing in the likeness of any plate designated for the printing of such obligation or other security; or whoever shall sell any such plate, stone, or other thing, or bring into the United States or any place subject to the jurisdiction thereof, from any foreign place, any such plate, stone, or other thing, except under the direction of the Secretary of the Treasury or other proper officer, or with any other intent, in either case, than that such plate, stone, or other thing be used for the printing of the obligations or other securities of the United States; or whoever shall have in his control, custody, or possession any plate, stone, or other thing in any manner made after or in the similitude of any plate, stone, or other thing, from which any such obligation or other security has been printed, with intent to use such plate, stone, or other thing, or to suffer the same to be used in forging or counterfeiting any such obligation or other security, or any part thereof; or whoever shall have in his possession or custody, except under authority from the Secretary of the Treasury or other proper officer, any obligation or other security made or executed, in whole or in part, after the similitude of any obligation or other security issued under the authority of the United States, with intent to sell or otherwise use the same; or whoever shall print, photograph, or in any other manner make or execute, or cause to be printed, photographed, made, or executed, or shall aid in printing, photographing, making, or executing any engraving, photograph, print, or impression in the likeness of any such obligation or other security, or any part thereof, or shall sell any such engraving, photograph, print, or impression, except to the United States, or shall bring into the United States or any place subject to the jurisdiction thereof, from any foreign place any such engraving, photograph, print, or impression, except by direction of some proper officer of the United States; or whoever shall have or retain in his control or possession, after a distinctive paper has been adopted by the Secretary of the Treasury for the obligations and other securities of the United States, any similar paper adapted to the making of any such obligation or other security, except under the authority of the Secretary of the Treasury or some other

proper officer of the United States, shall be fined not more than five thousand dollars, or imprisoned not more than fifteen years, or both.

Act March 4, 1909, c. 321, § 150, 35 Stat. 1116.
See Rev. St. 5430, Comp. St. 1901, p. 3671.

Uttering, etc., forged obligations; punishment for.

Sec. 151. Whoever, with intent to defraud, shall pass, utter, publish, or sell, or attempt to pass, utter, publish, or sell, or shall bring into the United States or any place subject to the jurisdiction thereof, with intent to pass, publish, utter, or sell, or shall keep in possession or conceal with like intent, any falsely made, forged, counterfeited, or altered obligation or other security of the United States, shall be fined not more than five thousand dollars and imprisoned not more than fifteen years.

Act March 4, 1909, c. 321, § 151, 35 Stat. 1116.
See Rev. St. § 5431, Comp. St. 1901, p. 3671.

Taking impressions of tools, implements, etc.; punishment for.

Sec. 152. Whoever, without authority from the United States, shall take, procure, or make, upon lead, foil, wax, plaster, paper, or any other substance or material, an impression, stamp, or imprint of, from, or by the use of any bedplate, bedpiece, die, roll, plate, seal, type, or other tool, implement, instrument, or thing used or fitted or intended to be used in printing, stamping, or impressing, or in making other tools, implements, instruments, or things to be used or fitted or intended to be used in printing, stamping, or impressing any kind or description of obligation or other security of the United States now authorized or hereafter to be authorized by the United States, or circulating note or evidence of debt of any banking association under the laws thereof, shall be fined not more than five thousand dollars, or imprisoned not more than ten years, or both.

Act March 4, 1909, c. 321, § 152, 35 Stat. 1117.
See Rev. St. § 5432, Comp. St. 1901, p. 3672.

Having unlawful possession of impressions; punishment for.

Sec. 153. Whoever, with intent to defraud, shall have in his possession, keeping, custody, or control, without authority from the United States, any imprint, stamp, or impression, taken or made upon any substance or material whatsoever, of any tool, implement, instrument, or thing, used, or fitted or intended to be used, for any of the purposes mentioned in the preceding section; or whoever, with intent to defraud, shall sell, give, or deliver any such imprint, stamp, or impression to any other person, shall be fined not more than five thousand dollars, or imprisoned not more than ten years, or both.

Act March 4, 1909, c. 321, § 153, 35 Stat. 1117.
See Rev. St. § 5433, Comp. St. 1901, p. 3672.

Dealing in counterfeit securities; punishment for.

Sec. 154. Whoever shall buy, sell, exchange, transfer, receive, or deliver any false, forged, counterfeited, or altered obligation or other security of the United States, or circulating note of any banking association organized or acting under the laws thereof, which has been or may hereafter be issued by virtue of any Act of Congress, with the intent that the same be passed, published, or used as true and

genuine, shall be fined not more than five thousand dollars, or imprisoned not more than ten years, or both.

Act March 4, 1909, c. 321, § 154, 35 Stat. 1117.
See Rev. St. § 5434, Comp. St. 1901, p. 3673.

Secreting or embezzling tools and materials for printing securities; punishment for.

Sec. 155. Whoever, without authority from the United States, shall secrete within, embezzle, or take and carry away from any building, room, office, apartment, vault, safe, or other place where the same is kept, used, employed, placed, lodged, or deposited by authority of the United States, any bedpiece, bedplate, roll, plate, die, seal, type, or other tool, implement, or thing used or fitted to be used in stamping or printing, or in making some other tool or implement used or fitted to be used in stamping or printing, any kind or description of bond, bill, note, certificate, coupon, postage stamp, revenue stamp, fractional currency note, or other paper, instrument, obligation, device, or document, now or hereafter authorized by law to be printed, stamped, sealed, prepared, issued, uttered, or put in circulation on behalf of the United States; or whoever, without such authority, shall so secrete, embezzle, or take and carry away any paper, parchment, or other material prepared and intended to be used in the making of any such papers, instruments, obligations, devices, or documents; or whoever, without such authority, shall so secrete, embezzle, or take and carry away any paper, parchment, or other material printed or stamped, in whole or part, and intended to be prepared, issued, or put in circulation on behalf of the United States as one of the papers, instruments, or obligations hereinbefore named, or printed or stamped, in whole or part, in the similitude of any such paper, instrument, or obligation, whether intended to issue or put the same in circulation or not, shall be fined not more than five thousand dollars, or imprisoned not more than ten years, or both.

Act March 4, 1909, c. 321, § 155, 35 Stat. 1117.
See Rev. St. § 5453, Comp. St. 1901, p. 3681.

Counterfeiting foreign securities; punishment for.

Sec. 156. Whoever, within the United States or any place subject to the jurisdiction thereof, with intent to defraud, shall falsely make, alter, forge, or counterfeit any bond, certificate, obligation, or other security in imitation of, or purporting to be an imitation of, any bond, certificate, obligation, or other security of any foreign government, issued or put forth under the authority of such foreign government, or any treasury note, bill, or promise to pay issued by such foreign government, and intended to circulate as money, either by law, order, or decree of such foreign government; or whoever shall cause or procure to be so falsely made, altered, forged, or counterfeited, or shall knowingly aid or assist in making, altering, forging, or counterfeiting, any such bond, certificate, obligation, or other security, or any such treasury note, bill, or promise to pay, intended as aforesaid to circulate as money, shall be fined not more than five thousand dollars and imprisoned not more than five years.

Act March 4, 1909, c. 321, § 156, 35 Stat. 1117.
See Act May 16, 1884, c. 52, § 1, Comp. St. 1901, p. 3663.

Uttering counterfeit foreign securities; punishment for.

Sec. 157. Whoever, within the United States or any place subject to the jurisdiction thereof, knowingly and with intent to defraud, shall utter, pass, or put off, in payment or negotiation, any false, forged, or counterfeited bond, certificate, obligation, security, treasury note, bill, or promise to pay, mentioned in the section last preceding, whether the same was made, altered, forged, or counterfeited within the United States or not, shall be fined not more than three thousand dollars and imprisoned not more than three years.

Act March 4, 1909, c. 321, § 157, 35 Stat. 1118.
See Act May 16, 1884, c. 52, § 2, Comp. St. 1901, p. 3664.

Counterfeiting notes of foreign banks; punishment for.

Sec. 158. Whoever, within the United States or any place subject to the jurisdiction thereof, with intent to defraud, shall falsely make, alter, forge, or counterfeit, or cause or procure to be so falsely made, altered, forged, or counterfeited, or shall knowingly aid and assist in the false making, altering, forging, or counterfeiting of any bank note or bill issued by a bank or corporation of any foreign country, and intended by the law or usage of such foreign country to circulate as money, such bank or corporation being authorized by the laws of such country, shall be fined not more than two thousand dollars and imprisoned not more than two years.

Act March 4, 1909, c. 321, § 158, 35 Stat. 1118.
See Act May 16, 1884, c. 52, § 3, Comp. St. 1901, p. 3664.

Uttering counterfeit notes of foreign banks; punishment for.

Sec. 159. Whoever, within the United States or any place subject to the jurisdiction thereof, shall utter, pass, put off, or tender in payment, with intent to defraud, any such false, forged, altered, or counterfeited bank note or bill, as mentioned in the preceding section, knowing the same to be so false, forged, altered, and counterfeited, whether the same was made, forged, altered, or counterfeited within the United States or not, shall be fined not more than one thousand dollars and imprisoned not more than one year.

Act March 4, 1909, c. 321, § 159, 35 Stat. 1118.
See Act May 16, 1884, c. 52, § 4, Comp. St. 1901, p. 3664.

Having in possession counterfeit foreign securities, etc.; punishment for.

Sec. 160. Whoever, within the United States or any place subject to the jurisdiction thereof, shall have in his possession any false, forged, or counterfeit bond, certificate, obligation, security, treasury note, bill, promise to pay, bank note, or bill issued by a bank or corporation of any foreign country, with intent to utter, pass, or put off the same, or to deliver the same to any other person with intent that the same may thereafter be uttered, passed, or put off as true, or shall knowingly deliver the same to any other person with such intent, shall be fined not more than one thousand dollars and imprisoned not more than one year.

Act March 4, 1909, c. 321, § 160, 35 Stat. 1118.
See Act May 16, 1884, c. 52, § 5, Comp. St. 1901, p. 3665.

Having in possession, etc., counterfeit plates of foreign securities, etc.; punishment for.

Sec. 161. Whoever, within the United States or any place subject to the jurisdiction thereof, except by lawful authority, shall have

control, custody, or possession of any plate, stone, or other thing, or any part thereof, from which has been printed or may be printed any counterfeit note, bond, obligation, or other security, in whole or in part, of any foreign government, bank, or corporation, or shall use such plate, stone, or other thing, or knowingly permit or suffer the same to be used in counterfeiting such foreign obligations, or any part thereof; or whoever shall make or engrave, or cause or procure to be made or engraved, or shall assist in making or engraving, any plate, stone, or other thing, in the likeness or similitude of any plate, stone, on other thing designated for the printing of the genuine issues of the obligations of any foreign government, bank, or corporation; or whoever shall print, photograph, or in any other manner make, execute, or sell, or cause to be printed, photographed, made, executed, or sold, or shall aid in printing, photographing, making, executing, or selling, any engraving, photograph, print, or impression in the likeness of any genuine note, bond, obligation, or other security, or any part thereof, of any foreign government, bank, or corporation; or whoever shall bring into the United States or any place subject to the jurisdiction thereof any counterfeit plate, stone, or other thing, or engraving, photograph, print, or other impressions of the notes, bonds, obligations, or other securities of any foreign government, bank, or corporation, shall be fined not more than five thousand dollars, or imprisoned not more than five years, or both.

Act March 4, 1909, c. 321, § 161, 35 Stat. 1118.
See Act May 16, 1884, c. 52, § 6, Comp. St. 1901, p. 3665.

Connecting parts of different bills, etc.; punishment for.

Sec. 162. Whoever shall so place or connect together different parts of two or more notes, bills, or other genuine instruments issued under the authority of the United States, or by any foreign government, or corporation, as to produce one instrument, with intent to defraud, shall be deemed guilty of forgery in the same manner as if the parts so put together were falsely made or forged, and shall be fined not more than one thousand dollars, or imprisoned not more than five years, or both.

Act March 4, 1909, c. 321, § 162, 35 Stat. 1119.

Counterfeiting gold or silver coins or bars; punishment for.

Sec. 163. Whoever shall falsely make, forge, or counterfeit, or cause or procure to be falsely made, forged, or counterfeited, or shall willingly aid or assist in falsely making, forging, or counterfeiting any coin or bars in resemblance or similitude of the gold or silver coins or bars which have been, or hereafter may be, coined or stamped at the mints and assay offices of the United States, or in resemblance or similitude of any foreign gold or silver coin which by law is, or hereafter may be, current in the United States, or are in actual use and circulation as money within the United States; or whoever shall pass, utter, publish, or sell, or attempt to pass, utter, publish, or sell, or bring into the United States or any place subject to the jurisdiction thereof, from any foreign place, knowing the same to be false, forged, or counterfeit, with intent to defraud any body politic or corporate, or any person or persons whomsoever, or shall have in his possession any such false, forged, or counterfeited coin or bars, knowing the same to be false, forged, or counterfeited, with intent to defraud any body

politic or corporate, or any person or persons whomsoever, shall be fined not more than five thousand dollars and imprisoned not more than ten years.

Act March 4, 1909, c. 321, § 163, 35 Stat. 1119.

See Rev. St. § 5457, as amended by Act Jan. 16, 1877, c. 24, Comp. St. 1901, p. 3683.

Counterfeiting minor coins; punishment for.

Sec. 164. Whoever shall falsely make, forge, or counterfeit, or cause or procure to be falsely made, forged, or counterfeited, or shall willingly aid or assist in falsely making, forging, or counterfeiting any coin in the resemblance or similitude of any of the minor coins which have been, or hereafter may be, coined at the mints of the United States; or whoever shall pass, utter, publish, or sell, or bring into the United States or any place subject to the jurisdiction thereof, from any foreign place, or have in his possession any such false, forged, or counterfeited coin, with intent to defraud any person whomsoever, shall be fined not more than one thousand dollars and imprisoned not more than three years.

Act March 4, 1909, c. 321, § 164, 35 Stat. 1119.

See Rev. St. § 5458, Comp. St. 1901, p. 3684.

Falsifying, mutilating or lightening coins; punishment for.

Sec. 165. Whoever, fraudulently, by any art, way, or means, shall deface, mutilate, impair, diminish, falsify, scale, or lighten, or cause or procure to be fraudulently defaced, mutilated, impaired, diminished, falsified, scaled, or lightened, or willingly aid or assist in fraudulently defacing, mutilating, impairing, diminishing, falsifying, scaling, or lightening, the gold or silver coins which have been, or which may hereafter be, coined at the mints of the United States, or any foreign gold or silver coins which are by law made current or are in actual use or circulation as money within the United States or in any place subject to the jurisdiction thereof; or whoever shall pass, utter, publish, or sell, or attempt to pass, utter, publish, or sell, or bring into the United States or any place subject to the jurisdiction thereof, from any foreign place, knowing the same to be defaced, mutilated, impaired, diminished, falsified, scaled, or lightened, with intent to defraud any person whomsoever, or shall have in his possession any such defaced, mutilated, impaired, diminished, falsified, scaled, or lightened coin, knowing the same to be defaced, mutilated, impaired, diminished, falsified, scaled, or lightened, with intent to defraud any person whomsoever, shall be fined not more than two thousand dollars and imprisoned not more than five years.

Act March 4, 1909, c. 321, § 165, 35 Stat. 1119.

See Rev. St. § 5459, as amended by Act March 3, 1897, c. 377, Comp. St. 1901, p. 3684.

Debasing coins by officers of the Mint; punishment for.

Sec. 166. If any of the gold or silver coins struck or coined at any of the mints of the United States shall be debased, or made worse as to the proportion of fine gold or fine silver therein contained, or shall be of less weight or value than the same ought to be, pursuant to law, or if any of the scales or weights used at any of the mints or assay offices of the United States shall be defaced, altered, increased, or diminished through the fault or connivance of any officer or person employed at the said mints or assay offices, with a fraudulent intent;

or if any such officer or person shall embezzle any of the metals at any time committed to his charge for the purpose of being coined, or any of the coins struck or coined at the said mints, or any medals, coins, or other moneys of said mints or assay offices at any time committed to his charge, or of which he may have assumed the charge, every such officer or person who commits any of the said offenses shall be fined not more than ten thousand dollars and imprisoned not more than ten years.

Act March 4, 1909, c. 321, § 166, 35 Stat. 1120.
See Rev. St. § 5460, Comp. St. 1901, p. 3685.

Making or uttering coins resembling money; punishment for.

Sec. 167. Whoever, except as authorized by law, shall make or cause to be made, or shall utter or pass, or attempt to utter or pass, any coins of gold or silver or other metal, or alloys of metals, intended for the use and purpose of current money, whether in the resemblance of coins of the United States or of foreign countries, or of original design, shall be fined not more than three thousand dollars, or imprisoned not more than five years, or both.

Act March 4, 1909, c. 321, § 167, 35 Stat. 1120.
See Rev. St. § 5461, Comp. St. 1901, p. 3685.

Making or uttering devices of minor coins; punishment for.

Sec. 168. Whoever, not lawfully authorized, shall make, issue, or pass, or cause to be made, issued, or passed, any coin, card, token, or device in metal, or its compounds, which may be intended to be used as money for any one-cent, two-cent, three-cent, or five-cent piece, now or hereafter authorized by law, or for coins of equal value, shall be fined not more than one thousand dollars and imprisoned not more than five years.

Act March 4, 1909, c. 321, § 168, 35 Stat. 1120.
See Rev. St. § 5462, Comp. St. 1901, p. 3686.

Counterfeiting, etc., dies for United States coins; punishment for.

Sec. 169. Whoever, without lawful authority, shall make, or cause or procure to be made, or shall willingly aid or assist in making, any die, hub, or mold, or any part thereof, either of steel or plaster, or any other substance whatsoever, in likeness or similitude, as to the design or the inscription thereon, of any die, hub, or mold designated for the coining or making of any of the genuine gold, silver, nickel, bronze, copper, or other coins of the United States, that have been or hereafter may be coined at the mints of the United States; or whoever, without lawful authority, shall have in his possession any such die, hub, or mold, or any part thereof, or shall permit the same to be used for or in aid of the counterfeiting of any of the coins of the United States hereinbefore mentioned, shall be fined not more than five thousand dollars and imprisoned not more than ten years.

Act March 4, 1909, c. 321, § 169, 35 Stat. 1120.
See Act Feb. 10, 1891, c. 127, § 1, Comp. St. 1901, p. 3686.

Counterfeiting, etc., dies for foreign coins; punishment for.

Sec. 170. Whoever, within the United States or any place subject to the jurisdiction thereof, without lawful authority, shall make, or cause or procure to be made, or shall willingly aid or assist in making, any die, hub, or mold, or any part thereof, either of steel or of plaster, or of any other substance whatsoever, in the likeness or similitude, as

to the design or the inscription thereon, of any die, hub, or mold designated for the coining of the genuine coin of any foreign government; or whoever, without lawful authority, shall have in his possession any such die, hub, or mold, or any part thereof, or shall conceal, or knowingly suffer the same to be used for the counterfeiting of any foreign coin, shall be fined not more than two thousand dollars, or imprisoned not more than five years, or both.

Act March 4, 1909, c. 321, § 170, 35 Stat. 1120.
See Act Feb. 10, 1891, c. 127, § 2, Comp. St. 1901, p. 3686.

Making, importing, etc., tokens, prints, etc., similar to United States or foreign coins; punishment for; illustrations permitted.

Sec. 171. Whoever, within the United States or any place subject to the jurisdiction thereof, shall make, or cause or procure to be made, or shall bring therein, from any foreign country, or shall have in possession with intent to sell, give away, or in any other manner use the same, any business or professional card, notice, placard, token, device, print, or impression, or any other thing whatsoever, in the likeness or similitude as to design, color, or the inscription thereon, of any of the coins of the United States or of any foreign country that have been or hereafter may be issued as money, either under the authority of the United States or under the authority of any foreign government, shall be fined not more than one hundred dollars. But nothing in this section shall be construed to forbid or prevent the printing and publishing of illustrations of coins and medals, or the making of the necessary plates for the same, to be used in illustrating numismatic and historical books and journals and the circulars of legitimate publishers and dealers in the same.

Act March 4, 1909, c. 321, § 171, 35 Stat. 1121.
See Act Feb. 10, 1891, c. 127, § 3, Comp. St. 1901, p. 3687.

Forfeiture of counterfeit obligations, securities, coins, and material; punishment for failing to deliver.

Sec. 172. All counterfeits of any obligation or other security of the United States or of any foreign government, or counterfeits of any of the coins of the United States or of any foreign government, and all material or apparatus fitted or intended to be used, or that shall have been used, in the making of any such counterfeit obligation or other security or coins hereinbefore mentioned, that shall be found in the possession of any person without authority from the Secretary of the Treasury or other proper officer to have the same, shall be taken possession of by any authorized agent of the Treasury Department and forfeited to the United States, and disposed of in any manner the Secretary of the Treasury may direct. Whoever having the custody or control of any such counterfeits, material, or apparatus shall fail or refuse to surrender possession thereof upon request by any such authorized agent of the Treasury Department, shall be fined not more than one hundred dollars, or imprisoned not more than one year, or both.

Act March 4, 1909, c. 321, § 172, 35 Stat. 1121.
See Act Feb. 10, 1891, c. 127, § 4, Comp. St. 1901, p. 3687.

Issue of search warrant for suspected counterfeits, etc.; forfeiture of seized articles.

Sec. 173. The several judges of courts established under the laws of the United States and United States commissioners may, upon

proper oath or affirmation, within their respective jurisdictions, issue a search warrant authorizing any marshal of the United States, or any other person specially mentioned in such warrant, to enter any house, store, building, boat, or other place named in such warrant, in which there shall appear probable cause for believing that the manufacture of counterfeit money, or the concealment of counterfeit money, or the manufacture or concealment of counterfeit obligations or coins of the United States or of any foreign government, or the manufacture or concealment of dies, hubs, molds, plates, or other things fitted or intended to be used for the manufacture of counterfeit money, coins, or obligations of the United States or of any foreign government, or of any bank doing business under the authority of the United States or of any State or Territory thereof, or of any bank doing business under the authority of any foreign government, or of any political division of any foreign government, is being carried on or practiced, and there search for any such counterfeit money, coins, dies, hubs, molds, plates, and other things, and for any such obligations, and if any such be found, to seize and secure the same and to make return thereof to the proper authority; and all such counterfeit money, coins, dies, hubs, molds, plates, and other things, and all such counterfeit obligations so seized shall be forfeited to the United States.

Act March 4, 1909, c. 321, § 173, 35 Stat. 1121.
See Act Feb. 10, 1891, c. 127, § 5, Comp. St. 1901, p. 3687.

Circulating bills of expired banks; punishment for; circulation permitted.

Sec. 174. In all cases where the charter of any corporation which has been or may be created by Act of Congress has expired or may hereafter expire, if any director, officer, or agent of the corporation, or any trustee thereof, or any agent of such trustee, or any person having in his possession or under his control the property of the corporation for the purpose of paying or redeeming its notes and obligations, shall knowingly issue, reissue, or utter as money, or in any other way knowingly put in circulation any bill, note, check, draft, or other security purporting to have been made by any such corporation whose charter has expired, or by any officer thereof, or purporting to have been made under authority derived therefrom, or if any person shall knowingly aid in any such act, he shall be fined not more than ten thousand dollars, or imprisoned not more than five years, or both. But nothing herein shall be construed to make it unlawful for any person, not being such director, officer, or agent of the corporation, or any trustee thereof, or any agent of such trustee, or any person having in his possession or under his control the property of the corporation for the purpose hereinbefore set forth, who has received or may hereafter receive such bill, note, check, draft, or other security, bona fide and in the ordinary transactions of business, to utter as money or otherwise circulate the same.

Act March 4, 1909, c. 321, § 174, 35 Stat. 1122.
See Rev. St. § 5437, Comp. St. 1901, p. 3673.

Imitating national-bank notes with advertisements thereon; punishment for.

Sec. 175. It shall not be lawful to design, engrave, print, or in any manner make or execute, or to utter, issue, distribute, circulate, or use any business or professional card, notice, placard, circular, handbill,

or advertisement in the likeness or similitude of any circulating note or other obligation or security of any banking association organized or acting under the laws of the United States which has been or may be issued under any Act of Congress, or to write, print, or otherwise impress upon any such note, obligation, or security, any business or professional card, notice or advertisement, or any notice or advertisement of any matter or thing whatever. Whoever shall violate any provision of this section shall be fined not more than one hundred dollars, or imprisoned not more than six months, or both.

Act March 4, 1909, c. 321, § 175, 35 Stat. 1122.
See Rev. St. § 5188, Comp. St. 1901, p. 3484.

Mutilating, etc., national-bank notes; punishment for.

Sec. 176. Whoever shall mutilate, cut, deface, disfigure, or perforate with holes, or unite or cement together, or do any other thing to any bank bill, draft, note, or other evidence of debt, issued by any national banking association, or shall cause or procure the same to be done, with intent to render such bank bill, draft, note, or other evidence of debt unfit to be reissued by said association, shall be fined not more than one hundred dollars, or imprisoned not more than six months, or both.

Act March 4, 1909, c. 321, § 176, 35 Stat. 1122.
See Rev. St. § 5189, Comp. St. 1901, p. 3484.

Imitating securities or printing advertisements thereon; punishment for.

Sec. 177. It shall not be lawful to design, engrave, print, or in any manner make or execute, or to utter, issue, distribute, circulate, or use, any business or professional card, notice, placard, circular, handbill, or advertisement, in the likeness or similitude of any bond, certificate of indebtedness, certificate of deposit, coupon, United States note, Treasury note, gold certificate, silver certificate, fractional note, or other obligation or security of the United States which has been or may be issued under or authorized by any Act of Congress heretofore passed or which may hereafter be passed; or to write, print, or otherwise impress upon any such instrument, obligation, or security, any business or professional card, notice, or advertisement, or any notice or advertisement of any matter or thing whatever. Whoever shall violate any provision of this section shall be fined not more than five hundred dollars.

Act March 4, 1909, c. 321, § 177, 35 Stat. 1122.
See Rev. St. § 3708, Comp. St. 1901, p. 2482.

Issuing notes less than one dollar; punishment for.

Sec. 178. No person shall make, issue, circulate, or pay out any note, check, memorandum, token, or other obligation for a less sum than one dollar, intended to circulate as money or to be received or used in lieu of lawful money of the United States; and every person so offending shall be fined not more than five hundred dollars, or imprisoned not more than six months, or both.

Act March 4, 1909, c. 321, § 178, 35 Stat. 1122.
See Rev. St. § 3583, Comp. St. 1901, p. 2398.

CHAPTER EIGHT.

Offenses against the Postal Service.

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Conducting post-office without authority; penalty.

Sec. 179. Whoever, without authority from the Postmaster-General, shall set up or profess to keep any office or place of business bearing the sign, name, or title of post-office, shall be fined not more than five hundred dollars.

Act March 4, 1909, c. 321, § 179, 35 Stat. 1123.
See Rev. St. § 3829, Comp. St. 1901, p. 2608.

Illegal carrying of mail by officials, etc.; punishment for.

Sec. 180. Whoever, being concerned in carrying the mail, shall collect, receive, or carry any letter or packet, or cause or procure the

same to be done, contrary to law, shall be fined not more than fifty dollars, or imprisoned not more than thirty days, or both.

Act March 4, 1909, c. 321, § 180, 35 Stat. 1123.
See Rev. St. § 3981, Comp. St. 1901, p. 2712.

Conveying mail by private express; punishment for; delivery to post-office, etc., allowed.

Sec. 181. Whoever shall establish any private express for the conveyance of letters or packets, or in any manner cause or provide for the conveyance of the same by regular trips or at stated periods over any post route which is or may be established by law, or from any city, town, or place, to any other city, town, or place, between which the mail is regularly carried, or whoever shall aid or assist therein shall be fined not more than five hundred dollars, or imprisoned not more than six months, or both: Provided, That nothing contained in this section shall be construed as prohibiting any person from receiving and delivering to the nearest post-office, postal car, or other authorized depository for mail matter, any mail matter properly stamped.

Act March 4, 1909, c. 321, § 181, 35 Stat. 1123.
See Rev. St. § 3982, Comp. St. 1901, p. 2712; Act March 3, 1879, c. 180, § 1, Comp. St. 1901, p. 2712.

Transporting persons unlawfully conveying mail; penalty.

Sec. 182. Whoever, being the owner, driver, conductor, master, or other person having charge of any stagecoach, railway car, steamboat, or other vehicle or vessel, shall knowingly convey or knowingly permit the conveyance of any person acting or employed as a private express for the conveyance of letters or packets, and actually in possession of the same for the purpose of conveying them, contrary to law, shall be fined not more than one hundred and fifty dollars.

Act March 4, 1909, c. 321, § 182, 35 Stat. 1124.
See Rev. St. § 3983, Comp. St. 1901, p. 2713.

Sending letters by private express; penalty.

Sec. 183. Whoever shall transmit by private express or other unlawful means, or deliver to any agent thereof, or deposit or cause to be deposited at any appointed place, for the purpose of being so transmitted, any letter or packet, shall be fined not more than fifty dollars.

Act March 4, 1909, c. 321, § 183, 35 Stat. 1124.
See Rev. St. § 3984, Comp. St. 1901, p. 2713.

Carrying letters out of the mail over post routes; penalty.

Sec. 184. Whoever, being the owner, driver, conductor, master, or other person having charge of any stage-coach, railway car, steamboat, or conveyance of any kind which regularly performs trips at stated periods on any post route, or from any city, town, or place to any other city, town, or place between which the mail is regularly carried, and which shall carry, otherwise than in the mail, any letters or packets, except such as relate to some part of the cargo of such steamboat or other vessel, to the current business of the carrier, or to some article carried at the same time by the same stage-coach, railway car, or other vehicle, except as otherwise provided by law, shall be fined not more than fifty dollars.

Act March 4, 1909, c. 321, § 184, 35 Stat. 1124.
See Rev. St. § 3985, Comp. St. 1901, p. 2713.

Carrying letters out of the mail on vessels; punishment for.

Sec. 185. Whoever shall carry any letter or packet on board any vessel which carries the mail, otherwise than in such mail, except as otherwise provided by law, shall be fined not more than fifty dollars, or imprisoned not more than one month, or both.

Act March 4, 1909, c. 321, § 185, 35 Stat. 1124.
See Rev. St. § 3986, Comp. St. 1901, p. 2714.

When conveyance by private persons is lawful.

Sec. 186. Nothing in this chapter shall be construed to prohibit the conveyance or transmission of letters or packets by private hands without compensation, or by special messenger employed for the particular occasion only.

Act March 4, 1909, c. 321, § 186, 35 Stat. 1124.
See Rev. St. § 3992, Comp. St. 1901, p. 2715.

Wearing carrier's uniform without authority; punishment for.

Sec. 187. Whoever, not being connected with the letter-carrier branch of the postal service, shall wear the uniform or badge which may be prescribed by the Postmaster-General, to be worn by letter carriers, shall be fined not more than one hundred dollars, or imprisoned not more than six months, or both.

Act March 4, 1909, c. 321, § 187, 35 Stat. 1124.
See Rev. St. § 3867, Comp. St. 1901, p. 2637.

Vehicles, etc., claiming to be mail carriers; punishment for.

Sec. 188. It shall be unlawful to paint, print, or in any manner to place upon or attach to any steamboat or other vessel, or any car, stage-coach, vehicle, or other conveyance, not actually used in carrying the mail, the words "United States Mail," or any words, letters, or characters of like import; or to give notice, by publishing in any newspaper or otherwise, that any steamboat or other vessel, or any car, stage-coach, vehicle, or other conveyance, is used in carrying the mail, when the same is not actually so used; and every person who shall violate, and every owner, receiver, lessee, or managing operator thereof, who shall cause, suffer, or permit the violation of any provision of this section, shall be liable, and shall be fined not more than one thousand dollars, or imprisoned not more than two years, or both.

Act March 4, 1909, c. 321, § 188, 35 Stat. 1124.
See Rev. St. § 3979, Comp. St. 1901, p. 2711.

Injuring mail bags, etc.; punishment for.

Sec. 189. Whoever shall tear, cut, or otherwise injure any mail bag, pouch, or other thing used or designed for use in the conveyance of the mail, or shall draw or break any staple or loosen any part of any lock, chain, or strap attached thereto, with intent to rob or steal any such mail, or to render the same insecure, shall be fined not more than five hundred dollars, or imprisoned not more than three years, or both.

Act March 4, 1909, c. 321, § 189, 35 Stat. 1124.
See Rev. St. § 5476, Comp. St. 1901, p. 3695.

Stealing post-office property; punishment for.

Sec. 190. Whoever shall steal, purloin, or embezzle any mail bag or other property in use by or belonging to the Post-Office Department, or shall appropriate any such property to his own or any other than its proper use, or shall convey away any such property to the

hindrance or detriment of the public service, shall be fined not more than two hundred dollars, or imprisoned not more than three years, or both.

Act March 4, 1909, c. 321, § 190, 35 Stat. 1124.
See Rev. St. § 5475, Comp. St. 1901, p. 3694.

Stealing or forging mail locks or keys; punishment for.

Sec. 191. Whoever shall steal, purloin, embezzle, or obtain by any false pretense, or shall aid or assist in stealing, purloining, embezzling, or obtaining by any false pretense, any key suited to any lock adopted by the Post-Office Department and in use on any of the mails or bags thereof, or any key to any lock box, lock drawer, or other authorized receptacle for the deposit or delivery of mail matter; or whoever shall knowingly and unlawfully make, forge, or counterfeit, or cause to be unlawfully made, forged, or counterfeited, any such key, or shall have in his possession any such mail lock or key with the intent unlawfully or improperly to use, sell, or otherwise dispose of the same, or to cause the same to be unlawfully or improperly used, sold, or otherwise disposed of; or whoever, being engaged as a contractor or otherwise in the manufacture of any such mail lock or key, shall deliver or cause to be delivered, any finished or unfinished lock or key used or designed for use by the department, or the interior part of any such lock, to any person not duly authorized under the hand of the Postmaster-General and the seal of the Post-Office Department, to receive the same, unless the person receiving it is the contractor for furnishing the same or engaged in the manufacture thereof in the manner authorized by the contract, or the agent of such manufacturer, shall be fined not more than five hundred dollars and imprisoned not more than ten years.

Act March 4, 1909, c. 321, § 191, 35 Stat. 1125.
See Rev. St. § 5477, Comp. St. 1901, p. 3695.

Breaking into and entering post-office.

Sec. 192. Whoever shall forcibly break into or attempt to break into any post-office, or any building used in whole or in part as a post-office, with intent to commit in such post-office, or building, or part thereof, so used, any larceny or other depredation, shall be fined not more than one thousand dollars and imprisoned not more than five years.

Act March 4, 1909, c. 321, § 192, 35 Stat. 1125.
See Rev. St. § 5478, Comp. St. 1901, p. 3696.

Unlawfully entering post-office car, etc.; punishment for.

Sec. 193. Whoever, by violence, shall enter a post-office car, or any apartment in any car, steamboat, or vessel, assigned to the use of the Mail Service, or shall willfully or maliciously assault or interfere with any postal clerk in the discharge of his duties in connection with such car, steamboat, vessel, or apartment thereof, or shall willfully aid or assist therein, shall be fined not more than one thousand dollars, or imprisoned not more than three years, or both.

Act March 4, 1909, c. 321, § 193, 35 Stat. 1125.
See Act March 3, 1903, c. 1009, § 5, 32 Stat. 1176.

Stealing, secreting, embezzling, etc., mail matter; punishment for.

Sec. 194. Whoever shall steal, take, or abstract, or by fraud or deception obtain, from or out of any mail, post-office, or station thereof,

or other authorized depository for mail matter, or from a letter or mail carrier, any letter, postal card, package, bag, or mail, or shall abstract or remove from any such letter, package, bag, or mail, any article or thing contained therein, or shall secrete, embezzle, or destroy any such letter, postal card, package, bag, or mail, or any article or thing contained therein; or whoever shall buy, receive, or conceal, or aid in buying, receiving, or concealing, or shall unlawfully have in his possession, any letter, postal card, package, bag, or mail, or any article or thing contained therein, which has been so stolen, taken, embezzled or abstracted, as herein described, knowing the same to have been so stolen, taken, embezzled, or abstracted; or whoever shall take any letter, postal card, or package, out of any post-office or station thereof, or out of any authorized depository for mail matter, or from any letter or mail carrier, or which has been in any post-office or station thereof, or other authorized depository, or in the custody of any letter or mail carrier, before it has been delivered to the person to whom it was directed, with a design to obstruct the correspondence, or to pry into the business or secrets of another, or shall open, secrete, embezzle, or destroy the same, shall be fined not more than two thousand dollars, or imprisoned not more than five years, or both.

Act March 4, 1909, c. 321, § 194, 35 Stat. 1125.
See Rev. St. §§ 3892, 5469, 5470, Comp. St. 1901, pp. 2657, 3692, 3693.

Postmaster or postal employee detaining, destroying, or embezzling mail matter; punishment for.

Sec. 195. Whoever, being a postmaster or other person employed in any department of the postal service, shall unlawfully detain, delay, or open any letter, postal card, package, bag, or mail intrusted to him or which shall come into his possession, and which was intended to be conveyed by mail, or carried or delivered by any carrier, messenger, agent, or other person employed in any department of the postal service, or forwarded through or delivered from any post-office or station thereof established by authority of the Postmaster-General; or shall secrete, embezzle, or destroy any such letter, postal card, package, bag, or mail; or shall steal, abstract, or remove from any such letter, package, bag, or mail, any article or thing contained therein, shall be fined not more than five hundred dollars, or imprisoned not more than five years, or both.

Act March 4, 1909, c. 321, § 195, 35 Stat. 1125.
See Rev. St. §§ 3890, 3891, 5467, Comp. St. 1901, pp. 2657, 3691.

Postmasters, etc., detaining or destroying newspapers; by other persons; punishment for.

Sec. 196. Whoever, being a postmaster or other person employed in any department of the postal service, shall improperly detain, delay, embezzle, or destroy any newspaper, or permit any other person to detain, delay, embezzle, or destroy the same, or open, or permit any other person to open, any mail or package of newspapers not directed to the office where he is employed; or whoever shall open, embezzle, or destroy any mail or package of newspapers not being directed to him, and he not being authorized to open or receive the same; or whoever shall take or steal any mail or package of newspapers from any post-office or from any person having custody thereof,

shall be fined not more than one hundred dollars, or imprisoned not more than one year, or both.

Act March 4, 1909, c. 321, § 196, 35 Stat. 1126.
See Rev. St. § 5471, Comp. St. 1901, p. 3693.

Assaulting mail custodian with intent to rob, and robbing mail; punishment for; using weapon, etc.; punishment for.

Sec. 197. Whoever shall assault any person having lawful charge, control, or custody of any mail matter, with intent to rob, steal, or purloin such mail matter or any part thereof, or shall rob any such person of such mail or any part thereof, shall, for a first offense, be imprisoned not more than ten years; and if in effecting or attempting to effect such robbery, he shall wound the person having custody of the mail, or put his life in jeopardy by the use of a dangerous weapon, or for a subsequent offense, shall be imprisoned twenty-five years.

Act March 4, 1909, c. 321, § 197, 35 Stat. 1126.
See Rev. St. §§ 5472, 5473, Comp. St. 1901, p. 3694.

Injury to letter boxes, etc.; assault on letter carrier; punishment for.

Sec. 198. Whoever shall willfully injure, tear down, or destroy any letter box, pillar box, lock box, lock drawer, or other receptacle established or approved by the Postmaster-General for the safe deposit of matter for the mail or for delivery, or any lock or similar device belonging or attached thereto, or any letter box or other receptacle designated or approved by the Postmaster-General for the receipt or delivery of mail matter on any rural free-delivery route, star route, or other mail route, or shall break open the same; or shall willfully injure, deface, or destroy any mail matter deposited in any letter box, pillar box, lock box, lock drawer, or other receptacle established or approved by the Postmaster-General for the safe deposit of matter for the mail or for delivery; or shall willfully take or steal such matter from or out of any such letter box, pillar box, lock box, lock drawer, or other receptacle, or shall willfully and maliciously assault any letter or mail carrier, knowing him to be such, while engaged on his route in the discharge of his duty as such carrier, or shall willfully aid or assist in any offense defined in this section, shall be fined not more than one thousand dollars, or imprisoned not more than three years, or both.

Act March 4, 1909, c. 321, § 198, 35 Stat. 1126.
See Rev. St. §§ 3869, 5466, Comp. St. 1901, pp. 2638, 3691; Act April 21, 1902, c. 563, § 1, 32 Stat. 113, amended by Act March 3, 1903, c. 1009, § 3, 32 Stat. 1175.

Deserting the mail; punishment for.

Sec. 199. Whoever, having taken charge of any mail, shall voluntarily quit or desert the same before he has delivered it into the post-office at the termination of the route, or to some known mail carrier, messenger, agent, or other employee in the postal service authorized to receive the same, shall be fined not more than five hundred dollars, or imprisoned not more than one year, or both.

Act March 4, 1909, c. 321, § 199, 35 Stat. 1126.
See Rev. St. § 5474, Comp. St. 1901, p. 3694.

Delivery of letters by master of vessel; penalty for failure.

Sec. 200. The master or other person having charge or control of any steamboat or other vessel passing between ports or places in the United

States, arriving at any such port or place where there is a post-office, shall deliver to the postmaster or at the post-office, within three hours after his arrival, if in the daytime, and if at night, within two hours after the next sunrise, all letters and packages brought by him or within his power or control and not relating to the cargo, addressed to or destined for such port or place, for which he shall receive from the postmaster two cents for each letter or package so delivered, unless the same is carried under a contract for carrying the mail; and for every failure so to deliver such letters or packages, the master or other person having charge or control of such steamboat or other vessel, shall be fined not more than one hundred and fifty dollars.

Act March 4, 1909, c. 321, § 200, 35 Stat. 1126.
See Rev. St. § 3977, Comp. St. 1901, p. 2711.

Obstructing the mail; punishment for.

Sec. 201. Whoever shall knowingly and willfully obstruct or retard the passage of the mail, or any carriage, horse, driver, or carrier, or car, steamboat, or other conveyance or vessel carrying the same, shall be fined not more than one hundred dollars, or imprisoned not more than six months, or both.

Act March 4, 1909, c. 321, § 201, 35 Stat. 1127.
See Rev. St. § 3995, Comp. St. 1901, p. 2716.

Ferryman delaying mail; penalty.

Sec. 202. Whoever, being a ferryman, shall delay the passage of the mail by willful neglect or refusal to transport the same across any ferry, shall be fined not more than one hundred dollars.

Act March 4, 1909, c. 321, § 202, 35 Stat. 1127.
See Rev. St. § 3996, Comp. St. 1901, p. 2716.

Letters carried in foreign vessel to be deposited in post-office; penalty for failure.

Sec. 203. All letters or other mailable matter conveyed to or from any part of the United States by any foreign vessel, except such sealed letters relating to such vessel or any part of the cargo thereof as may be directed to the owners or consignees of the vessel, shall be subject to postage charge, whether addressed to any person in the United States or elsewhere, provided they are conveyed by the packet or other ship of a foreign country imposing postage on letters or other mailable matter conveyed to or from such country by any vessel of the United States; and such letters or other mailable matter carried in foreign vessels, except such sealed letters relating to the vessel or any part of the cargo thereof as may be directed to the owners or consignees, shall be delivered into the United States post-office by the master or other person having charge or control of such vessel when arriving, and be taken from the United States post-office when departing, and the postage justly chargeable by law paid thereon; and for refusing or failing to do so, or for conveying such letters or other mailable matter, or any letters or other mailable matter, intended to be conveyed in any vessel of such foreign country, over or across the United States, or any portion thereof, the party offending shall be fined not more than one thousand dollars.

Act March 4, 1909, c. 321, § 203, 25 Stat. 1127.
See Rev. St. § 4016, Comp. St. 1901, p. 2732.

Vessels to deliver letters at post-office before entry; oath; penalty for failure.

Sec. 204. No vessel arriving within a port or collection district of the United States shall be allowed to make entry or break bulk until all letters on board are delivered to the nearest post-office, and the master or other person having charge or control thereof has signed and sworn to the following declaration before the collector or other proper customs officer:

I, A. B., master ———, of the ———, arriving from ———, and now lying in the port of ———, do solemnly swear (or affirm) that I have to the best of my knowledge and belief delivered to the post-office at ——— every letter and every bag, packet, or parcel of letters which was on board the said vessel during her last voyage, or which were in my possession or under my power or control.

And any master or other person having charge or control of such vessel who shall break bulk before he has delivered such letters shall be fined not more than one hundred dollars.

Act March 4, 1909, c. 321, § 204, 35 Stat. 1127.
See Rev. St. § 3988, Comp. St. 1901, p. 2714.

Using, etc., canceled stamps; punishment for; postal employees; other persons.

Sec. 205. Whoever shall use or attempt to use in payment of postage, any canceled postage stamp, whether the same has been used or not; or shall remove, attempt to remove, or assist in removing, the canceling or defacing marks from any postage stamp, or the superscription from any stamped envelope, or postal card, that has once been used in payment of postage, with the intent to use the same for a like purpose, or to sell or offer to sell the same, or shall knowingly have in possession any such postage stamp, stamped envelope, or postal card, with intent to use the same, or shall knowingly sell or offer to sell any such postage stamp, stamped envelope, or postal card, or use or attempt to use the same in payment of postage; or whoever unlawfully and willfully shall remove from any mail matter any stamp attached thereto in payment of postage; or shall knowingly use or cause to be used in payment of postage, any postage stamp, postal card, or stamped envelope, issued in pursuance of law, which has already been used for a like purpose; shall, if he be a person employed in the postal service, be fined not more than five hundred dollars, or imprisoned not more than three years, or both; and if he be a person not employed in the postal service, shall be fined not more than five hundred dollars, or imprisoned not more than one year, or both.

Act March 4, 1909, c. 321, § 205, 35 Stat. 1127.
See Rev. St. §§ 3922–3925, Comp. St. 1901, p. 2683; Act March 3, 1879, c. 180, § 28, Comp. St. 1901, p. 2684.

False returns by postmasters to increase compensation; punishment for.

Sec. 206. Whoever, being a postmaster or other person employed in any branch of the postal service, shall make, or assist in making, or cause to be made, a false return, statement, or account to any officer of the United States, or shall make, assist in making, or cause to be made, a false entry in any record, book, or account, required by law or the rules or regulations of the Post-Office Department to be kept in respect of the business or operations of any post-office or other branch

of the postal service, for the purpose of fraudulently increasing his compensation or the compensation of the postmaster or any employee in a post-office; or whoever, being a postmaster or other person employed in any post-office or station thereof, shall induce, or attempt to induce, for the purpose of increasing the emoluments or compensation of his office, any person to deposit mail matter in, or forward in any manner for mailing at, the office where such postmaster or other person is employed, knowing such matter to be properly mailable at another post-office, shall be fined not more than five hundred dollars, or imprisoned not more than two years, or both.

Act March 4, 1909, c. 321, § 206, 35 Stat. 1128.
See Act June 17, 1878, c. 259, § 1, Comp. St. 1901, p. 2614.

Collecting unlawful postage; punishment for.

Sec. 207. Whoever, being a postmaster or other person authorized to receive the postage of mail matter, shall fraudulently demand or receive any rate of postage or gratuity or reward other than is provided by law for the postage of such mail matter, shall be fined not more than one hundred dollars, or imprisoned not more than six months, or both.

Act March 4, 1909, c. 321, § 207, 35 Stat. 1128.
See Rev. St. § 3899, Comp. St. 1901, p. 2665.

Unlawful pledging or sale of stamps; inducing purchases to increase pay; punishment for.

Sec. 208. Whoever, being a postmaster or other person employed in any branch of the postal service, and being intrusted with the sale or custody of postage stamps, stamped envelopes, or postal cards, shall use or dispose of them in the payment of debts, or in the purchase of merchandise or other salable articles, or pledge or hypothecate the same, or sell or dispose of them except for cash; or sell or dispose of postage stamps or postal cards for any larger or less sum than the values indicated on their faces; or sell or dispose of stamped envelopes for a larger or less sum than is charged therefor by the Post-Office Department for like quantities; or sell or dispose of, or cause to be sold or disposed of, postage stamps, stamped envelopes, or postal cards at any point or place outside of the delivery of the office where such postmaster or other person is employed; or induce or attempt to induce, for the purpose of increasing the emoluments or compensation of such postmaster, or the emoluments or compensation of any other person employed in such post-office or any station thereof, or the allowances or facilities provided therefor, any person to purchase at such post-office or any station thereof, or from any employee of such post-office, postage stamps, stamped envelopes, or postal cards; or sell or dispose of postage stamps, stamped envelopes, or postal cards, otherwise than as provided by law or the regulations of the Post-Office Department, shall be fined not more than five hundred dollars, or imprisoned not more than one year, or both.

Act March 4, 1909, c. 321, § 208, 35 Stat. 1128.
See Rev. St. § 3920, Comp. St. 1901, p. 2681; Act June 17, 1878, c. 259, § 1, Comp. St. 1901, p. 2682.

Failing to account for postage due, etc.; punishment for.

Sec. 209. Whoever, being a postmaster or other person engaged in the postal service, shall collect and fail to account for the postage due

upon any article of mail matter which he may deliver, without having previously affixed and canceled the special stamp provided by law, or shall fail to affix such stamp, shall be fined not more than fifty dollars.

Act March 4, 1909, c. 321, § 209, 35 Stat. 1128.
See Act March 3, 1879, c. 180, § 27, Comp. St. 1901, p. 2664.

Issuing unpaid-for money orders; punishment for.

Sec. 210. Whoever, being a postmaster or other person employed in any branch of the postal service, shall issue a money order without having previously received the money therefor, shall be fined not more than five hundred dollars.

Act March 4, 1909, c. 321, § 210, 35 Stat. 1129.
See Rev. St. 4030, Comp. St. 1901, p. 2742.

Obscene, etc., matter unmailable; punishment for mailing or taking from mails to circulate.

Sec. 211. Every obscene, lewd, or lascivious, and every filthy, book, pamphlet, picture, paper, letter, writing, print, or other publication of an indecent character, and every article or thing designed, adapted, or intended for preventing conception or producing abortion, or for any indecent or immoral use; and every article, instrument, substance, drug, medicine, or thing which is advertised or described in a manner calculated to lead another to use or apply it for preventing conception or producing abortion, or for any indecent or immoral purpose; and every written or printed card, letter, circular, book, pamphlet, advertisement, or notice of any kind giving information directly or indirectly, where, or how, or from whom, or by what means any of the hereinbefore-mentioned matters, articles, or things may be obtained or made, or where or by whom any act or operation of any kind for the procuring or producing of abortion will be done or performed, or how or by what means conception may be prevented or abortion produced, whether sealed or unsealed; and every letter, packet, or package, or other mail matter containing any filthy, vile, or indecent thing, device, or substance; and every paper, writing, advertisement, or representation that any article, instrument, substance, drug, medicine, or thing may, or can be, used or applied for preventing conception or producing abortion, or for any indecent or immoral purpose; and every description calculated to induce or incite a person to so use or apply any such article, instrument, substance, drug, medicine, or thing, is hereby declared to be nonmailable matter and shall not be conveyed in the mails or delivered from any post-office or by any letter carrier. Whoever shall knowingly deposit, or cause to be deposited for mailing or delivery, anything declared by this section to be nonmailable, or shall knowingly take, or cause the same to be taken, from the mails for the purpose of circulating or disposing thereof, or of aiding in the circulation or disposition thereof, shall be fined not more than five thousand dollars, or imprisoned not more than five years, or both. And the term "indecent" within the intendment of this section shall include matter of a character tending to incite arson, murder, or assassination.

Act March 4, 1909, c. 321, § 211, 35 Stat. 1129; Act March 4, 1911, c. 241, § 2, 36 Stat. 1339.
See Rev. St. § 3893, as amended by Act July 12, 1876, c. 186, § 1, and Act Sept. 26, 1888, c. 1039, § 2, Comp. St. 1901, p. 2658.

Libelous and indecent matter on wrappers or envelopes; punishment for mailing.

Sec. 212. All matter otherwise mailable by law, upon the envelope or outside cover or wrapper of which, or any postal card upon which, any delineations, epithets, terms, or language of an indecent, lewd, lascivious, obscene, libelous, scurrilous, defamatory, or threatening character, or calculated by the terms or manner or style of display and obviously intended to reflect injuriously upon the character or conduct of another, may be written or printed or otherwise impressed or apparent, are hereby declared nonmailable matter, and shall not be conveyed in the mails nor delivered from any post-office nor by any letter carrier, and shall be withdrawn from the mails under such regulations as the Postmaster-General shall prescribe. Whoever shall knowingly deposit or cause to be deposited, for mailing or delivery, anything declared by this section to be nonmailable matter, or shall knowingly take the same or cause the same to be taken from the mails for the purpose of circulating or disposing of or aiding in the circulation or disposition of the same, shall be fined not more than five thousand dollars, or imprisoned not more than five years, or both.

Act March 4, 1909, c. 321, § 212, 35 Stat. 1129.

See Act June 18, 1888, c. 394, § 2, as amended by Act Sept. 26, 1888, c. 1039, § 1, Comp. St. 1901, p. 2661.

Lottery, gift enterprise, etc., circulars, etc., not mailable; punishment for; place of trial.

Sec. 213. No letter, package, postal card, or circular concerning any lottery, gift enterprise, or similar scheme offering prizes dependent in whole or in part upon lot or chance; and no lottery ticket or part thereof, or paper, certificate, or instrument purporting to be or to represent a ticket, chance, share, or interest in or dependent upon the event of a lottery, gift enterprise, or similar scheme offering prizes dependent in whole or in part upon lot or chance; and no check, draft, bill, money, postal note, or money order, for the purchase of any ticket or part thereof, or of any share or chance in any such lottery, gift enterprise, or scheme; and no newspaper, circular, pamphlet, or publication of any kind containing any advertisement of any lottery, gift enterprise, or scheme of any kind offering prizes dependent in whole or in part upon lot or chance, or containing any list of the prizes drawn or awarded by means of any such lottery, gift enterprise, or scheme, whether said list contains any part or all of such prizes, shall be deposited in or carried by the mails of the United States, or be delivered by any postmaster or letter carrier. Whoever shall knowingly deposit or cause to be deposited, or shall knowingly send or cause to be sent, anything to be conveyed or delivered by mail in violation of the provisions of this section, or shall knowingly deliver or cause to be delivered by mail anything herein forbidden to be carried by mail, shall be fined not more than one thousand dollars, or imprisoned not more than two years, or both; and for any subsequent offense shall be imprisoned not more than five years. Any person violating any provision of this section may be tried and punished either in the district in which the unlawful matter or publication was mailed, or to which it was carried by mail for delivery according to the direction thereon,

or in which it was caused to be delivered by mail to the person to whom it was addressed.

Act March 4, 1909, c. 321, § 213, 35 Stat. 1129.

See Rev. St. § 3894, as amended by Act July 12, 1876, c. 186, § 2, and Act Sept. 19, 1890, c. 908, § 1, Comp. St. 1901, p. 2659; Act March 2, 1895, c. 191, Comp. St. 1901, p. 3178.

Official acting as lottery agent; punishment for.

Sec. 214. Whoever, being a postmaster or other person employed in the postal service, shall act as agent for any lottery office, or under color of purchase or otherwise, vend lottery tickets, or shall knowingly send by mail or deliver any letter, package, postal card, circular, or pamphlet advertising any lottery, gift enterprise, or similar scheme, offering prizes dependent in whole or in part upon lot or chance, or any ticket, certificate, or instrument representing any chance, share, or interest in or dependent upon the event of any lottery, gift enterprise, or similar scheme offering prizes dependent in whole or in part upon lot or chance, or any list of the prizes awarded by means of any such scheme, shall be fined not more than one hundred dollars, or imprisoned not more than one year, or both.

Act March 4, 1909, c. 321, § 214, 35 Stat. 1130.

See Rev. St. § 3851, Comp. St. 1901, p. 2618.

Using mails to promote frauds; counterfeit money; punishment for.

Sec. 215. Whoever, having devised or intending to devise any scheme or artifice to defraud, or for obtaining money or property by means of false or fraudulent pretenses, representations, or promises, or to sell, dispose of, loan, exchange, alter, give away, distribute, supply, or furnish or procure for unlawful use any counterfeit or spurious coin, bank note, paper money, or any obligation or security of the United States, or of any State, Territory, municipality, company, corporation, or person, or anything represented to be or intimated or held out to be such counterfeit or spurious article, or any scheme or artifice to obtain money by or through correspondence, by what is commonly called the "saw-dust swindle," or "counterfeit-money fraud," or by dealing or pretending to deal in what is commonly called "green articles," "green coin," "green goods," "bills," "paper goods," "spurious Treasury notes," "United States goods," "green cigars," or any other names or terms intended to be understood as relating to such counterfeit or spurious articles, shall, for the purpose of executing such scheme or artifice or attempting so to do, place, or cause to be placed, any letter, postal card, package, writing, circular, pamphlet, or advertisement, whether addressed to any person residing within or outside the United States, in any post-office, or station thereof, or street or other letter box of the United States, or authorized depository for mail matter, to be sent or delivered by the post-office establishment of the United States, or shall take or receive any such therefrom, whether mailed within or without the United States, or shall knowingly cause to be delivered by mail according to the direction thereon, or at the place at which it is directed to be delivered by the person to whom it is addressed, any such letter, postal card, package, writing, circular, pamphlet, or advertisement, shall be fined not more

than one thousand dollars, or imprisoned not more than five years, or both.

Act March 4, 1909, c. 321, § 215, 35 Stat. 1130.
See Rev. St. § 5480, as amended by Act March 2, 1889, c. 393, § 1, Comp. St. 1901, p. 3696.

Using fraudulent fictitious address; punishment for.

Sec. 216. Whoever, for the purpose of conducting, promoting, or carrying on, in any manner, by means of the post-office establishment of the United States, any scheme or device mentioned in the section last preceding or any other unlawful business whatsoever, shall use or assume, or request to be addressed by, any fictitious, false, or assumed title, name, or address, or name other than his own proper name, or shall take or receive from any post-office of the United States, or station thereof, or any other authorized depository of mail matter, any letter, postal card, package, or other mail matter addressed to any such fictitious, false, or assumed title, name, or address, or name other than his own proper name, shall be punished as provided in the section last preceding.

Act March 4, 1909, c. 321, § 216, 35 Stat. 1131.
See Act March 2, 1889, c. 393, § 2, Comp. St. 1901, p. 3698.

Poisons, explosives, etc., not mailable; packing permitted; intoxicating liquors; punishment for mailing; mailing articles with injurious intent; punishment for.

Sec. 217. All kinds of poison, and all articles and compositions containing poison, and all poisonous animals, insects, and reptiles, and explosives of all kinds, and inflammable materials, and infernal machines, and mechanical, chemical, or other devices or compositions which may ignite or explode, and all disease germs or scabs, and all other natural or artificial articles, compositions, or materials of whatever kind which may kill, or in any wise hurt, harm, or injure another, or damage, deface, or otherwise injure the mails or other property, whether sealed as first-class matter or not, are hereby declared to be nonmailable matter, and shall not be conveyed in the mails or delivered from any post-office or station thereof, nor by any letter carrier; but the Postmaster-General may permit the transmission in the mails, under such rules and regulations as he shall prescribe as to preparation and packing, of any articles hereinbefore described which are not outwardly or of their own force dangerous or injurious to life, health, or property: Provided, That all spirituous, vinous, malted, fermented, or other intoxicating liquors of any kind, are hereby declared to be nonmailable and shall not be deposited in or carried through the mails. Whoever shall knowingly deposit or cause to be deposited for mailing or delivery, or shall knowingly cause to be delivered by mail according to the direction thereon, or at any place at which it is directed to be delivered by the person to whom it is addressed, anything declared by this section to be nonmailable, unless in accordance with the rules and regulations hereby authorized to be prescribed by the Postmaster-General, shall be fined not more than one thousand dollars, or imprisoned not more than two years, or both; and whoever shall knowingly deposit or cause to be deposited for mailing or delivery, or shall knowingly cause to be delivered by mail according to the direction thereon, or at any place to which it is directed to be delivered by the person

to whom it is addressed, anything declared by this section to be nonmailable, whether transmitted in accordance with the rules and regulations authorized to be prescribed by the Postmaster-General or not, with the design, intent, or purpose to kill, or in anywise hurt, harm, or injure another, or damage, deface, or otherwise injure the mails or other property, shall be fined not more than five thousand dollars, or imprisoned not more than ten years, or both.

Act March 4, 1909, c. 321, § 217, 35 Stat. 1131.

Counterfeiting, etc., money orders; punishment for.

Sec. 218. Whoever, with intent to defraud, shall falsely make, forge, counterfeit, engrave, or print, or cause or procure to be falsely made, forged, counterfeited, engraved, or printed, or shall willingly aid or assist in falsely making, forging, counterfeiting, engraving, or printing, any order in imitation of or purporting to be a money order issued by the Post-Office Department, or by any postmaster or agent thereof; or whoever shall forge or counterfeit the signature of any postmaster, assistant postmaster, chief clerk, or clerk, upon or to any money order, or postal note, or blank therefor provided or issued by or under the direction of the Post-Office Department of the United States, or of any foreign country, and payable in the United States, or any material signature or indorsement thereon, or any material signature to any receipt or certificate of identification thereon; or shall falsely alter, or cause or procure to be falsely altered in any material respect, or knowingly aid or assist in falsely so altering any such money order or postal note; or shall, with intent to defraud, pass, utter, or publish any such forged or altered money order or postal note, knowing any material signature or indorsement thereon to be false, forged, or counterfeited, or any material alteration therein to have been falsely made; or shall issue any money order or postal note without having previously received or paid the full amount of money payable therefor, with the purpose of fraudulently obtaining or receiving, or fraudulently enabling any other person, either directly or indirectly, to obtain or receive from the United States, or any officer, employee, or agent thereof, any sum of money whatever; or shall, with intent to defraud the United States, or any person, transmit or present to, or cause or procure to be transmitted or presented to, any officer or employee, or at any office of the Government of the United States, any money order or postal note, knowing the same to contain any forged or counterfeited signature to the same, or to any material indorsement, receipt, or certificate thereon, or material alteration therein unlawfully made, or to have been unlawfully issued without previous payment of the amount required to be paid upon such issue, shall be fined not more than five thousand dollars, or imprisoned not more than five years, or both.

Act March 4, 1909, c. 321, § 218, 35 Stat. 1131.

See Rev. St. § 5463, as amended by Act Jan. 3, 1887, c. 13, § 2, Comp. St. 1901, p. 3688; Act June 18, 1888, c. 394, § 2, Comp. St. 1901, p. 3689

Counterfeiting, etc., postage stamps; punishment for.

Sec. 219. Whoever shall forge or counterfeit any postage stamp, or any stamp printed upon any stamped envelope, or postal card, or any die, plate, or engraving therefor; or shall make or print, or knowingly use or sell, or have in possession with intent to use or sell, any such

forged or counterfeited postage stamp, stamped envelope, postal card, die, plate, or engraving; or shall make, or knowingly use or sell, or have in possession with intent to use or sell, any paper bearing the watermark of any stamped envelope, or postal card, or any fraudulent imitation thereof; or shall make or print, or authorize or procure to be made or printed, any postage stamp, stamped envelope, or postal card, of the kind authorized and provided by the Post-Office Department, without the special authority and direction of said department; or shall, after such postage stamp, stamped envelope, or postal card has been printed, with intent to defraud, deliver the same to any person not authorized by an instrument in writing, duly executed under the hand of the Postmaster-General and the seal of the Post-Office Department, to receive it, shall be fined not more than five hundred dollars, or imprisoned not more than five years, or both.

Act March 4, 1909, c. 321, § 219, 35 Stat. 1132.
See Rev. St. § 5464, Comp. St. 1901, p. 3689.

Counterfeiting, etc., foreign stamps; punishment for.

Sec. 220. Whoever shall forge, or counterfeit, or knowingly utter or use any forged or counterfeited postage stamp of any foreign government, shall be fined not more than five hundred dollars, or imprisoned not more than five years, or both.

Act March 4, 1909, c. 321, § 220, 35 Stat. 1132.
See Rev. St. § 5465, Comp. St. 1901, p. 3690.

Inclosing higher in lower class matter; punishment for.

Sec. 221. Matter of the second, third, or fourth class containing any writing or printing in addition to the original matter, other than as authorized by law, shall not be admitted to the mails, nor delivered, except upon payment of postage for matter of the first class, deducting therefrom any amount which may have been prepaid by stamps affixed, unless by direction of the Postmaster-General such postage shall be remitted. Whoever shall knowingly conceal or inclose any matter of a higher class in that of a lower class, and deposit or cause the same to be deposited for conveyance by mail, at a less rate than would be charged for such higher class matter, shall be fined not more than one hundred dollars.

Act March 4, 1909, c. 321, § 221, 35 Stat. 1132.
See Rev. St. § 3887; Act Jan. 20, 1888, c. 2, § 2, Comp. St. 1901, p. 2653.

Postmaster illegally approving bond, etc.; punishment for.

Sec. 222. Whoever, being a postmaster, shall affix his signature to the approval of any bond of a bidder, or to the certificate of sufficiency of sureties in any contract, before the said bond or contract is signed by the bidder or contractor and his sureties, or shall knowingly, or without the exercise of due diligence, approve any bond of a bidder with insufficient sureties, or shall knowingly make any false or fraudulent certificate, shall be forthwith dismissed from office and be thereafter disqualified from holding the office of postmaster; and shall also be fined not more than five thousand dollars, or imprisoned not more than one year, or both.

Act March 4, 1909, c. 321, § 222, 35 Stat. 1133.
See Rev. St. § 3947; Act June 23, 1874, c. 456, § 12, Comp. St. 1901, p. 2696.

Submitting false evidence as to second-class matter; punishment for.

Sec. 223. Whoever shall knowingly submit or cause to be submitted to any postmaster or to the Post-Office Department or any officer of the postal service, any false evidence relative to any publication for the purpose of securing the admission thereof at the second-class rate, for transportation in the mails, shall be fined not more than five hundred dollars.

Act March 4, 1909, c. 321, § 223, 35 Stat. 1133.

See Act March 3, 1879, c. 180, § 13, as amended by Act June 18, 1888, c. 394, § 1, Comp. St. 1901, p. 3690; amended by Act March 2, 1905, c. 1304, 33 Stat. 823.

Inducing or prosecuting false claims for losses; punishment for.

Sec. 224. Whoever shall make, allege, or present, or cause to be made, alleged, or presented, or assist, aid, or abet in making, alleging, or presenting, any claim or application for indemnity for the loss of any registered letter, parcel, package, or other article or matter, or the contents thereof, knowing such claim or application to be false, fictitious, or fraudulent; or whoever for the purpose of obtaining or aiding to obtain the payment or approval of any such claim or application, shall make or use, or cause to be made or used, any false statement, certificate, affidavit, or deposition; or whoever shall knowingly and willfully misrepresent, or misstate, or, for the purpose aforesaid shall knowingly and willfully conceal any material fact or circumstance in respect of any such claim or application for indemnity, shall be fined not more than five hundred dollars, or imprisoned not more than one year, or both.

Act March 4, 1909, c. 321, § 224, 35 Stat. 1133.

Misappropriating postal funds or property; punishment for; prima facie evidence; deposits, etc., permitted.

Sec. 225. Whoever, being a postmaster or other person employed in or connected with any branch of the postal service, shall loan, use, pledge, hypothecate, or convert to his own use, or shall deposit in any bank, or exchange for other funds or property, except as authorized by law, any money or property coming into his hands or under his control in any manner whatever, in the execution or under color of his office, employment, or service, whether the same shall be the money or property of the United States or not; or shall fail or refuse to remit to or deposit in the Treasury of the United States or in a designated depository, or to account for or turn over to the proper officer or agent, any such money or property, when required so to do by law or the regulations of the Post-Office Department, or upon demand or order of the Postmaster-General, either directly or through a duly authorized officer or agent, shall be deemed guilty of embezzlement; and every such person, as well as every other person advising or knowingly participating therein, shall be fined in a sum equal to the amount or value of the money or property embezzled, or imprisoned not more than ten years, or both. Any failure to produce or to pay over any such money or property, when required so to do as above provided, shall be taken to be prima facie evidence of such embezzlement; and upon the trial of any indictment against any person for such embezzlement, it shall be prima facie evidence of a balance against him to produce a transcript from the account books of the Auditor for the Post-

Office Department. But nothing herein shall be construed to prohibit any postmaster depositing, under the direction of the Postmaster-General, in a national bank designated by the Secretary of the Treasury for that purpose, to his own credit as postmaster, any funds in his charge, nor prevent his negotiating drafts or other evidences of debt through such bank, or through United States disbursing officers, or otherwise, when instructed or required so to do by the Postmaster-General, for the purpose of remitting surplus funds from one post-office to another.

Act March 4, 1909, c. 321, § 225, 35 Stat. 1133.
See Rev. St. §§ 4046, 4053, Comp. St. 1901, pp. 2752, 2755.

Employees interested in mail contracts; punishment for.

Sec. 226. Whoever, being a person employed in the postal service, shall become interested in any contract for carrying the mail, or act as agent, with or without compensation, for any contractor or person offering to become a contractor in any business before the Department, shall be immediately dismissed from office, and shall be fined not more than five thousand dollars, or imprisoned not more than one year, or both.

Act March 4, 1909, c. 321, § 226, 35 Stat. 1134.
See Rev. St. § 412, Comp. St. 1901, p. 230.

Fraudulent use of official envelopes; penalty.

Sec. 227. Whoever shall make use of any official envelope, label, or indorsement authorized by law, to avoid the payment of postage or registry fee on his private letter, packet, package, or other matter in the mail, shall be fined not more than three hundred dollars.

Act March 4, 1909, c. 321, § 227, 35 Stat. 1134.
See Act March 3, 1877, c. 103, § 5, Comp. St. 1901, p. 2673.

Fraudulently increasing weight of mail; punishment for.

Sec. 228. Whoever shall place or cause to be placed any matter in the mails during the regular weighing period, for the purpose of increasing the weight of the mail, with intent to cause an increase in the compensation of the railroad mail carrier over whose route such mail may pass, shall be fined not more than twenty thousand dollars, or imprisoned not more than five years, or both.

Act March 4, 1909, c. 321, § 228, 35 Stat. 1134.
See Act June 13, 1898, c. 446, § 1, Comp. St. 1901, p. 2720.

Offenses against foreign mail in transit; punishment for; indictments.

Sec. 229. Every foreign mail shall, while being transported across the territory of the United States under authority of law, be taken and deemed to be a mail of the United States so far as to make any violation thereof, or depredation thereon, or offense in respect thereto, or any part thereof, an offense of the same grade, and punishable in the same manner and to the same extent as though the mail was a mail of the United States; and in any indictment or information for any such offense, the mail, or any part thereof, may be alleged to be, and on the trial of any such indictment or information it shall be deemed and held to be, a mail or part of a mail of the United States.

Act March 4, 1909, c. 321, § 229, 35 Stat. 1134.
See Rev. St. § 4013, Comp. St. 1901, p. 2731.

Omission to take oath.

Sec. 230. Every person employed in the postal service shall be subject to all penalties and forfeitures for the violation of the laws relating to such service, whether he has taken the oath of office or not.

Act March 4, 1909, c. 321, § 230, 35 Stat. 1134.
See Rev. St. § 3832, Comp. St. 1901, p. 2610.

Definition.

Sec. 231. The words "postal service," wherever used in this chapter, shall be held and deemed to include the "Post-Office Department."

Act March 4, 1909, c. 321, § 231, 35 Stat. 1134.

CHAPTER NINE.

Offenses against Foreign and Interstate Commerce.

Sec.
232. Dynamite, etc., not to be carried on vessels or vehicles carrying passengers for hire.
233. Interstate Commerce Commission to make regulations for transportation of explosives.
234. Liquid nitroglycerine, etc., not to be carried on certain vessels and vehicles.
235. Marking of packages of explosives; deceptive marking.
236. Death or bodily injury caused by such transportation.
237. Importation and transportation of lottery tickets, etc., forbidden.
238. Interstate shipment of intoxicating liquors; delivery of to be made only to bona fide consignee.
239. Common carrier, etc., not to collect purchase price of interstate shipment of intoxicating liquors.
240. Packages containing intoxicating liquors shipped in interstate commerce to be marked as such.
241. Importation of certain wild animals and birds forbidden.
242. Transportation of prohibited animals.
243. Marking of packages.
244. Penalty for violation of three preceding sections.
245. Importation and transportation of obscene, etc., books, etc.

Explosives carried on vessels or vehicles with passengers for hire forbidden; explosives permitted; restriction; military transportation.

Sec. 232. It shall be unlawful to transport, carry, or convey, any dynamite, gunpowder, or other explosive, between a place in a foreign country and a place within or subject to the jurisdiction of the United States, or between a place in any State, Territory, or District of the United States, or place noncontiguous to but subject to the jurisdiction thereof, and a place in any other State, Territory, or District of the United States, or place noncontiguous to but subject to the jurisdiction thereof, on any vessel or vehicle of any description operated by a common carrier, which vessel or vehicle is carrying passengers for hire: Provided, That it shall be lawful to transport on any such vessel or vehicle small arms ammunition in any quantity, and such fuses, torpedoes, rockets, or other signal devices, as may be essential to promote safety in operation, and properly packed and marked samples of explosives for laboratory examination, not exceeding a net weight of one-half pound each, and not exceeding twenty samples at one time in a single vessel or vehicle; but such samples shall not be carried in that part of a vessel or vehicle which is intended for the transportation of passengers for hire: Provided further, That nothing in this

section shall be construed to prevent the transportation of military or naval forces with their accompanying munitions of war on passenger equipment vessels or vehicles.

Act March 4, 1909, c. 321, § 232, 35 Stat. 1134.
See Rev. St. § 5353, Comp. St. 1901, p. 3637; Act May 30, 1908, c. 234, § 1, 35 Stat. 554.

Regulations for transporting explosives to be made by Interstate Commerce Commission; effect.

Sec. 233. The Interstate Commerce Commission shall formulate regulations for the safe transportation of explosives, which shall be binding upon all common carriers engaged in interstate or foreign commerce which transport explosives by land. Said commission, of its own motion, or upon application made by any interested party, may make changes or modifications in such regulations, made desirable by new information or altered conditions. Such regulations shall be in accord with the best known practicable means for securing safety in transit, covering the packing, marking, loading, handling while in transit, and the precautions necessary to determine whether the material when offered is in proper condition to transport. Such regulations, as well as all changes or modifications thereof, shall take effect ninety days after their formulation and publication by said commission and shall be in effect until reversed, set aside, or modified.

Act March 4, 1909, c. 321, § 233, 35 Stat. 1135.
See Act May 30, 1908, c. 234, § 2, 35 Stat. 555.

High explosives excluded from certain vessels or vehicles.

Sec. 234. It shall be unlawful to transport, carry, or convey, liquid nitroglycerin, fulminate in bulk in dry condition, or other like explosive, between a place in a foreign country and a place within or subject to the jurisdiction of the United States, or between a place in one State, Territory, or District of the United States, or place noncontiguous to but subject to the jurisdiction thereof, and a place in any other State, Territory, or District of the United States, or place noncontiguous to but subject to the jurisdiction thereof, on any vessel or vehicle of any description operated by a common carrier in the transportation of passengers or articles of commerce by land or water.

Act March 4, 1909, c. 321, § 234, 35 Stat. 1135.
See Act May 30, 1908, c. 234, § 3, 35 Stat. 555.

Marking packages of explosives; punishment for violation.

Sec. 235. Every package containing explosives or other dangerous articles when presented to a common carrier for shipment shall have plainly marked on the outside thereof the contents thereof; and it shall be unlawful for any person to deliver, or cause to be delivered, to any common carrier engaged in interstate or foreign commerce by land or water, for interstate or foreign transportation, or to carry upon any vessel or vehicle engaged in interstate or foreign transportation, any explosive, or other dangerous article, under any false or deceptive marking, description, invoice, shipping order, or other declaration, or without informing the agent of such carrier of the true character thereof, at or before the time such delivery or carriage is made. Whoever shall knowingly violate, or cause to be violated, any provision of this section, or of the three sections last preceding, or any regulation made by the Interstate Commerce Commission in pur-

suance thereof, shall be fined not more than two thousand dollars, or imprisoned not more than eighteen months, or both.

Act March 4, 1909, c. 321, § 235, 35 Stat. 1135.
See Rev. St. § 5355, Comp. St. 1901, p. 3638; Act May 30, 1908, c. 234, §§ 4, 5, 35 Stat. p. 555.

Causing death or injury by illegal transportation; punishment for.

Sec. 236. When the death or bodily injury of any person is caused by the explosion of any article named in the four sections last preceding, while the same is being placed upon any vessel or vehicle to be transported in violation thereof, or while the same is being so transported, or while the same is being removed from such vessel or vehicle, the person knowingly placing, or aiding or permitting the placing, of such articles upon any such vessel or vehicle, to be so transported, shall be imprisoned not more than ten years.

Act March 4, 1909, c. 321, § 236, 35 Stat. 1136.
See Rev. St. § 5354, Comp. St. 1901, p. 3638.

Importing, etc., lottery tickets, etc.; interstate, etc., carriage; punishment for.

Sec. 237. Whoever shall bring or cause to be brought into the United States or any place subject to the jurisdiction thereof, from any foreign country, for the purpose of disposing of the same, any paper, certificate, or instrument purporting to be or to represent a ticket, chance, share, or interest in or dependent upon the event of a lottery, gift enterprise, or similar scheme, offering prizes dependent in whole or in part upon lot or chance, or any advertisement of, or list of the prizes drawn or awarded by means of, any such lottery, gift enterprise, or similar scheme; or shall therein knowingly deposit or cause to be deposited with any express company or other common carrier for carriage, or shall carry, from one State, Territory, or District of the United States, or place noncontiguous to but subject to the jurisdiction thereof, to any other State, Territory, or District of the United States, or place noncontiguous to but subject to the jurisdiction thereof, or from any place in or subject to the jurisdiction of the United States through a foreign country to any place in or subject to the jurisdiction thereof, or from any place in or subject to the jurisdiction of the United States to a foreign country, any paper, certificate, or instrument purporting to be or to represent a ticket, chance, share, or interest in or dependent upon, the event of any such lottery, gift enterprise, or similar scheme, or any advertisement of, or list of the prizes drawn or awarded by means of, any such lottery, gift enterprise, or similar scheme, or shall knowingly take or receive, or cause to be taken or received, any such paper, certificate, instrument, advertisement, or list so brought, deposited, or transported, shall, for the first offense, be fined not more than one thousand dollars, or imprisoned not more than two years, or both; and for any subsequent offense shall be imprisoned not more than two years.

Act March 4, 1909, c. 321, § 237, 35 Stat. 1136.
See Act March 2, 1895, c. 191, Comp. St. 1901, p. 3178.

Intoxicating liquors by interstate, etc., shipment delivered to other than bona fide consignee; punishment for.

Sec. 238. Any officer, agent, or employee of any railroad company, express company, or other common carrier, who shall knowingly de-

liver or cause to be delivered to any person other than the person to whom it has been consigned, unless upon the written order in each instance of the bona fide consignee, or to any fictitious person, or to any person under a fictitious name, any spirituous, vinous, malted, fermented, or other intoxicating liquor of any kind which has been shipped from one State, Territory, or District of the United States, or place noncontiguous to but subject to the jurisdiction thereof, into any other State, Territory, or District of the United States, or place noncontiguous to but subject to the jurisdiction thereof, or from any foreign country into any State, Territory, or District of the United States, or place noncontiguous to but subject to the jurisdiction thereof, shall be fined not more than five thousand dollars, or imprisoned not more than two years, or both.

Act March 4, 1909, c. 321, § 238, 35 Stat. 1136.

Carrier, etc., collecting purchase price of interstate, etc., shipment of intoxicating liquor; penalty.

Sec. 239. Any railroad company, express company, or other common carrier, or any other person who, in connection with the transportation of any spirituous, vinous, malted, fermented, or other intoxicating liquor of any kind, from one State, Territory, or District of the United States, or place noncontiguous to but subject to the jurisdiction thereof, into any other State, Territory, or District of the United States, or place noncontiguous to but subject to the jurisdiction thereof, or from any foreign country into any State, Territory, or District of the United States, or place noncontiguous to but subject to the jurisdiction thereof, shall collect the purchase price or any part thereof, before, on, or after delivery, from the consignee, or from any other person, or shall in any manner act as the agent of the buyer or seller of any such liquor, for the purpose of buying or selling or completing the sale thereof, saving only in the actual transportation and delivery of the same, shall be fined not more than five thousand dollars.

Act March 4, 1909, c. 321, § 239, 35 Stat. 1136.

Shipping packages of intoxicating liquors in interstate, etc., commerce not plainly marked; penalty.

Sec. 240. Whoever shall knowingly ship or cause to be shipped, from one State, Territory, or District of the United States, or place noncontiguous to but subject to the jurisdiction thereof, into any other State, Territory, or District of the United States, or place noncontiguous to but subject to the jurisdiction thereof, or from any foreign country into any State, Territory, or District of the United States, or place noncontiguous to but subject to the jurisdiction thereof, any package of or package containing any spirituous, vinous, malted, fermented, or other intoxicating liquor of any kind, unless such package be so labeled on the outside cover as to plainly show the name of the consignee, the nature of its contents, and the quantity contained therein, shall be fined not more than five thousand dollars; and such liquor shall be forfeited to the United States, and may be seized and condemned by like proceedings as those provided by law for the seizure and forfeiture of property imported into the United States contrary to law.

Act March 4, 1909, c. 321, § 240, 35 Stat. 1137.

Importing certain injurious birds and animals forbidden; permits for foreign wild animals; specimens for museums, etc.

Sec. 241. The importation into the United States, or any Territory or District thereof, of the mongoose, the so-called "flying foxes" or fruit bats, the English sparrow, the starling, and such other birds and animals as the Secretary of Agriculture may from time to time declare to be injurious to the interests of agriculture or horticulture, is hereby prohibited; and all such birds and animals shall, upon arrival at any port of the United States, be destroyed or returned at the expense of the owner. No person shall import into the United States or into any Territory or District thereof, any foreign wild animal or bird, except under special permit from the Secretary of Agriculture: Provided, that nothing in this section shall restrict the importation of natural history specimens for museums or scientific collections, or of certain cage birds, such as domesticated canaries, parrots, or such other birds as the Secretary of Agriculture may designate. The Secretary of the Treasury is hereby authorized to make regulations for carrying into effect the provisions of this section.

Act March 4, 1909, c. 321, § 241, 35 Stat. 1137.
See Act May 25, 1900, c. 553, § 2, Comp. St. 1901, p. 3181.
Appropriations for the enforcement of sections 241–244 are made in the recent annual agricultural appropriation acts. The provision for the fiscal year ending June 30, 1912, is by Act March 4, 1911, c. 238, 36 Stat. 1258.

Transportation of illegally killed game, etc., prohibited; shipments in game season; feathers of barnyard fowls.

Sec. 242. It shall be unlawful for any person to deliver to any common carrier for transportation, or for any common carrier to transport from any State, Territory, or District of the United States, to any other State, Territory, or District thereof, any foreign animals or birds, the importation of which is prohibited, or the dead bodies or parts thereof of any wild animals or birds, where such animals or birds have been killed or shipped in violation of the laws of the State, Territory, or District in which the same were killed, or from which they were shipped: Provided, That nothing herein shall prevent the transportation of any dead birds or animals killed during the season when the same may be lawfully captured, and the export of which is not prohibited by law in the State, Territory, or District in which the same are captured or killed: Provided further, That nothing herein shall prevent the importation, transportation, or sale of birds or bird plumage manufactured from the feathers of barnyard fowls.

Act March 4, 1909, c. 321, § 242, 35 Stat. 1137.
See Act May 25, 1900, c. 553, §§ 3, 5, Comp. St. 1901, pp. 3181, 3182.

Marking of packages.

Sec. 243. All packages containing the dead bodies, or the plumage, or parts thereof, of game animals, or game or other wild birds, when shipped in interstate or foreign commerce, shall be plainly and clearly marked, so that the name and address of the shipper, and the nature of the contents, may be readily ascertained on an inspection of the outside of such package.

Act March 4, 1909, c. 321, § 243, 35 Stat. 1137.
See Act May 25, 1900, c. 553, § 4, Comp. St. 1901, p. 3181.

Penalty for violations.

Sec. 244. For each evasion or violation of any provision of the three sections last preceding, the shipper shall be fined not more than two hundred dollars; the consignee knowingly receiving such articles so shipped and transported in violation of said sections shall be fined not more than two hundred dollars; and the carrier knowingly carrying or transporting the same in violation of said sections shall be fined not more than two hundred dollars.

Act March 4, 1909, c. 321, § 244, 35 Stat. 1138.

See Act May 25, 1900, c. 553, § 4, Comp. St. 1901, p. 3181.

Importing and transporting obscene books, etc., punishment for.

Sec. 245. Whoever shall bring or cause to be brought into the United States or any place subject to the jurisdiction thereof, from any foreign country, or shall therein knowingly deposit or cause to be deposited with any express company or other common carrier, for carriage from one State, Territory, or District of the United States, or place noncontiguous to but subject to the jurisdiction thereof, to any other State, Territory, or District of the United States, or place noncontiguous to but subject to the jurisdiction thereof, or from any place in or subject to the jurisdiction of the United States through a foreign country to any place in or subject to the jurisdiction thereof, or from any place in or subject to the jurisdiction of the United States to a foreign country, any obscene, lewd, or lascivious, or any filthy, book, pamphlet, picture, paper, letter, writing, print, or other matter of indecent character, or any drug, medicine, article, or thing designed, adapted, or intended for preventing conception, or producing abortion, or for any indecent or immoral use, or any written or printed card, letter, circular, book, pamphlet, advertisement, or notice of any kind giving information, directly or indirectly, where, how, or of whom, or by what means any of the hereinbefore-mentioned articles, matters or things may be obtained or made; or whoever shall knowingly take or cause to be taken from such express company or other common carrier any matter or thing the depositing of which for carriage is herein made unlawful, shall be fined not more than five thousand dollars, or imprisoned not more than five years, or both.

Act March 4, 1909, c. 321, § 245, 35 Stat. 1138.

See Act Feb. 8, 1897, c. 172, Comp. St. 1901, p. 3180, amended by Act Feb. 8, 1905, c. 550, 33 Stat. 705.

CHAPTER TEN.

The Slave Trade and Peonage.

Sec.
246. Confining or detaining slaves on board vessel.
247. Seizing slaves on foreign shores.
248. Bringing slaves into the United States.
249. Equipping vessels for slave trade.
250. Transporting persons to be held as slaves.
251. Hovering on coast with slaves on board.
252. Serving on vessels engaged in the slave trade.
253. Receiving or carrying away any person to be sold or held as a slave.
254. Equipping, etc., vessel for slave trade.
255. Penalty on persons building, equipping, etc.

Sec.
256. Forfeiture of vessel transporting slaves.
257. Receiving persons on board to be sold as slaves.
258. Vessels found hovering on coast.
259. Forfeiture of interest in vessels transporting slaves.
260. Seizure of vessels engaged in the slave trade.
261. Proceeds of condemned vessels, how distributed.
262. Disposal of persons found on board seized vessel.
263. Apprehension of officers and crew.
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Confining or detaining slaves on board vessel; punishment for.

Sec. 246. Whoever, being of the crew or ship's company of any foreign vessel engaged in the slave trade, or being of the crew or ship's company of any vessel owned wholly or in part, or navigated for or in behalf of any citizen of the United States, forcibly confines or detains on board such vessel any person as a slave, or, on board such vessel, offers or attempts to sell as a slave any such person, or on the high seas, or anywhere on tide water, transfers or delivers to any other vessel any such person with intent to make such person a slave, or lands or delivers on shore from on board such vessel any person with intent to make sale of, or having previously sold such person as a slave, is a pirate, and shall be imprisoned for life.

Act March 4, 1909, c. 321, § 246, 35 Stat. 1138.
See Rev. St. § 5375, Comp. St. 1901, p. 3644.

Seizing slaves on foreign shores; punishment for.

Sec. 247. Whoever, being of the crew or ship's company of any foreign vessel engaged in the slave trade, or being of the crew or ship's company of any vessel owned in whole or in part, or navigated for, or in behalf of, any citizen of the United States, lands from such vessel, and, on any foreign shore, seizes any person with intent to make such person a slave, or decoys, or forcibly brings, or carries or receives such person on board such vessel, with like intent, is a pirate, and shall be imprisoned for life.

Act March 4, 1909, c. 321, § 247, 35 Stat. 1139.
See Rev. St. § 5376, Comp. St. 1901, p. 3645.

Bringing slaves into United States; punishment for.

Sec. 248. Whoever brings within the jurisdiction of the United States, in any manner whatsoever, any person from any foreign kingdom or country, or from sea, or holds, sells, or otherwise disposes of, any person so brought in, as a slave, or to be held to service or labor, shall be fined not more than ten thousand dollars, one half to the use of the United States and the other half to the use of the party who prosecutes the indictment to effect; and, moreover, shall be imprisoned not more than seven years.

Act March 4, 1909, c. 321, § 248, 35 Stat. 1139.
See Rev. St. § 5377, Comp. St. 1901, p. 3645.

Equipping vessels for slave trade; punishment for.

Sec. 249. Whoever builds, fits out, equips, loads, or otherwise prepares, or sends away, either as master, factor, or owner, any vessel, in

any port or place within the jurisdiction of the United States, or causes such vessel to sail from any port or place whatsoever, within such jurisdiction, for the purpose of procuring any person from any foreign kingdom or country to be transported to any port or place whatsoever, to be held, sold, or otherwise disposed of as a slave, or held to service or labor, shall be fined not more than five thousand dollars, one half to the use of the United States and the other half to the use of the person prosecuting the indictment to effect; and shall, moreover, be imprisoned not more than seven years.

Act March 4, 1909, c. 321, § 249, 35 Stat. 1139.
See Rev. St. § 5378, Comp. St. 1901, p. 3645.

Transporting persons to be held as slaves; punishment for.

Sec. 250. Whoever, within the jurisdiction of the United States, takes on board, receives, or transports from any foreign kingdom or country, or from sea, any person in any vessel, for the purpose of holding, selling, or otherwise disposing of such person as a slave, or to be held to service or labor, shall be punished as prescribed in the section last preceding.

Act March 4, 1909, c. 321, § 250, 35 Stat. 1139.
See Rev. St. § 5379, Comp. St. 1901, p. 3646.

Hovering on coast with slaves on board; punishment for.

Sec. 251. Whoever, being the captain, master, or commander of any vessel found in any river, port, bay, harbor, or on the high seas, within the jurisdiction of the United States, or hovering on the coast thereof, having on board any person, for the purpose of selling such person as a slave, or with intent to land such person for any such purpose, shall be fined not more than ten thousand dollars and imprisoned not more than four years.

Act March 4, 1909, c. 321, § 251, 35 Stat. 1139.
See Rev. St. § 5380, Comp. St. 1901, p. 3646.

Serving on vessels in slave trade; punishment for.

Sec. 252. Whoever, being a citizen of the United States, or other person residing therein, voluntarily serves on board of any vessel employed or made use of in the transportation of slaves from any foreign country or place to another, shall be fined not more than two thousand dollars and imprisoned not more than two years.

Act March 4, 1909, c. 321, § 252, 35 Stat. 1139.
See Rev. St. §§ 5381, 5382, Comp. St. 1901, pp. 3646, 3647.

Receiving or carrying away person to be sold or held as slave; punishment for.

Sec. 253. Whoever, being the master or owner or person having charge of any vessel, receives on board any other person, with the knowledge or intent that such person is to be carried from any place subject to the jurisdiction of the United States to any other place, to be held or sold as a slave, or carries away from any place subject to the jurisdiction of the United States any such person, with the intent that he may be so held or sold as a slave, shall be fined not more than five thousand dollars, or imprisoned not more than five years, or both.

Act March 4, 1909, c. 321, § 253, 35 Stat. 1139.
See Rev. St. § 5524, Comp. St. 1901, p. 3715.

Equipping, etc., vessel for slave trade; forfeiture; moiety to informer.

Sec. 254. No person shall, for himself or for another, as master, factor, or owner, build, fit, equip, load, or otherwise prepare any vessel in any port or place within the jurisdiction of the United States, or cause any vessel to sail from any port or place within the jurisdiction of the United States for the purpose of procuring any person from any foreign kingdom, place, or country to be transported to any port or place whatsoever, to be held, sold, or otherwise disposed of, as a slave, or to be held to service or labor; and every vessel so built, fitted out, equipped, laden, or otherwise prepared, with her tackle, apparel, furniture, and lading, shall be forfeited; one moiety to the use of the United States and the other to the use of the person who sues for the forfeiture and prosecutes the same to effect.

Act March 4, 1909, c. 321, § 254, 35 Stat. 1140.
See Rev. St. § 5551, Comp. St. 1901, p. 3732.

Penalty on persons building, equipping, etc.; moiety to informer.

Sec. 255. Whoever so builds, fits out, equips, loads, or otherwise prepares or sends away any vessel, knowing or intending that the same shall be employed in such trade or business, contrary to the provisions of the section last preceding, or in any way aids or abets therein, shall, besides the forfeiture of the vessel, pay the sum of two thousand dollars; one moiety thereof to the use of the United States and the other moiety thereof to the use of the person who sues for and prosecutes the same to effect.

Act March 4, 1909, c. 321, § 255, 35 Stat. 1140.
See Rev. St. § 5552, Comp. St. 1901, p. 3732.

Forfeiture of vessels transporting slaves; moiety to informer.

Sec. 256. Every vessel employed in carrying on the slave trade or on which is received or transported any person from any foreign kingdom or country, or from sea, for the purpose of holding, selling, or otherwise disposing of such person as a slave, or of holding such person to service or labor, shall, together with her tackle, apparel, furniture, and the goods and effects which may be found on board, or which may have been imported thereon in the same voyage, be forfeited; one moiety to the use of the United States and the other to the use of the person who sues for and prosecutes the forfeiture to effect.

Act March 4, 1909, c. 321, § 256, 35 Stat. 1140.
See Rev. St. § 5553, Comp. St. 1901, p. 3733.

Receiving persons on board to be sold as slaves; penalty; moiety to informer.

Sec. 257. Whoever, being a citizen of the United States, takes on board, receives, or transports any person for the purpose of selling such person as a slave shall, in addition to the forfeiture of the vessel, pay for each person so received on board or transported the sum of two hundred dollars, to be recovered in any court of the United States; the one moiety thereof to the use of the United States and the other moiety to the use of the person who sues for and prosecutes the same to effect.

Act March 4, 1909, c. 321, § 257, 35 Stat. 1140.
See Rev. St. 5554, Comp. St. 1901, p. 3733.

Vessels found hovering on coasts to be forfeited.

Sec. 258. Every vessel which is found in any river, port, bay, or harbor, or on the high seas, within the jurisdiction of the United

States, or hovering on the coasts thereof, and having on board any person, with intent to sell such person as a slave, or with intent to land the same for that purpose, either in the United States or elsewhere, shall, together with her tackle, apparel, furniture, and the goods or effects on board of her, be forfeited to the United States.

Act March 4, 1909, c. 321, § 258, 35 Stat. 1140.
See Rev. St. § 5555, Comp. St. 1901, p. 3733.

Forfeiture of interest in slave vessels; additional penalty.

Sec. 259. It shall be unlawful for any citizen of the United States, or other person residing therein, or under the jurisdiction thereof, directly or indirectly to hold or have any right or property in any vessel employed or made use of in the transportation or carrying of slaves from one foreign country or place to another, and any such right or property shall be forfeited, and may be libeled and condemned for the use of the person suing for the same. Whoever shall violate the prohibition of this section shall also forfeit and pay a sum of money equal to double the value of his right or property in such vessel; and shall also forfeit a sum of money equal to double the value of the interest he had in the slaves which at any time may be transported or carried in such vessels.

Act March 4, 1909, c. 321, § 259, 35 Stat. 1140.
See Rev. St. § 5556, Comp. St. 1901, p. 3734.

Seizure of vessels in slave trade.

Sec. 260. The President is authorized, when he deems it expedient, to man and employ any of the armed vessels of the United States to cruise wherever he may judge attempts are making to carry on the slave trade, by citizens or residents of the United States, in contravention of laws prohibitory of the same; and, in such case, he shall instruct the commanders of such armed vessels to seize, take, and bring into any port of the United States, to be proceeded against according to law, all American vessels, wheresoever found, which may have on board, or which may be intended for the purpose of taking on board, or of transporting, or may have transported any person, in violation of the provisions of any Act of Congress prohibiting the traffic in slaves.

Act March 4, 1909, c. 321, § 260, 35 Stat. 1140.
See Rev. St. § 5557, Comp. St. 1901, p. 3734.

Proceeds of condemned vessels paid into the Treasury.

Sec. 261. The proceeds of all vessels, their tackle, apparel, and furniture, and the goods and effects on board of them, which are so seized, prosecuted, and condemned, shall be paid into the Treasury of the United States.

Act March 4, 1909, c. 321, § 261, 35 Stat. 1141.
See Rev. St. § 5558, Comp. St. 1901, p. 3734.

Disposal of persons found on seized vessel.

Sec. 262. The officers of the vessel making such seizure shall safely keep every person found on board of any vessel so seized, taken, or brought into port for condemnation, and shall deliver every such person to the marshal of the district into which he may be brought, if into a port of the United States, or if elsewhere, to such person as may be lawfully appointed by the President, in the manner directed by law, transmitting to the President, as soon as may be after such

delivery, a descriptive list of such persons, in order that he may give directions for the disposal of them.

Act March 4, 1909, c. 321, § 262, 35 Stat. 1141.
See Rev. St. § 5559, Comp. St. 1901, p. 3735.

Apprehension of officers and crew.

Sec. 263. The commanders of such commissioned vessels shall cause to be apprehended and taken into custody every person found on board of such offending vessel so seized and taken, being of the officers or crew thereof, and him convey, as soon as conveniently may be, to the civil authority of the United States, to be proceeded against in due course of law.

Act March 4, 1909, c. 321, § 263, 35 Stat. 1141.
See Rev. St. § 5560, Comp. St. 1901, p. 3735.

Removal of persons delivered from seized vessel.

Sec. 264. The President is authorized to make such regulations and arrangements as he may deem expedient for the safe-keeping, support, and removal beyond the limits of the United States of all such persons as may be so delivered and brought within its jurisdiction.

Act March 4, 1909, c. 321, § 264, 35 Stat. 1141.
See Rev. St. § 5561, Comp. St. 1901, p. 3735.

To what port captured vessel sent.

Sec. 265. It shall be the duty of the commander of any armed vessel of the United States, whenever he makes any capture under the preceding provisions, to bring the vessel and her cargo, for adjudication, into some port of the State, Territory, or District to which such vessel so captured may belong, if he can ascertain the same; if not, then into any convenient port of the United States.

Act March 4, 1909, c. 321, § 265, 35 Stat. 1141.
See Rev. St. § 5563, Comp. St. 1901, p. 3736.

When owners of foreign vessels shall give bond.

Sec. 266. Every owner, master, or factor of any foreign vessel clearing from any port within the jurisdiction of the United States, and suspected to be intended for the slave trade, and the suspicion being declared to the officer of the customs by any citizen, on oath, and such information being to the satisfaction of the officer, shall first give bond, with sufficient sureties, to the Treasurer of the United States that none of the natives of any foreign country or place shall be taken on board such vessel to be transported or sold as slaves in any other foreign port or place whatever, within nine months thereafter.

Act March 4, 1909, c. 321, § 266, 35 Stat. 1141.
See Rev. St. § 5564, Comp. St. 1901, p. 3736.

Instructions to masters of armed vessels.

Sec. 267. The President is authorized to issue instructions to the commanders of the armed vessels of the United States, directing them, whenever it is practicable, and under such rules and regulations as he may prescribe, to proceed directly to the country from which they were taken, and there hand over to the agent of the United States all such persons, delivered from on board vessels seized in

the prosecution of the slave trade; and they shall afterwards bring the captured vessels and persons engaged in prosecuting such trade to the United States for trial and adjudication.

Act March 4, 1909, c. 321, § 267, 35 Stat. 1141.
See Rev. St. § 5567, Comp. St. 1901, p. 3737.

Kidnaping; punishment for.

Sec. 268. Whoever kidnaps or carries away any other person, with the intent that such other person be sold into involuntary servitude, or held as a slave; or who entices, persuades, or induces any other person to go on board any vessel or to any other place with the intent that he may be made or held as a slave, or sent out of the country to be so made or held; or who in any way knowingly aids in causing any other person to be held, sold, or carried away to be held or sold as a slave, shall be fined not more than five thousand dollars, or imprisoned not more than five years, or both.

Act March 4, 1909, c. 321, § 268, 35 Stat. 1141.
See Rev. St. § 5525, Comp. St. 1901, p. 3715.

Holding or returning persons to peonage; punishment for.

Sec. 269. Whoever holds, arrests, returns, or causes to be held, arrested, or returned, or in any manner aids in the arrest or return of any person to a condition of peonage, shall be fined not more than five thousand dollars, or imprisoned not more than five years, or both.

Act March 4, 1909, c. 321, § 269, 35 Stat. 1142.
See Rev. St. § 5526, Comp. St. 1901, p. 3715.

Obstructing enforcement of preceding section.

Sec. 270. Whoever obstructs, or attempts to obstruct, or in any way interferes with or prevents the enforcement of the section last preceding, shall be liable to the penalties therein prescribed.

Act March 4, 1909, c. 321, § 270, 35 Stat. 1142.
See Rev. St. § 5527, Comp. St. 1901, p. 3716.

Bringing kidnaped person into United States, etc.; punishment for.

Sec. 271. Whoever shall knowingly and willfully bring into the United States or any place subject to the jurisdiction thereof, any person inveigled or forcibly kidnaped in any other country, with intent to hold such person so inveigled or kidnaped in confinement or to any involuntary servitude; or whoever shall knowingly and willfully sell, or cause to be sold, into any condition of involuntary servitude, any other person for any term whatever; or whoever shall knowingly and willfully hold to involuntary servitude any person so brought or sold, shall be fined not more than five thousand dollars and imprisoned not more than five years.

Act March 4, 1909, c. 321, § 271, 35 Stat. 1142.
See Act June 23, 1874, c. 464, Comp. St. 1901, p. 3647.

CHAPTER ELEVEN.

Offenses within the Admiralty and Maritime and the Territorial Jurisdiction of the United States.

Sec.
272. Places within or waters upon which sections of this chapter shall apply.
273. Murder.
274. Manslaughter.
275. Punishment for murder; for manslaughter.
276. Assault with intent to commit murder, rape, robbery, etc.
277. Attempt to commit murder or manslaughter.
278. Rape.
279. Having carnal knowledge of female under sixteen.
280. Seduction of female passenger on vessel.
281. Payment of fine to female seduced; evidence required; limitation on indictment.
282. Loss of life by misconduct of officers, etc., of vessels.
283. Maiming.
284. Robbery.
285. Arson of dwelling house.
286. Arson of other buildings, etc.
287. Larceny.
288. Receiving, etc., stolen goods.
289. Laws of States adopted for punishing wrongful acts, etc.

Places and waters applicable; on board American ship on high seas, etc.; on board American vessel on Great Lakes, etc.; on land under exclusive control of United States; guano islands.

Sec. 272. The crimes and offenses defined in this chapter shall be punished as herein prescribed:

First. When committed upon the high seas, or on any other waters within the admiralty and maritime jurisdiction of the United States and out of the jurisdiction of any particular State, or when committed within the admiralty and maritime jurisdiction of the United States and out of the jurisdiction of any particular State on board any vessel belonging in whole or in part to the United States or any citizen thereof, or to any corporation created by or under the laws of the United States, or of any State, Territory, or District thereof.

Second. When committed upon any vessel registered, licensed, or enrolled under the laws of the United States, and being on a voyage upon the waters of any of the Great Lakes, namely: Lake Superior, Lake Michigan, Lake Huron, Lake Saint Clair, Lake Erie, Lake Ontario, or any of the waters connecting any of said lakes, or upon the River Saint Lawrence where the same constitutes the International boundary line.

Third. When committed within or on any lands reserved or acquired for the exclusive use of the United States, and under the exclusive jurisdiction thereof, or any place purchased or otherwise acquired by the United States by consent of the legislature of the State in which the same shall be, for the erection of a fort, magazine, arsenal, dockyard, or other needful building.

Fourth. On any island, rock, or key, containing deposits of guano, which may, at the discretion of the President, be considered as appertaining to the United States.

Act March 4, 1909, c. 321, § 272, 35 Stat. 1142.

See Rev. St. § 5339, Comp. St. 1901, p. 3627; Act Sept. 4, 1890, c. 874, Comp. St. 1901, p. 3627.

Murder defined; first degree; second degree.

Sec. 273. Murder is the unlawful killing of a human being with malice aforethought. Every murder perpetrated by poison, lying in wait,

or any other kind of willful, deliberate, malicious, and premeditated killing; or committed in the perpetration of, or attempt to perpetrate, any arson, rape, burglary, or robbery; or perpetrated from a premeditated design unlawfully and maliciously to effect the death of any human being other than him who is killed, is murder in the first degree. Any other murder is murder in the second degree.

Act March 4, 1909, c. 321, § 273, 35 Stat. 1143.

Manslaughter defined; voluntary; involuntary.

Sec. 274. Manslaughter is the unlawful killing of a human being without malice. It is of two kinds:

First. Voluntary—Upon a sudden quarrel or heat of passion.

Second. Involuntary—In the commission of an unlawful act not amounting to a felony, or in the commission of a lawful act which might produce death, in an unlawful manner, or without due caution and circumspection.

Act March 4, 1909, c. 321, § 274, 35 Stat. 1143.
See Rev. St. § 5341, Comp. St. 1901, p. 3628.

Punishment; murder; manslaughter.

Sec. 275. Every person guilty of murder in the first degree shall suffer death. Every person guilty of murder in the second degree shall be imprisoned not less than ten years and may be imprisoned for life. Every person guilty of voluntary manslaughter shall be imprisoned not more than ten years. Every person guilty of involuntary manslaughter shall be imprisoned not more than three years, or fined not exceeding one thousand dollars, or both.

Act March 4, 1909, c. 321, § 275, 35 Stat. 1143.
See Rev. St. §§ 5339, 5343, Comp. St. 1901, pp. 3627, 3628.

Felonious assaults; to murder or rape; other felony; with weapons, etc.; beating, etc.; simple assault.

Sec. 276. Whoever shall assault another with intent to commit murder, or rape, shall be imprisoned not more than twenty years. Whoever shall assault another with intent to commit any felony, except murder, or rape, shall be fined not more than three thousand dollars, or imprisoned not more than ten years, or both. Whoever, with intent to do bodily harm, and without just cause or excuse, shall assault another with a dangerous weapon, instrument, or other thing, shall be fined not more than one thousand dollars, or imprisoned not more than five years, or both. Whoever shall unlawfully strike, beat, or wound another, shall be fined not more than five hundred dollars, or imprisoned not more than six months, or both. Whoever shall unlawfully assault another, shall be fined not more than three hundred dollars, or imprisoned not more than three months, or both.

Act March 4, 1909, c. 321, § 276, 35 Stat. 1143.
See Rev. St. § 5346, Comp. St. 1901, p. 3630.

Other attempts at murder, etc.

Sec. 277. Whoever shall attempt to commit murder or manslaughter, except as provided in the preceding section, shall be fined not more than one thousand dollars and imprisoned not more than three years.

Act March 4, 1909, c. 321, § 277, 35 Stat. 1143.
See Rev. St. § 5342, Comp. St. 1901, p. 3629.

Rape.

Sec. 278. Whoever shall commit the crime of rape shall suffer death.

Act March 4, 1909, c. 321, § 278, 35 Stat. 1143.
See Rev. St. § 5345, Comp. St. 1901, p. 3630.

Having carnal knowledge of female under sixteen.

Sec. 279. Whoever shall carnally and unlawfully know any female under the age of sixteen years, or shall be accessory to such carnal and unlawful knowledge before the fact, shall, for a first offense, be imprisoned not more than fifteen years, and for a subsequent offense be imprisoned not more than thirty years.

Act March 4, 1909, c. 321, § 279, 35 Stat. 1143.
See Act Feb. 9, 1889, c. 120, Comp. St. 1901, p. 3630.

Seduction of female passenger on vessel; punishment for.

Sec. 280. Every master, officer, seaman, or other person employed on board of any American vessel who, during the voyage, under promise of marriage, or by threats, or the exercise of authority, or solicitation, or the making of gifts or presents, seduces and has illicit connection with any female passenger, shall be fined not more than one thousand dollars, or imprisoned not more than one year, or both; but subsequent intermarriage of the parties may be pleaded in bar of conviction.

Act March 4, 1909, c. 321, § 280, 35 Stat. 1143.
See Rev. St. § 5349, Comp. St. 1901, p. 3632.

Disposal of fine; evidence required.

Sec. 281. When a person is convicted of a violation of the section last preceding, the court may, in its discretion, direct that the amount of the fine, when paid, be paid for the use of the female seduced, or her child, if she have any; but no conviction shall be had on the testimony of the female seduced, without other evidence, nor unless the indictment is found within one year after the arrival of the vessel on which the offense was committed at the port of its destination.

Act March 4, 1909, c. 321, § 281, 35 Stat. 1144.
See Rev. St. §§ 5350, 5351, Comp. St. 1901, pp. 3632, 3633.

Loss of life by misconduct of officers, etc., of vessels; punishment for; liability of corporation officer.

Sec. 282. Every captain, engineer, pilot, or other person employed on any steamboat or vessel, by whose misconduct, negligence, or inattention to his duties on such vessel the life of any person is destroyed, and every owner, charterer, inspector, or other public officer, through whose fraud, neglect, connivance, misconduct, or violation of law the life of any person is destroyed, shall be fined not more than ten thousand dollars, or imprisoned not more than ten years, or both: Provided, That when the owner or charterer of any steamboat or vessel shall be a corporation, any executive officer of such corporation, for the time being actually charged with the control and management of the operation, equipment, or navigation of such steamboat or vessel, who has knowingly and willfully caused or allowed such fraud, neglect, connivance, misconduct, or violation of law, by which the life of any person is destroyed, shall be fined not more than ten thousand dollars, or imprisoned not more than ten years, or both.

Act March 4, 1909, c. 321, § 282, 35 Stat. 1144.
See Rev. St. § 5344, Comp. St. 1901, p. 3629, amended by Act March 3, 1905, c. 1454, § 5, 33 Stat. 1025.

Maiming; punishment for.

Sec. 283. Whoever, with intent to maim or disfigure, shall cut, bite, or slit, the nose, ear, or lip, or cut out or disable the tongue, or put out or destroy an eye, or cut off or disable a limb or any member of another person; or whoever, with like intent, shall throw or pour upon another person, any scalding hot water, vitriol, or other corrosive acid, or caustic substance whatever, shall be fined not more than one thousand dollars, or imprisoned not more than seven years, or both.

Act March 4, 1909, c. 321, § 283, 35 Stat. 1144.
See Rev. St. § 5348, Comp. St. 1901, p. 3631.

Robbery; punishment for.

Sec. 284. Whoever, by force and violence, or by putting in fear, shall feloniously take from the person or presence of another anything of value, shall be imprisoned not more than fifteen years.

Act March 4, 1909, c. 321, § 284, 35 Stat. 1144.

Arson of dwelling house; punishment for.

Sec. 285. Whoever shall willfully and maliciously set fire to, burn, or attempt to burn, or by means of a dangerous explosive destroy or attempt to destroy, any dwelling house, or any store, barn, stable, or other building, parcel of a dwelling house, shall be imprisoned not more than twenty years.

Act March 4, 1909, c. 321, § 285, 35 Stat. 1144.
See Rev. St. § 5385, Comp. St. 1901, p. 3648.

Arson of other buildings, etc.; punishment for.

Sec. 286. Whoever shall maliciously set fire to, burn, or attempt to burn, or by any means destroy or injure, or attempt to destroy or injure, any arsenal, armory, magazine, ropewalk, ship house, warehouse, blockhouse, or barrack, or any storehouse, barn, or stable, not parcel of a dwelling house, or any other building not mentioned in the section last preceding, or any vessel built, building, or undergoing repair, or any light-house, or beacon, or any machinery, timber, cables, rigging, or other materials or appliances for building, repairing, or fitting out vessels, or any pile of wood, boards, or other lumber, or any military, naval, or victualing stores, arms, or other munitions of war, shall be fined not more than five thousand dollars and imprisoned not more than twenty years.

Act March 4, 1909, c. 321, § 286, 35 Stat. 1144.
See Rev. St. §§ 5386, 5387, Comp. St. 1901, pp. 3648, 3649.

Larceny; punishment for; determining value of written instrument.

Sec. 287. Whoever shall take and carry away, with intent to steal or purloin, any personal property of another, shall be punished as follows: If the property taken is of a value exceeding fifty dollars, or is taken from the person of another, by a fine of not more than ten thousand dollars, or imprisonment for not more than ten years, or both: in all other cases, by a fine of not more than one thousand dollars, or by imprisonment not more than one year, or both. If the property stolen consists of any evidence of debt, or other written instrument, the amount of money due thereon, or secured to be paid thereby, and remaining unsatisfied, or which in any contingency might be collected thereon, or the value of the property the title to which is shown there-

by, or the sum which might be recovered in the absence thereof, shall be deemed to be the value of the property stolen.

Act March 4, 1909, c. 321, § 287, 35 Stat. 1144.
See Rev. St. § 5356, Comp. St. 1901, p. 3638.

Receiving stolen goods, etc.; punishment for; trials.

Sec. 288. Whoever shall buy, receive, or conceal, any money, goods, bank notes, or other thing which may be the subject of larceny, which has been feloniously taken, stolen, or embezzled, from any other person, knowing the same to have been so taken, stolen, or embezzled, shall be fined not more than one thousand dollars and imprisoned not more than three years; and such person may be tried either before or after the conviction of the principal offender.

Act March 4, 1909, c. 321, § 288, 35 Stat. 1145.
See Rev. St. § 5357, Comp. St. 1901, p. 3639.

Laws of States adopted for punishing wrongful acts, etc.; effect of repeal, etc.

Sec. 289. Whoever, within the territorial limits of any State, organized Territory, or District, but within or upon any of the places now existing or hereafter reserved or acquired, described in section two hundred and seventy-two of this Act, shall do or omit the doing of any act or thing which is not made penal by any law of Congress, but which if committed or omitted within the jurisdiction of the State, Territory, or District in which such place is situated, by the laws thereof now in force would be penal, shall be deemed guilty of a like offense and be subject to a like punishment; and every such State, Territorial, or District law shall, for the purposes of this section, continue in force, notwithstanding any subsequent repeal or amendment thereof by any such State, Territory, or District.

Act March 4, 1909, c. 321, § 289, 35 Stat. 1145.
See Rev. St. § 5391, Comp. St. 1901, p. 3651; Act July 7, 1898, c. 576, § 2, Comp. St. 1901, p. 3652.

CHAPTER TWELVE.

Piracy and Other Offenses upon the Seas.

Sec.
290. Piracy under the law of nations.
291. Maltreatment of crew by officers of vessel.
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Piracy; punishment for.

Sec. 290. Whoever, on the high seas, commits the crime of piracy as defined by the law of nations, and is afterwards brought into or found in the United States, shall be imprisoned for life.

Act March 4, 1909, c. 321, § 290, 35 Stat. 1145.
See Rev. St. § 5368, Comp. St. 1901, p. 3642.

Maltreatment of crew by officers of vessel; punishment for; flogging.

Sec. 291. Whoever, being the master or officer of a vessel of the United States, on the high seas, or on any other waters within the admiralty and maritime jurisdiction of the United States, beats, wounds, or without justifiable cause, imprisons any of the crew of such vessel, or withholds from them suitable food and nourishment, or inflicts upon them any cruel and unusual punishment, shall be fined not more than one thousand dollars, or imprisoned not more than five years, or both. Nothing herein contained shall be construed to repeal or modify section forty-six hundred and eleven of the Revised Statutes.

Act March 4, 1909, c. 321, § 291, 35 Stat. 1145.
See Rev. St. § 5347, as amended by Act March 3, 1897, c. 389, § 18, Comp. St. 1901, p. 3631.
Rev. St. § 4611, mentioned in this section, which abolishes flogging on vessels, is set forth, as amended by Act Dec. 21, 1898, c. 28, § 22, in Comp. St. 1901, p. 3120.

Inciting revolt or mutiny on shipboard; punishment for.

Sec. 292. Whoever, being of the crew of a vessel of the United States, on the high seas, or on any other waters within the admiralty and maritime jurisdiction of the United States, endeavors to make a revolt or mutiny on board such vessel, or combines, conspires, or confederates with any other person on board to make such revolt or mutiny, or solicits, incites, or stirs up any other of the crew to disobey or resist the lawful orders of the master or other officer of such vessel, or to refuse or neglect their proper duty on board thereof, or to betray their proper trust, or assembles with others in a tumultuous and mutinous manner, or makes a riot on board thereof, or unlawfully confines the master or other commanding officer thereof, shall be fined not more than one thousand dollars, or imprisoned not more than five years, or both.

Act March 4, 1909, c. 321, § 292, 35 Stat. 1146.
See Rev. St. § 5359, Comp. St. 1901, p. 3639.

Revolt or mutiny on shipboard; punishment for.

Sec. 293. Whoever, being of the crew of a vessel of the United States, on the high seas, or on any other waters within the admiralty and maritime jurisdiction of the United States, unlawfully and with force, or by fraud, or intimidation, usurps the command of such vessel from the master or other lawful officer in command thereof, or deprives him of authority and command on board, or resists or prevents him in the free and lawful exercise thereof, or transfers such authority and command to another not lawfully entitled thereto, is guilty of a revolt and mutiny, and shall be fined not more than two thousand dollars and imprisoned not more than ten years.

Act March 4, 1909, c. 321, § 293, 35 Stat. 1146.
See Rev. St. § 5360, Comp. St. 1901, p. 3640.

Seaman laying violent hands on commander; punishment for.

Sec. 294. Whoever, being a seaman, lays violent hands upon his commander, thereby to hinder and prevent his fighting in defense of his vessel or the goods intrusted to him, is a pirate, and shall be imprisoned for life.

Act March 4, 1909, c. 321, § 294, 35 Stat. 1146.
See Rev. St. § 5369, Comp. St. 1901, p. 3643.

Abandonment of mariner in foreign port; punishment for.

Sec. 295. Whoever, being master or commander of a vessel of the United States, while abroad, maliciously and without justifiable cause forces any officer or mariner of such vessel on shore, in order to leave him behind in any foreign port or place, or refuses to bring home again all such officers and mariners of such vessel whom he carried out with him, as are in a condition to return and willing to return, when he is ready to proceed on his homeward voyage, shall be fined not more than five hundred dollars, or imprisoned not more than six months, or both.

Act March 4, 1909, c. 321, § 295, 35 Stat. 1146.
See Rev. St. § 5363, Comp. St. 1901, p. 3641.

Conspiracy to cast away vessel; punishment for.

Sec. 296. Whoever, on the high seas, or within the United States, willfully and corruptly conspires, combines, and confederates with any other person, such other person being either within or without the United States, to cast away or otherwise destroy any vessel, with intent to injure any person that may have underwritten or may thereafter underwrite any policy of insurance thereon or on goods on board thereof, or with intent to injure any person that has lent or advanced, or may lend or advance, any money on such vessel on bottomry or respondentia; or whoever, within the United States, builds, or fits out, or aids in building or fitting out, any vessel with intent that the same be cast away or destroyed, with the intent hereinbefore mentioned, shall be fined not more than ten thousand dollars and imprisoned not more than ten years.

Act March 4, 1909, c. 321, § 296, 35 Stat. 1146.
See Rev. St. § 5364, Comp. St. 1901, p. 3641.

Plundering vessel in distress, etc.; punishment for; obstructing escape of wrecked person; holding false light; punishment for.

Sec. 297. Whoever plunders, steals, or destroys any money, goods, merchandise, or other effects, from or belonging to any vessel in distress, or wrecked, lost, stranded, or cast away, upon the sea, or upon any reef, shoal, bank, or rocks of the sea, or in any other place within the admiralty and maritime jurisdiction of the United States, shall be fined not more than five thousand dollars and imprisoned not more than ten years; and whoever willfully obstructs the escape of any person endeavoring to save his life from such vessel, or the wreck thereof; or whoever holds out or shows any false light, or extinguishes any true light, with intent to bring any vessel sailing upon the sea into danger, or distress, or shipwreck, shall be imprisoned not less than ten years and may be imprisoned for life.

Act March 4, 1909, c. 321, § 297, 35 Stat. 1146.
See Rev. St. § 5358, Comp. St. 1901, p. 3639.

Attacking vessel with intent to plunder; punishment for.

Sec. 298. Whoever, upon the high seas or on any other waters within the admiralty and maritime jurisdiction of the United States, by surprise or by open force, maliciously attacks or sets upon any vessel belonging to another, with an intent unlawfully to plunder the same, or to despoil any owner thereof of any moneys, goods, or merchandise laden on board thereof, shall be fined not more than five thousand dollars and imprisoned not more than ten years.

Act March 4, 1909, c. 321, § 298, 35 Stat. 1147.
See Rev. St. § 5361, Comp. St. 1901, p. 3640.

Breaking and entering vessel, etc.; punishment for.

Sec. 299. Whoever, upon the high seas or on any other waters within the admiralty and maritime jurisdiction of the United States, and out of the jurisdiction of any particular State, breaks or enters any vessel, with intent to commit any felony, or maliciously cuts, spoils, or destroys any cordage, cable, buoys, buoy-rope, head-fast, or other fast, fixed to the anchor or moorings belonging to any vessel, shall be fined not more than one thousand dollars and imprisoned not more than five years.

Act March 4, 1909, c. 321, § 299, 35 Stat. 1147.
See Rev. St. § 5362, Comp. St. 1901, p. 3640.

Owner destroying vessel at sea; punishment for.

Sec. 300. Whoever, upon the high seas or on any other waters within the admiralty and maritime jurisdiction of the United States, willfully and corruptly casts away or otherwise destroys any vessel, of which he is owner, in whole or in part, with intent to prejudice any person that may underwrite any policy of insurance thereon, or any merchant that may have goods thereon, or any other owner of such vessel, shall be imprisoned for life or for any term of years.

Act March 4, 1909, c. 321, § 300, 35 Stat. 1147.
See Rev. St. § 5365, as amended by Act Aug. 6, 1894, c. 227, § 1, Comp. St. 1901, p. 3642.

Other person destroying or attempting to destroy vessel at sea; punishment for.

Sec. 301. Whoever, not being an owner, upon the high seas or on any other waters within the admiralty and maritime jurisdiction of the United States, willfully and corruptly casts away or otherwise destroys any vessel of the United States to which he belongs, or, willfully, with intent to destroy the same, sets fire to any such vessel, or otherwise attempts the destruction thereof, shall be imprisoned not more than ten years.

Act March 4, 1909, c. 321, § 301, 35 Stat. 1147.
See Rev. St. §§ 5366, 5367, as amended by Act Aug. 6, 1894, c. 227, § 2, Comp. St. 1901, p. 3642.

Robbery on shore by piratical crew; punishment for.

Sec. 302. Whoever, being engaged in any piratical cruise, or enterprise, or being of the crew of any piratical vessel, lands from such vessel, and on shore commits robbery, is a pirate, and shall be imprisoned for life.

Act March 4, 1909, c. 321, § 302, 35 Stat. 1147.
See Rev. St. § 5371, Comp. St. 1901, p. 3643.

Arming vessel to cruise against citizens; punishment for; trials.

Sec. 303. Whoever, being a citizen of the United States, without the limits thereof, fits out and arms, or attempts to fit out and arm, or procures to be fitted out and armed, or knowingly aids or is concerned in furnishing, fitting out, or arming, any private vessel of war or privateer, with intent that such vessel shall be employed to cruise or commit hostilities upon the citizens of the United States, or their property, or whoever takes the command of or enters on board of any such vessel, for such intent, or who purchases any interest in any such vessel with a view to share in the profits thereof, shall be fined not more than ten thousand dollars and imprisoned not more than ten years. The trial for such offense, if committed without the limits of the United States, shall be in the district in which the offender shall be apprehended or first brought.

Act March 4, 1909, c. 321, § 303, 35 Stat. 1147.
See Rev. St. § 5284, Comp. St. 1901, p. 3600.

Piracy under color of foreign commission; punishment for.

Sec. 304. Whoever, being a citizen of the United States, commits any murder or robbery, or any act of hostility against the United States, or against any citizen thereof, on the high seas, under color of any commission from any foreign prince, or state, or on pretense of authority from any person, is, notwithstanding the pretense of such authority, a pirate, and shall be imprisoned for life.

Act March 4, 1909, c. 321, § 304, 35 Stat. 1147.
See Rev. St. § 5373, Comp. St. 1901, p. 3644.

Piracy by aliens; punishment for.

Sec. 305. Whoever, being a citizen or subject of any foreign state, is found and taken on the sea making war upon the United States, or cruising against the vessels and property thereof, or of the citizens of the same, contrary to the provisions of any treaty existing between the United States and the state of which the offender is a citizen or subject, when by such treaty such acts are declared to be piracy, is guilty of piracy, and shall be imprisoned for life.

Act March 4, 1909, c. 321, § 305, 35 Stat. 1147.
See Rev. St. § 5374, Comp. St. 1901, p. 3644.

Running away with or yielding up vessel or cargo; punishment for.

Sec. 306. Whoever, being a captain or other officer or mariner of a vessel upon the high seas or on any other waters within the admiralty and maritime jurisdiction of the United States, piratically or feloniously runs away with such vessel, or with any goods or merchandise thereof, to the value of fifty dollars, or who yields up such vessel voluntarily to any pirate, shall be fined not more than ten thousand dollars, or imprisoned not more than ten years, or both.

Act March 4, 1909, c. 321, § 306, 35 Stat. 1148.
See Rev. St. § 5383, Comp. St. 1901, p. 3647.

Confederating, etc., with pirates; confining master; punishment for.

Sec. 307. Whoever attempts or endeavors to corrupt any commander, master, officer, or mariner to yield up or to run away with any vessel, or with any goods, wares, or merchandise, or to turn pirate or to go over to or confederate with pirates, or in any wise to trade with any pirate, knowing him to be such, or furnishes such pirate with any ammunition, stores, or provisions of any kind, or fits out any vessel

knowingly and, with a design to trade with, supply, or correspond with any pirate or robber upon the seas; or whoever consults, combines, confederates, or corresponds with any pirate or robber upon the seas, knowing him to be guilty of any piracy or robbery; or whoever, being a seaman, confines the master of any vessel, shall be fined not more than one thousand dollars and imprisoned not more than three years.

Act March 4, 1909, c. 321, § 307, 35 Stat. 1148.
See Rev. St. § 5384, Comp. St. 1901, p. 3648.

Selling arms, intoxicants, etc., in Pacific islands; punishment for; medicinal use of spirits, etc.

Sec. 308. Whoever, being subject to the authority of the United States, shall give, sell, or otherwise supply any arms, ammunition, explosive substance, intoxicating liquor, or opium to any aboriginal native of any of the Pacific islands lying within the twentieth parallel of north latitude and the fortieth parallel of south latitude, and the one hundred and twentieth meridian of longitude west and one hundred and twentieth meridian of longitude east of Greenwich, not being in the possession or under the protection of any civilized power, shall be fined not more than fifty dollars, or imprisoned not more than three months, or both. In addition to such punishment, all articles of a similar nature to those in respect to which an offense has been committed, found in the possession of the offender, may be declared forfeited. If it shall appear to the court that such opium, wine, or spirits have been given bona fide for medical purposes, it shall be lawful for the court to dismiss the charge.

Act March 4, 1909, c. 321, § 308, 35 Stat. 1148.
See Act Feb. 14, 1902, c. 18, §§ 1, 2, 32 Stat. 33.

Offenses deemed on high seas.

Sec. 309. All offenses against the provisions of the section last preceding, committed on any of said islands or on the waters, rocks, or keys adjacent thereto, shall be deemed committed on the high seas on board a merchant ship or vessel belonging to the United States, and the courts of the United States shall have jurisdiction accordingly.

Act March 4, 1909, c. 321, § 309, 35 Stat. 1148.
See Act Feb. 14, 1902, c. 18, § 3, 32 Stat. 33.

"Vessels of the United States" defined.

Sec. 310. The words "vessel of the United States," wherever they occur in this chapter, shall be construed to mean a vessel belonging in whole or in part to the United States, or any citizen thereof, or any corporation created by or under the laws of the United States, or of any State, Territory, or District thereof.

Act March 4, 1909, c. 321, § 310, 35 Stat. 1148.

CHAPTER THIRTEEN.

Certain Offenses in the Territories.

Sec.
311. Places within which sections of this chapter shall apply.
312. Circulation of obscene literature; promoting abortion.
313. Polygamy.
314. Unlawful cohabitation.
315. Joinder of counts.
316. Adultery.
317. Incest.
318. Fornication.
319. Certificates of marriage; penalty for failure to record.
320. Prize fights, bull fights, etc.
321. Definition of "Pugilistic encounter."
322. Train robberies in Territories, etc.
[322a.] Discrimination by proprietors etc., of theaters, etc., against persons wearing uniform of Army, Navy, etc.

Places applicable.

Sec. 311. Except as otherwise expressly provided, the offenses defined in this chapter shall be punished as hereinafter provided, when committed within any Territory or District, or within or upon any place within the exclusive jurisdiction of the United States.

Act March 4, 1909, c. 321, § 311, 35 Stat. 1148.

Circulating obscene literature, etc.; punishment for.

Sec. 312. Whoever shall sell, lend, give away, or in any manner exhibit, or offer to sell, lend, give away, or in any manner exhibit, or shall otherwise publish or offer to publish in any manner, or shall have in his possession for any such purpose, any obscene book, pamphlet, paper, writing, advertisement, circular, print, picture, drawing, or other representation, figure, or image on or of paper or other material, or any cast, instrument, or other article of an immoral nature, or any drug or medicine, or any article whatever, for the prevention of conception, or for causing unlawful abortion, or shall advertise the same for sale, or shall write or print, or cause to be written or printed, any card, circular, book, pamphlet, advertisement, or notice of any kind, stating when, where, how, or of whom, or by what means, any of the articles above mentioned can be purchased or obtained, or shall manufacture, draw, or print, or in anywise make any of such articles, shall be fined not more than two thousand dollars, or imprisoned not more than five years, or both.

Act March 4, 1909. c. 321, § 312, 35 Stat. 1149.
See Rev. St. § 5389, Comp. St. 1901, p. 3650.

Polygamy defined; punishment for; exceptions.

Sec. 313. Every person who has a husband or wife living, who marries another, whether married or single, and any man who simultaneously, or on the same day, marries more than one woman, is guilty of polygamy, and shall be fined not more than five hundred dollars and imprisoned not more than five years. But this section shall not extend to any person by reason of any former marriage whose husband or wife by such marriage shall have been absent for five successive years, and is not known to such person to be living, and is believed by such person to be dead, nor to any person by reason of any former marriage which shall have been dissolved by a valid decree of a competent court, nor to any person by reason of any former marriage

which shall have been pronounced void by a valid decree of a competent court, on the ground of nullity of the marriage contract.

Act March 4, 1909, c. 321, § 313, 35 Stat. 1149.
See Rev. St. § 5352, as amended by Act March 22, 1882, c. 47, § 1, Comp. St. 1901, p. 3633.

Unlawful cohabitation; punishment for.

Sec. 314. If any male person cohabits with more than one woman, he shall be fined not more than three hundred dollars, or imprisoned not more than six months, or both.

Act March 4, 1909, c. 321, § 314, 35 Stat. 1149.
See Act March 22, 1882, c. 47, § 3, Comp. St. 1901, p. 3634.

Joinder of counts.

Sec. 315. Counts for any or all of the offenses named in the two sections last preceding may be joined in the same information or indictment.

Act March 4, 1909, c. 321, § 315, 35 Stat. 1149.
See Act March 22, 1882, c. 47, § 4, Comp. St. 1901, p. 3634.

Adultery; punishment for.

Sec. 316. Whoever shall commit adultery shall be imprisoned not more than three years; and when the act is committed between a married woman and a man who is unmarried, both parties to such act shall be deemed guilty of adultery; and when such act is committed between a married man and a woman who is unmarried, the man shall be deemed guilty of adultery.

Act March 4, 1909, c. 321, § 316, 35 Stat. 1149.
See Act March 3, 1887, c. 397, § 3, Comp. St. 1901, p. 3636.

Incest defined; punishment for.

Sec. 317. Whoever, being related to another person within and not including the fourth degree of consanguinity computed according to the rules of the civil law, shall marry or cohabit with, or have sexual intercourse with such other so related person, knowing her or him to be within said degree of relationship, shall be deemed guilty of incest, and shall be imprisoned not more than fifteen years.

Act March 4, 1909, c. 321, § 317, 35 Stat. 1149.
See Act March 3, 1887, c. 397, § 4, Comp. St. 1901, p. 3636.

Fornication; punishment for.

Sec. 318. If any unmarried man or woman commits fornication, each shall be fined not more than one hundred dollars, or imprisoned not more than six months.

Act March 4, 1909, c. 321, § 318, 35 Stat. 1149.
See Act March 3, 1887, c. 397, § 5, Comp. St. 1901, p. 3636.

Recording, etc., certificates of marriage; evidence of marriage; punishment for violations; application.

Sec. 319. Every ceremony of marriage, or in the nature of a marriage ceremony of any kind, whether either or both or more of the parties to such ceremony be lawfully competent to be the subjects of such marriage or ceremony or not, shall be certified by a certificate stating the fact and nature of such ceremony, the full name of each of the parties concerned, and the full name of every officer, priest, and person, by whatever style or designation called or known, in any way taking part in the performance of such ceremony, which certificate shall be drawn up and signed by the parties to such ceremony and by

every officer, priest, and person taking part in the performance of such ceremony, and shall be by the officer, priest, or other person solemnizing such marriage or ceremony filed in the office of the probate court, or, if there be none, in the office of the court having probate powers in the county or district in which such ceremony shall take place, for record, and shall be immediately recorded, and be at all times subject to inspection as other public records. Such certificate, or the record thereof, or a duly certified copy of such record, shall be prima facie evidence of the facts required by this section to be stated therein in any proceeding, civil or criminal, in which the matter shall be drawn in question. But nothing in this section shall be held to prevent the proof of marriages, whether lawful or unlawful, by any evidence otherwise legally admissible for that purpose. Whoever shall willfully violate any provision of this section shall be fined not more than one thousand dollars, or imprisoned not more than two years, or both. The provisions of this section shall apply only within the Territories of the United States.

Act March 4, 1909, c. 321, § 319, 35 Stat. 1149.
See Act March 3, 1887, c. 397, §§ 9, 10, Comp. St. 1901, p. 3637.

Prize fights, bull fights, etc.; punishment for; application.

Sec. 320. Whoever shall voluntarily engage in a pugilistic encounter between man and man or a fight between a man and a bull or any other animal, for money or for other thing of value, or for any championship, or upon the result of which any money or anything of value is bet or wagered, or to see which any admission fee is directly or indirectly charged, shall be imprisoned not more than five years. The provisions of this section shall apply only within the Territories of the United States and the District of Columbia.

Act March 4, 1909, c. 321, § 320, 35 Stat. 1150.
See Act Feb. 7, 1896, c. 12, § 1, Comp. St. 1901, p. 3632.

Definition of "pugilistic encounter."

Sec. 321. By the term "pugilistic encounter," as used in the section last preceding, is meant any voluntary fight by blows by means of fists or otherwise, whether with or without gloves, between two or more men, for money or for a prize of any character, or for any other thing of value, or for any championship, or upon the result of which any money or anything of value is bet or wagered, or to see which any admission fee is directly or indirectly charged.

Act March 4, 1909, c. 321, § 321, 35 Stat. 1150.
See Act Feb. 7, 1896, c. 12, § 2, Comp. St. 1901, p. 3632.

Train robberies, etc.; punishment for; accomplices; proofs.

Sec. 322. Whoever shall willfully and maliciously trespass upon or enter upon any railroad train, railroad car, or railroad locomotive, with the intent to commit murder, or robbery, shall be fined not more than five thousand dollars, or imprisoned not more than twenty years, or both. Whoever shall willfully and maliciously trespass upon or enter upon any railroad train, railroad car, or railroad locomotive, with intent to commit any unlawful violence upon or against any passenger on said train, or car, or upon or against any engineer, conductor, fireman, brakeman, or any officer or employee connected with said locomotive, train, or car, or upon or against any express messenger or mail

agent on said train or in any car thereof, or to commit any crime or offense against any person or property thereon, shall be fined not more than one thousand dollars, or imprisoned not more than one year, or both. Whoever shall counsel, aid, abet, or assist in the perpetration of any of the offenses set forth in this section shall be deemed to be a principal therein. Upon the trial of any person charged with any offense set forth in this section, it shall not be necessary to set forth or prove the particular person against whom it was intended to commit the offense, or that it was intended to commit such offense against any particular person.

Act March 4, 1909, c. 321, § 322, 35 Stat. 1150.
See Act July 1, 1902, c. 1376, 32 Stat. 727.

Discrimination by proprietors, etc., of theaters, etc., against persons wearing uniform of Army, Navy, etc.

[Sec. 322a.] That hereafter no proprietor, manager, or employee of a theater or other public place of entertainment or amusement in the District of Columbia, or in any Territory, the District of Alaska or Insular possession of the United States, shall make, or cause to be made, any discrimination against any person lawfully wearing the uniform of the Army, Navy, Revenue-Cutter Service or Marine Corps of the United States because of that uniform, and any person making, or causing to be made, such discrimination shall be guilty of a misdemeanor, punishable by a fine not exceeding five hundred dollars.

Act March 1, 1911, c. 187, 36 Stat. 963.
This is an act entitled "An act to protect the dignity and honor of the uniform of the United States," cited above, inserted here and designated as section 322a.

CHAPTER FOURTEEN.

General and Special Provisions.

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325. Whipping and the pillory abolished.
326. Jurisdiction of State courts.
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328. Indians committing certain crimes; how punished.
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Death penalty by hanging.

Sec. 323. The manner of inflicting the punishment of death shall be by hanging.

Act March 4, 1909, c. 321, § 323, 35 Stat. 1151.
See Rev. St. § 5325, Comp. St. 1901, p. 3620.

Corruption of blood and forfeiture of estate excluded.

Sec. 324. No conviction or judgment shall work corruption of blood or any forfeiture of estate.

Act March 4, 1909, c. 321, § 324, 35 Stat. 1151.
See Rev. St. § 5326, Comp. St. 1901, p. 3622.

Whipping and pillory abolished.

Sec. 325. The punishment of whipping and of standing in the pillory shall not be inflicted.

Act March 4, 1909, c. 321, § 325, 35 Stat. 1151.
See Rev. St. § 5327, Comp. St. 1901, p. 3622.

Jurisdiction of State courts.

Sec. 326. Nothing in this Title shall be held to take away or impair the jurisdiction of the courts of the several States under the laws thereof.

Act March 4, 1909, c. 321, § 326, 35 Stat. 1151.
See Rev. St. § 5328, Comp. St. 1901, p. 3622.

Pardoning power.

Sec. 327. Whenever, by the judgment of any court or judicial officer of the United States, in any criminal proceeding, any person is sentenced to two kinds of punishment, the one pecuniary and the other corporal, the President shall have full discretionary power to pardon or remit, in whole or in part, either one of the two kinds, without, in any manner, impairing the legal validity of the other kind, or of any portion of either kind, not pardoned or remitted.

Act March 4, 1909, c. 321, § 327, 35 Stat. 1151.
See Rev. St. § 5330, Comp. St. 1901, p. 3622.

Indians committing certain crimes; acts on reservations, etc.; punishment for; rape on Indian woman.

Sec. 328. All Indians committing against the person or property of another Indian or other person any of the following crimes, namely—murder, manslaughter, rape, assault with intent to kill, assault with a dangerous weapon, arson, burglary, and larceny, within any Territory of the United States, and either within or without an Indian reservation, shall be subject therefor to the laws of such Territory relating to said crimes, and shall be tried therefor in the same courts and in the same manner and shall be subject to the same penalties as are all other persons charged with the commission of said crimes, respectively; and the said courts are hereby given jurisdiction in all such cases. And all such Indians committing any of the above-named crimes against the person or property of another Indian or other person within the boundaries of any State of the United States, and within the limits of any Indian reservation, shall be subject to the same laws, tried in the same courts and in the same manner, and be subject to the same penalties as are all other persons committing any of the above crimes within the exclusive jurisdiction of the United States: Provided, That any Indian who shall commit the offense of rape upon any female Indian within the limits of any Indian reservation shall be imprisoned at the discretion of the court.

Act March 4, 1909, c. 321, § 328, 35 Stat. 1151.
See Act March 3, 1885, c. 341, § 9, 23 Stat. 385; Act Jan. 15, 1897, c. 29, § 5, Comp. St. 1901, p. 3621.

Crimes committed on Indian reservations in South Dakota; rape of female Indian.

Sec. 329. The circuit and district courts of the United States for the district of South Dakota shall have jurisdiction to hear, try, and determine all actions and proceedings in which any person shall be charged with the crime of murder, manslaughter, rape, assault with intent to kill, assault with a dangerous weapon, arson, burglary, or larceny, committed within the limits of any Indian reservation in the State of South Dakota. Any person convicted of murder, manslaughter, rape, arson, or burglary, committed within the limits of any such reservation, shall be subject to the same punishment as is imposed upon persons committing said crimes within the exclusive jurisdiction of the United States: Provided, That any Indian who shall commit the crime of rape upon any female Indian within any such reservation shall be imprisoned at the discretion of the court. Any person convicted of the crime of assault with intent to kill, assault with a dangerous weapon, or larceny, committed within the limits of any such reservation, shall be subject to the same punishment as is provided in cases of other persons convicted of any of said crimes under the laws of the State of South Dakota. This section is passed in pursuance of the cession of jurisdiction contained in chapter one hundred and six, Laws of South Dakota, nineteen hundred and one.

Act March 4, 1909, c. 321, § 329, 35 Stat. 1151.
See Act Feb. 2, 1903, c. 351, 32 Stat. 793.

Qualified verdicts in certain cases.

Sec. 330. In all cases where the accused is found guilty of the crime of murder in the first degree, or rape, the jury may qualify their verdict by adding thereto "without capital punishment;" and whenever the jury shall return a verdict qualified as aforesaid, the person convicted shall be sentenced to imprisonment for life.

Act March 4, 1909, c. 330, 35 Stat. 1152.
See Act Jan. 15, 1897, c. 29, § 1, Comp. St. 1901, p. 3620.

Delivery of body of executed offender for dissection.

Sec. 331. The court before which any person is convicted of murder in the first degree, or rape, may, in its discretion, add to the judgment of death, that the body of the offender be delivered to a surgeon for dissection; and the marshal who executes such judgment shall deliver the body, after execution, to such surgeon as the court may direct; and such surgeon, or some person appointed by him, shall receive and take away the body at the time of execution.

Act March 4, 1909, c. 321, § 331, 35 Stat. 1152.
See Rev. St. § 5340, Comp. St. 1901, p. 3628.

Principals defined.

Sec. 332. Whoever directly commits any act constituting an offense defined in any law of the United States, or aids, abets, counsels, commands, induces, or procures its commission, is a principal.

Act March 4, 1909, c. 321, § 332, 35 Stat. 1152.
See Rev. St. §§ 5323, 5427, Comp. St. 1901, pp. 3619, 3670.

Punishment of accessories.

Sec. 333. Whoever, except as otherwise expressly provided by law, being an accessory after the fact to the commission of any offense defined in any law of the United States, shall be imprisoned not ex-

ceeding one-half the longest term of imprisonment, or fined not exceeding one-half the largest fine prescribed for the punishment of the principal, or both, if the principal is punishable by both fine and imprisonment; or if the principal is punishable by death, then an accessory shall be imprisoned not more than ten years.

Act March 4, 1909, c. 321, § 333, 35 Stat. 1152.
See Rev. St. §§ 5533–5535, Comp. St. 1901, pp. 3717, 3718.

Accessories to robbery or piracy.

Sec. 334. Whoever, without lawful authority, receives or takes into custody any vessel, goods, or other property, feloniously taken by any robber or pirate against the laws of the United States, knowing the same to have been feloniously taken, and whoever, knowing that such pirate or robber has done or committed any such piracy or robbery, on the land or at sea, receives, entertains, or conceals any such pirate or robber, is an accessory after the fact to such robbery or piracy, and shall be imprisoned not more than ten years.

Act March 4, 1909, c. 321, § 334, 35 Stat. 1152.
See Rev. St. §§ 5324, 5533, Comp. St. 1901, pp. 3620, 3717.

Felonies and misdemeanors.

Sec. 335. All offenses which may be punished by death, or imprisonment for a term exceeding one year, shall be deemed felonies. All other offenses shall be deemed misdemeanors.

Act March 4, 1909, c. 321, § 335, 35 Stat. 1152.

Place of committal of murder or manslaughter determined.

Sec. 336. In all cases of murder or manslaughter, the crime shall be deemed to have been committed at the place where the injury was inflicted, or the poison administered, or other means employed which caused the death, without regard to the place where the death occurs.

Act March 4, 1909, c. 321, § 336, 35 Stat. 1152.

Construction of designated words.

Sec. 337. Words used in this title in the present tense include the future as well as the present; words used in the masculine gender include the feminine and neuter; the singular number includes the plural, and the plural the singular; the word "person" and the word "whoever" include a corporation as well as a natural person; writing includes printing and typewriting, and signature or subscription includes a mark when the person making the same intended it as such. The words "this title," wherever they occur herein, shall be construed to mean this Act.

Act March 4, 1909, c. 321, § 337, 35 Stat. 1152.

Effect of omitting "hard labor."

Sec. 338. The omission of the words "hard labor" from the provisions prescribing the punishment in the various sections of this Act, shall not be construed as depriving the court of the power to impose hard labor as a part of the punishment, in any case where such power now exists.

Act March 4, 1909, c. 321, § 338, 35 Stat. 1153.

Arrangement and classification of sections.

Sec. 339. The arrangement and classification of the several sections of this title have been made for the purpose of a more convenient and orderly arrangement of the same, and therefore no inference or pre-

sumption of a legislative construction is to be drawn by reason of the chapters under which any particular section is placed.

Act March 4, 1909, c. 321, § 339, 35 Stat. 1153.

Jurisdiction of circuit and district courts.

Sec. 340. The crimes and offenses defined in this Title shall be cognizable in the circuit and district courts of the United States, as prescribed in sections five hundred and sixty-three and six hundred and twenty-nine of the Revised Statutes.

Act March 4, 1909, c. 321, § 340, 35 Stat. 1153.
See Rev. St. §§ 563, 629, Comp. St. 1901, pp. 455, 503.

CHAPTER FIFTEEN.

Repealing Provisions.

Sec.
341. Sections, acts, and parts of acts repealed.
342. Accrued rights, etc., not affected.
343. Prosecutions and punishments.
344. Acts of limitation.
345. Date this act shall be effective.

Sections, acts, and parts of acts repealed; general repeal.

Sec. 341. The following sections of the Revised Statutes and Acts and parts of Acts are hereby repealed:

Sections four hundred and twelve, fifteen hundred and fifty-three, sixteen hundred and sixty-eight; sections seventeen hundred and eighty to seventeen hundred and eighty-three, both inclusive; sections seventeen hundred and eighty-five, seventeen hundred and eighty-seven, seventeen hundred and eighty-eight, seventeen hundred and eighty-nine, twenty-three hundred and seventy-three, twenty-four hundred and twelve, thirty-five hundred and eighty-three, thirty-seven hundred and eight, thirty-seven hundred and thirty-nine, thirty-seven hundred and forty, thirty-seven hundred and forty-two, thirty-eight hundred and thirty-two, thirty-eight hundred and fifty-one, thirty-eight hundred and sixty-nine, thirty-eight hundred and eighty-seven; sections thirty-eight hundred and ninety to thirty-eight hundred and ninety-four, both inclusive; section thirty-eight hundred and ninety-nine; sections thirty-nine hundred and twenty-two to thirty-nine hundred and twenty-five, both inclusive; sections thirty-nine hundred and forty-seven, thirty-nine hundred and fifty-four, thirty-nine hundred and seventy-seven, thirty-nine hundred and seventy-nine; sections thirty-nine hundred and eighty-one to thirty-nine hundred and eighty-six, both inclusive; sections thirty-nine hundred and eighty-eight, thirty-nine hundred and ninety-two, thirty-nine hundred and ninety-five, thirty-nine hundred and ninety-six, four thousand and thirteen, four thousand and sixteen, four thousand and thirty, four thousand and fifty-three, fifty-one hundred and eighty-eight, fifty-one hundred and eighty-nine; sections fifty-two hundred and eighty-one to fifty-two hundred and ninety-one, both inclusive; sections fifty-three hundred and twenty-three to fifty-three hundred and ninety-five, both inclusive; sections fifty-three hundred and ninety-eight to fifty-four hundred and ten, both inclusive; sections fifty-four hundred and thirteen to fifty-four hundred and eighty-four, both inclusive; sections fifty-four hun-

dred and eighty-seven to fifty-five hundred and ten, both inclusive; sections fifty-five hundred and sixteen, fifty-five hundred and eighteen, fifty-five hundred and nineteen; sections fifty-five hundred and twenty-four to fifty-five hundred and thirty-five, both inclusive; sections fifty-five hundred and fifty-one to fifty-five hundred and sixty-seven, both inclusive, of the Revised Statutes;

That part of section thirty-eight hundred and twenty-nine of the Revised Statutes which reads as follows: "And every person who, without authority from the Postmaster-General, sets up or professes to keep any office or place of business bearing the sign, name, or title of post-office, shall, for every such offense, be liable to a penalty of not more than five hundred dollars;"

That part of section thirty-eight hundred and sixty-seven of the Revised Statutes which reads as follows: "And any person not connected with the letter-carrier branch of the postal service who shall wear the uniform which may be prescribed shall, for every such offense, be punishable by a fine of not more than one hundred dollars, or by imprisonment for not more than six months, or both;"

That part of section four thousand and forty-six of the Revised Statutes which reads as follows: "Every postmaster, assistant, clerk, or other person employed in or connected with the business or operations of any money-order office who converts to his own use, in any way whatever, or loans, or deposits in any bank, except as authorized by this title, or exchanges for other funds, any portion of the public money-order funds, shall be deemed guilty of embezzlement; and any such person, as well as every other person advising or participating therein, shall, for every such offense, be imprisoned for not less than six months nor more than ten years, and be fined in a sum equal to the amount embezzled; and any failure to pay over or produce any money-order funds intrusted to such person shall be taken to be prima facie evidence of embezzlement; and upon the trial of any indictment against any person for such embezzlement, it shall be prima facie evidence of a balance against him to produce a transcript from the money-order account books of the Sixth Auditor. But nothing herein contained shall be construed to prohibit any postmaster depositing, under the direction of the Postmaster-General, in a national bank designated by the Secretary of the Treasury for that purpose, to his own credit as postmaster, any money order or other funds in his charge, nor prevent his negotiating drafts or other evidences of debt through such bank, or through United States disbursing officers, or otherwise, when instructed or required to do so by the Postmaster-General, for the purpose of remitting surplus money-order funds from one post-office to another, to be used in payment of money orders."

"An Act to protect lines of telegraph constructed or used by the United States from malicious injury and obstruction," approved June twenty-third, eighteen hundred and seventy-four;

"An Act to protect persons of foreign birth against forcible constraint or involuntary servitude," approved June twenty-third, eighteen hundred and seventy-four;

That part of "An Act making appropriations for the service of the Post-Office Department for the fiscal year ending June thirtieth, eighteen hundred and seventy-five, and for other purposes," approved June twenty-third, eighteen hundred and seventy-four, which reads as fol-

lows: "That any postmaster who shall affix his signature to the approval of any bond of a bidder or to the certificate of sufficiency of sureties in any contract before the said bond or contract is signed by the bidder or contractor and his sureties, or shall knowingly, or without the exercise of due diligence, approve any bond of a bidder with insufficient sureties, or shall knowingly make any false or fraudulent certificate, shall be forthwith dismissed from office and be thereafter disqualified from holding the office of postmaster, and shall also be deemed guilty of a misdemeanor, and on conviction thereof be punished by a fine not exceeding five thousand dollars, or by imprisonment not exceeding one year, or both;"

Sections one, two, and three of "An Act to protect ornamental and other trees on Government reservations and on lands purchased by the United States, and for other purposes," approved March third, eighteen hundred and seventy-five;

"An Act to punish certain larcenies and the receivers of stolen goods," approved March third, eighteen hundred and seventy-five;

"An Act to amend section fifty-four hundred and fifty-seven of the Revised Statutes of the United States, relating to counterfeiting," approved January sixteenth, eighteen hundred and seventy-seven;

That part of section five of "An Act establishing post-roads, and for other purposes," approved March third, eighteen hundred and seventy-seven, which reads as follows: "And if any person shall make use of any such official envelope to avoid the payment of postage on his private letter, package, or other matter in the mail, the person so offending shall be deemed guilty of a misdemeanor and subject to a fine of three hundred dollars, to be prosecuted in any court of competent jurisdiction;"

That part of section one of "An Act making appropriations for the service of the Post-Office Department for the year ending June thirtieth, eighteen hundred and seventy-nine, and for other purposes," approved June seventeenth, eighteen hundred and seventy-eight, which reads as follows: "And any postmaster who shall make a false return to the auditor, for the purpose of fraudulently increasing his compensation under the provisions of this or any other Act, shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be fined in a sum not less than fifty nor more than five hundred dollars, or imprisoned for a term not exceeding one year, or punished by both such fine and imprisonment, in the discretion of the court; and no postmaster of any class, or other person connected with the postal service, intrusted with the sale or custody of postage stamps, stamped envelopes, or postal cards, shall use or dispose of them in the payment of debts or in the purchase of merchandise or other salable articles, or pledge or hypothecate the same, or sell or dispose of them except for cash, or sell or dispose of postage stamps or postal cards for any larger or less sum than the values indicated on their faces, or sell or dispose of stamped envelopes for a larger or less sum than is charged therefor by the Post-Office Department for like quantities, or sell or dispose of postage stamps, stamped envelopes, or postal cards otherwise than as provided by law and the regulations of the Post-Office Department; and any postmaster or other person connected with the postal service who shall violate any of these provisions shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be fined in

any sum not less than fifty nor more than five hundred dollars, or imprisoned for a term not exceeding one year;"

"An Act to amend section fifty-four hundred and ninety-seven of the Revised Statutes, relating to embezzlement by officers of the United States," approved February third, eighteen hundred and seventy-nine;

That part of section one of "An Act making appropriations for the service of the Post-Office Department for the fiscal year ending June thirtieth, eighteen hundred and eighty, and for other purposes," approved March third, eighteen hundred and seventy-nine, which reads as follows: "That nothing contained in section thirty-nine hundred and eighty-two of the Revised Statutes shall be construed as prohibiting any person from receiving and delivering to the nearest post-office or postal car mail matter properly stamped." Also sections thirteen, twenty-three, twenty-seven, and twenty-eight of said Act;

"An Act to amend section fifty-four hundred and forty of the Revised Statutes," approved May seventeenth, eighteen hundred and seventy-nine;

Sections one, three, and four of "An Act to amend section fifty-three hundred and fifty-two of the Revised Statutes of the United States, in reference to bigamy, and for other purposes," approved March twenty-second, eighteen hundred and eighty-two;

Sections eleven, twelve, thirteen, fourteen, and fifteen of "An Act to regulate and improve the civil service of the United States," approved January sixteenth, eighteen hundred and eighty-three;

"An Act making it a felony for a person to falsely and fraudulently assume or pretend to be an officer or employee acting under authority of the United States or any department or officer thereof, and prescribing a penalty therefor," approved April eighteenth, eighteen hundred and eighty-four;

"An Act to prevent and punish the counterfeiting within the United States of notes, bonds, or other securities of foreign governments," approved May sixteenth, eighteen hundred and eighty-four;

Section nine of "An Act making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the year ending June thirtieth, eighteen hundred and eighty-six, and for other purposes," approved March third, eighteen hundred and eighty-five;

Section two of "An Act to amend the Act entitled 'An Act to modify the money-order system, and for other purposes,' approved March third, eighteen hundred and eighty-three," approved January third, eighteen hundred and eighty-seven;

Sections three, four, five, nine, and ten of "An Act to amend an Act entitled 'An Act to amend section fifty-three hundred and fifty-two of the Revised Statutes of the United States, in reference to bigamy, and for other purposes,' approved March twenty-second, eighteen hundred and eighty-two," approved March third, eighteen hundred and eighty-seven;

Section two of "An Act relating to permissible marks, printing or writing, upon second, third, and fourth class matter, and to amend the twenty-second and twenty-third sections of an Act entitled 'An Act making appropriations for the service of the Post-Office Department for the fiscal year ending June thirtieth, eighteen hundred and

eighty, and for other purposes,'" approved January twentieth, eighteen hundred and eighty-eight;

"An Act to amend section fifty-three hundred and eighty-eight of the Revised Statutes of the United States in relation to timber depredations," approved June fourth, eighteen hundred and eighty-eight;

"An Act relating to postal crimes, and amendatory of the statutes therein mentioned," approved June eighteenth, eighteen hundred and eighty-eight;

"An Act amendatory of 'An Act relating to postal crimes and amendatory of the statutes therein mentioned,' approved June eighteenth, eighteen hundred and eighty-eight, and for other purposes," approved September twenty-sixth, eighteen hundred and eighty-eight;

"An Act to punish, as a felony, the carnal and unlawful knowing of any female under the age of sixteen years," approved February ninth, eighteen hundred and eighty-nine;

Sections one and two of "An Act to punish dealers and pretended dealers in counterfeit money and other fraudulent devices for using the United States mails," approved March second, eighteen hundred and eighty-nine;

Section one of "An Act to amend certain sections of the Revised Statutes relating to lotteries, and for other purposes," approved September nineteenth, eighteen hundred and ninety;

"An Act further to prevent counterfeiting or manufacture of dies, tools, or other implements used in counterfeiting, and providing penalties therefor, and providing for the issue of search warrants in certain cases," approved February tenth, eighteen hundred and ninety-one;

"An Act to amend sections fifty-three hundred and sixty-five and fifty-three hundred and sixty-six of the Revised Statutes relating to barratry on the high seas," approved August sixth, eighteen hundred and ninety-four;

Sections one and two of "An Act for the suppression of lottery traffic through national and interstate commerce and the postal service, subject to the jurisdiction and laws of the United States," approved March second, eighteen hundred and ninety-five;

"An Act to prohibit prize fighting and pugilism and fights between men and animals, and to provide penalties therefor in the Territories and the District of Columbia," approved February seventh, eighteen hundred and ninety-six;

That part of "An Act making appropriations for the Department of Agriculture for the fiscal year ending June thirtieth, eighteen hundred and ninety-five," approved August eighth, eighteen hundred and ninety-four, and that part of "An Act making appropriations for the Department of Agriculture for the fiscal year ending June thirtieth, eighteen hundred and ninety-six," approved March second, eighteen hundred and ninety-five, and that part of "An Act making appropriations for the Department of Agriculture for the fiscal year ending June thirtieth, eighteen hundred and ninety-seven," approved April twenty-fifth, eighteen hundred and ninety-six, which reads as follows: "Any person who shall knowingly issue or publish any weather forecasts or warnings of weather conditions falsely representing such forecasts or warnings to have been issued or published by the Weather Bureau, United States Signal Service, or other branch of the gov-

ernment service, shall be deemed guilty of a misdemeanor, and, on conviction thereof, for each offense be fined in a sum not exceeding five hundred dollars, or imprisoned not to exceed ninety days, or be both fined and imprisoned, in the discretion of the court;"

That part of "An Act making appropriations for current and contingent expenses of the Indian Department and fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June thirtieth, eighteen hundred and ninety-seven, and for other purposes," approved June tenth, eighteen hundred and ninety-six, which reads as follows: "Provided further, That hereafter it shall be unlawful for any person to destroy, deface, change, or remove to another place and section corner, quarter-section corner, or meander post on any Government line of survey, or to cut down any witness tree or any tree blazed to mark the line of a Government survey, or to deface, change, or remove any monument or bench mark of any Government survey. That any person who shall offend against any of the provisions of this paragraph shall be deemed guilty of a misdemeanor, and, upon conviction thereof in any court, shall be fined not exceeding two hundred and fifty dollars or be imprisoned not more than one hundred days. All the fines accruing under this paragraph shall be paid into the Treasury, and the informer in each case of conviction shall be paid the sum of twenty-five dollars;"

"An Act to reduce the cases in which the penalty of death may be inflicted," approved January fifteenth, eighteen hundred and ninety-seven;

"An Act to prevent the carrying of obscene literature and articles designed for indecent and immoral use from one State or Territory into another State or Territory," approved February eighth, eighteen hundred and ninety-seven;

"An Act to prevent forest fires on the public domain," approved February twenty-fourth, eighteen hundred and ninety-seven;

"An Act to prevent the purchasing of or speculating in claims against the Federal Government by United States officers," approved February twenty-fifth, eighteen hundred and ninety-seven;

"An Act to amend section fifty-four hundred and fifty-nine of the Revised Statutes, prescribing the punishment for mutilating United States coins, and for uttering or passing or attempting to utter or pass such mutilated coins," approved March third, eighteen hundred and ninety-seven;

Section eighteen of "An Act to amend the laws relating to navigation," approved March third, eighteen hundred and ninety-seven;

That part of section one of "An Act making appropriations for the service of the Post-Office Department for the fiscal year ending June thirteenth, eighteen hundred and ninety-nine," approved June thirteenth, eighteen hundred and ninety-eight, which reads as follows: "Provided, That any person or persons who shall place or cause to be placed any matter in the mails during the regular weighing period, for the purpose of increasing the weight of the mails with intent to cause an increase in the compensation of the railroad mail carrier over whose route such mail matter may pass, shall be deemed guilty of a misdemeanor, and shall on conviction thereof be fined not less than five hundred dollars nor more than twenty thousand dollars, and

shall be imprisoned at hard labor not less than thirty days nor more than five years;"

Section seventeen of "An Act to provide revenue for the Government, and to encourage the industries of the United States," approved July twenty-fourth, eighteen hundred and ninety-seven;

Section three of an Act entitled "An Act making appropriations for the service of the Post-Office Department for the fiscal year ending June thirtieth, nineteen hundred and four, and for other purposes," approved March third, nineteen hundred and three;

"An Act to protect the harbor defenses and fortifications constructed or used by the United States from malicious injury, and for other purposes," approved July seventh, eighteen hundred and ninety-eight;

"An Act to amend an Act entitled 'An Act to prevent forest fires on the public domain,' approved February twenty-fourth, eighteen hundred and ninety-seven," approved May fifth, nineteen hundred;

Sections two, three, and four of "An Act to enlarge the powers of the Department of Agriculture, prohibit the transportation by interstate commerce of game killed in violation of local laws, and for other purposes," approved May twenty-fifth, nineteen hundred;

"An Act to prevent the sale of firearms, opium, and intoxicating liquors in certain islands of the Pacific," approved February fourteenth, nineteen hundred and two;

"An Act for the suppression of train robbery in the Territories of the United States and elsewhere, and for other purposes," approved July first, nineteen hundred and two;

"An Act conferring jurisdiction upon the circuit and district courts for the district of South Dakota in certain cases, and for other purposes," approved February second, nineteen hundred and three;

"An Act to amend section three of the 'Act further to prevent counterfeiting or manufacturing of dies, tools, or other implements used in manufacturing,' and so forth, approved February tenth, eighteen hundred and ninety-one," approved March third, nineteen hundred and three;

"An Act for the protection of the Bull Run Forest Reserve and the sources of the water supply of the city of Portland, State of Oregon," approved April twenty-eighth, nineteen hundred and four;

"An Act to amend the Act of February eighth, eighteen hundred and ninety-seven, entitled 'An Act to prevent the carrying of obscene literature and articles designed for indecent and immoral use from one State or Territory into another State or Territory,' so as to prevent the importation and exportation of the same," approved February eighth, nineteen hundred and five;

"An Act to amend section thirteen of chapter three hundred and ninety-four of the Supplement to the Revised Statutes of the United States," approved March second, nineteen hundred and five;

Section five of "An Act to amend sections forty-four hundred and seventeen, forty-four hundred and fifty-three, forty-four hundred and eighty-eight, and forty-four hundred and ninety-nine of the Revised Statutes relating to misconduct by officers or owners of vessels," approved March third, nineteen hundred and five;

"An Act to punish the cutting, chipping, or boxing of trees on the public lands," approved June fourth, nineteen hundred and six.

Sections sixteen, seventeen, and nineteen of "An Act to establish a bureau of immigration and naturalization, and to provide for a uniform rule for the naturalization of aliens throughout the United States," approved June twenty-ninth, nineteen hundred and six.

An Act entitled "An Act to prohibit corporations from making money contributions in connection with political elections," approved January twenty-sixth, nineteen hundred and seven.

An Act entitled "An Act to amend sections one, two, and three of an Act entitled 'An Act to prohibit shanghaiing in the United States,' approved June twenty-eighth, nineteen hundred and six," approved March second, nineteen hundred and seven.

An Act entitled "An Act to promote the safe transportation in interstate commerce of explosives and other dangerous articles, and to provide penalties for its violation," approved May thirtieth, nineteen hundred and eight.

An Act entitled An "Act to amend section fifty-four hundred and thirty-eight of the Revised Statutes," approved May thirtieth, nineteen hundred and eight.

Also all other sections and parts of sections of the Revised Statutes and Acts and parts of Acts of Congress, in so far as they are embraced within and superseded by this Act, are hereby repealed; the remaining portions thereof to be and remain in force with the same effect and to the same extent as if this Act had not been passed.

Act March 4, 1909, c. 321, § 341, 35 Stat. 1153.

Pending actions, etc., not affected.

Sec. 342. The repeal of existing laws or modifications thereof embraced in this title shall not affect any act done, or any right accruing or accrued, or any suit or proceeding had or commenced in any civil cause prior to said repeal or modifications, but all liabilities under said laws shall continue and may be enforced in the same manner as if said repeal or modifications had not been made.

Act March 4, 1909, c. 321, § 342, 35 Stat. 1159.

Prosecutions, etc., prior to taking effect of this law.

Sec. 343. All offenses committed, and all penalties, forfeitures, or liabilities incurred prior to the taking effect hereof, under any law embraced in, or changed, modified, or repealed by this title, may be prosecuted and punished in the same manner and with the same effect as if this Act had not been passed.

Act March 4, 1909, c. 321, § 343, 35 Stat. 1159.

Limitations; prosecutions, etc.

Sec. 344. All acts of limitation, whether applicable to civil causes and proceedings, or for the recovery of penalties or forfeitures, embraced in, modified, changed, or repealed by this title, shall not be affected thereby; and all suits or proceedings for causes arising or acts done or committed prior to the taking effect hereof may be commenced and prosecuted within the same time and with the same effect as if said repeal had not been made.

Act March 4, 1909, c. 321, § 344, 35 Stat. 1159.

In effect January 1, 1910.

Sec. 345. This Act shall take effect and be in force on and after the first day of January, nineteen hundred and ten.

Act March 4, 1909, c. 321, § 345, 35 Stat. 1159.

TITLE LXX.

CRIMES.

CHAPTER ONE.

General Provisions.

Secs. 5323–5330.

[Repealed. Act March 4, 1909, c. 321, § 341.]

These sections, constituting the whole of this chapter of the Revised Statutes, set forth in Comp. St. 1901, pp. 3619–3622, are incorporated in the act to codify, etc., the penal laws, Act March 4, 1909, c. 321, and are expressly repealed by chapter 15, § 341, of said act, taking effect January 1, 1910. Said act is set forth ante, under Title LXIX A, "The Criminal Code."

Rev. St. § 5329, Comp. St. 1901, p. 3622, is included among the sections repealed by said Act March 4, 1909, c. 321, § 341, but its provisions, relating to benefit of clergy, are not carried into that act, apparently because obsolete.

Act Jan. 15, 1887, c. 29, "to reduce the cases in which the penalty of death may be inflicted," included with this chapter in Comp. St. 1901, and set forth therein at page 3620, is also incorporated in said Act March 4, 1909, c. 321, and is expressly repealed by section 341 thereof.

CHAPTER TWO.

Crimes Against the Existence of the Government.

Secs. 5331–5338.

[Repealed. Act March 4, 1909, c. 321, § 341.]

These sections, constituting the whole of this chapter of the Revised Statutes, set forth in Comp. St. 1901, pp. 3623–3625, are incorporated in the act to codify, etc., the penal laws, Act March 4, 1909, c. 321, in chapter 8 thereof, and are expressly repealed by chapter 15, § 341, of said act, taking effect January 1, 1910. Said act is set forth ante, under Title LXIX A, "The Criminal Code."

CHAPTER THREE.

Crimes Arising Within the Maritime and Territorial Jurisdiction of the United States.

Secs. 5339–5391.

[Repealed. Act March 4, 1909, c. 321, § 341.]

These sections, constituting the whole of this chapter of the Revised Statutes, set forth in Comp. St. 1901, pp. 3625–3653, are incorporated in the act to codify, etc., the penal laws, Act March 4, 1909, c. 321,

chiefly in chapters 11, 12, and 13, thereof, and are expressly repealed by chapter 15, § 341, of said act, taking effect January 1, 1910. Said act is set forth ante, under Title LXIX A, "The Criminal Code."

Acts and parts of acts subsequent to the Revised Statutes, included with this chapter in Comp. St. 1901, which are also incorporated in said Act March 4, 1909, c. 321, and are expressly repealed by said section 341 thereof, are the following:

Act June 23, 1874, c. 464, Comp. St. 1901, p. 3647.

Act March 3, 1875, c. 151, §§ 1–3, Comp. St. 1901, p. 3649.

Act March 22, 1882, c. 47, §§ 1, 3, 4, Comp. St. 1901, pp. 3633, 3634.

Act March 3, 1887, c. 397, §§ 3–5, 9, 10, Comp. St. 1901, pp. 3636, 3637.

Act June 4, 1888, c. 340, amending Rev. St. § 5388, Comp. St. 1901, p. 3649.

Act Feb. 9, 1889, c. 120, Comp. St. 1901, p. 3630.

Act Aug. 6, 1894, c. 227, amending Rev. St. §§ 5365, 5366, Comp. St. 1901, pp. 3641, 3642.

Act Feb. 7, 1896, c. 12. Comp. St. 1901, p. 3632.

Act March 3, 1897, c. 389, § 18, amending Rev. St. § 5347, Comp. St. 1901, p. 3631.

Act July 7, 1898, c. 576, Comp. St. 1901, p. 3652.

Act March 3, 1875, c. 138, set forth in Comp. St. 1901, p. 3629, relating to the punishment of manslaughter, is superseded by the provisions relating to the same subject in said Act March 4, 1909, c. 321, in chapter 11, § 275, thereof.

Act Sept. 4, 1890, c. 874, set forth in Comp. St. 1901, pp. 3627, 3628, extending the criminal jurisdiction of the circuit and district courts to the Great Lakes and their connecting waters, is superseded by the provisions relating to the same subject in said Act March 4, 1909, c. 321, in chapter 11, § 272, and chapter 14, § 340, thereof.

Later acts and parts of acts which are incorporated in said Act March 4, 1909, c. 321, and are expressly repealed by said section 341 thereof, are the following:

Act Feb. 14, 1902, c. 18, 32 Stat. 33, to prevent the sale of firearms, opium, and intoxicating liquors in certain islands of the Pacific, incorporated in Act March 4, 1909, c. 321, in chapter 12, § 308, thereof.

Act July 1, 1902, c. 1376, 32 Stat. 727, for the suppression of train robbery in the territories, etc., incorporated in Act March 4, 1909, c. 321, in chapter 13, § 322, thereof.

Act Feb. 2, 1903, c. 351, 32 Stat. 793, conferring jurisdiction on circuit and district courts for district of South Dakota over crimes on Indian reservations, incorporated in Act March 4, 1909, c. 321, in chapter 14, § 329, thereof.

Act March 3, 1905, c. 1454, § 5, 33 Stat. 1025, amending Rev. St. § 5344, incorporated in Act March 4, 1909, c. 321, in chapter 11, § 282, thereof.

CHAPTER FOUR.

Crimes Against Justice.

Secs. 5392–5395, 5398–5410.

[Repealed. Act March 4, 1909, c. 321, § 341.]

These sections, constituting the whole of this chapter of the Revised Statutes, set forth in Comp. St. 1901, pp. 3653–3660, except sections 5396, 5397, and sections 5411, 5412, of said chapter, are incorporated in the act to codify, etc., the penal laws, Act March 4, 1909, c. 321, chiefly in chapter 6 thereof, and are expressly repealed by chapter 15, § 341, of said act, taking effect January 1, 1910. Said act is set forth ante, under Title LXIX A, "The Criminal Code."

Rev. St. §§ 5396, 5397, Comp. St. 1901, p. 3655, relating to indictments for perjury and subornation of perjury, not being within the scope of

said Act March 4, 1909, c. 321, are not incorporated in or repealed by that act.

Rev. St. § 5407, Comp. St. 1901, p. 3658, is included among the sections repealed by said Act March 4, 1909, c. 321, § 341; but its provisions are not carried into that act, apparently because they were similar to those of Rev. St. § 5519, held unconstitutional in U. S. v. Harris, 106 U. S. 629, 1 Sup. Ct. 601, 27 L. Ed. 290.

Rev. St. §§ 5411, 5412, Comp. St. 1901, p. 3659, are not incorporated in or repealed by said Act March 4, 1909, c. 321, apparently because obsolete.

CHAPTER FIVE.

Crimes Against the Operations of the Government.

Secs. 5413–5480.

[Repealed. Act March 4, 1909, c. 321, § 341.]

These sections, constituting the whole of this chapter of the Revised Statutes, set forth in Comp. St. 1901, pp. 3660–3697, are incorporated in the act to codify, etc., the penal laws, Act March 4, 1909, c. 321, chiefly in chapters 4, 7, and 8 thereof, and are expressly repealed by chapter 15, § 341, of said act, which is set forth ante, under Title LXIX A, "The Criminal Code."

Acts and parts of acts subsequent to the Revised Statutes, included with this chapter in Comp. St. 1901, which are also incorporated in said Act March 4, 1909, c. 321, and are expressly repealed by said section 341 thereof, are the following:

Act March 3, 1875, c. 144, Comp. St. 1901, p. 3675.

Act Jan. 16, 1877, c. 24, amending Rev. St. § 5457, Comp. St. 1901, p. 3683.

Act March 3, 1879, c. 180, § 13, amended by Act June 18, 1888, c. 394, Comp. St. 1901, p. 3690.

Act May 17, 1879, c. 8, amending Rev. St. § 5440, Comp. St. 1901, p. 3676.

Act April 18, 1884, c. 26, Comp. St. 1901, p. 3679.

Act May 16, 1884, c. 52, Comp. St. 1901, p. 3663.

Act Jan. 3, 1887, c. 13, § 2, amending Rev. St. § 5463, Comp. St. 1901, p. 3688.

Act June 18, 1888, c. 394, § 1, amending Act March 3, 1879, c. 180, § 13, Comp. St. 1901, p. 3690, which also is repealed, as stated above, and section 2, Comp. St. 1901, p. 3689.

Act March 2, 1889, c. 393, § 1, amending Rev. St. § 5480, and section 2, Comp. St. 1901, pp. 3696, 3698.

Act Feb. 10, 1891, c. 127, Comp. St. 1901, p. 3686.

Act March 3, 1897, c. 377, amending Rev. St. § 5459, Comp. St. 1901, p. 3684.

Act June 10, 1890, c. 407, § 26, set forth in Comp. St. 1901, p. 3681, part of the Customs Administrative Act of 1890, is superseded by the amendment of that act by the Tariff Act of 1909, Act Aug. 5, 1909, c. 6, § 28, in which said section 26 is re-enacted, in substance, as section 25 of said Act June 10, 1890, c. 407, set forth, as so amended, ante, under Title XXXIII, "Duties upon Imports."

Later acts and parts of acts which are incorporated in said act to codify, etc., the penal laws, Act March 4, 1909, c. 321, and are expressly repealed by said section 341 thereof, are the following:

Act March 3, 1903, c. 1015, 32 Stat. 1223, amending Act Feb. 10, 1891, c. 127, § 3, which also is repealed, as stated above, and the section as amended is incorporated in Act March 4, 1909, c. 321, in chapter 7, § 171, thereof.

Act March 2, 1905, c. 1304, 33 Stat. 823, amending Act March 3, 1879, c. 180, § 13, as previously amended by Act June 18, 1888, c. 394, § 1,

Comp. St. 1901, p. 3690, which also is repealed, as stated above, and the section as amended is incorporated in Act March 4, 1909, c. 321, in chapter 8, § 223, thereof.

Act Jan. 26, 1907, c. 420, 34 Stat. 864, to prohibit corporations from making money contributions in connection with political elections, incorporated in Act March 4, 1909, c. 321, in chapter 4, § 83, thereof.

Act May 30, 1908, c. 235, 35 Stat. 555, amending Rev. St. § 5438, Comp. St. 1901, p. 3674, incorporated in Act March 4, 1909, c. 321, in chapter 4, § 35, thereof.

CHAPTER SIX.

Official Misconduct, Etc.

Secs. 5481–5484, 5487–5505.

[Repealed. Act March 4, 1909, c. 321, § 341.]

These sections, constituting the whole of this chapter of the Revised Statutes, set forth in Comp. St. 1901, pp. 3701–3711, except sections 5485, 5486, of said chapter, are incorporated in the act to codify, etc., the penal laws, Act March 4, 1909, c. 321, chiefly in chapter 5 thereof, and are expressly repealed by chapter 15, § 341, of said act, taking effect January 1, 1910. Said act is set forth ante, under Title LXIX A, "The Criminal Code."

Rev. St. § 5485, Comp. St. 1901, p. 3702, making punishable the demanding or taking by pension attorneys, etc., of more than legal fees, and Rev. St. § 5486, making punishable the embezzlement of a pension by a guardian, etc., not being within the scope of said Act March 4, 1909, c. 321, are not incorporated in or repealed by that act.

Act Feb. 3, 1879, c. 42, 20 Stat. 280, amending Rev. St. § 5497, Comp. St. 1901, p. 3707, and incorporated in said Act March 4, 1909, c. 321, in chapter 5, § 97, is expressly repealed by section 341 thereof.

Act June 28, 1906, c. 3574, 34 Stat. 546, amending Rev. St. § 5481, Comp. St. 1901, p. 3701, is incorporated with that section in said Act March 4, 1909, c. 321, in chapter 5, § 85, thereof, and is superseded thereby, although it is not included among the acts expressly repealed by section 341 of said act.

CHAPTER SEVEN.

Crimes Against the Elective Franchise and Civil Rights of Citizens.

Secs. 5506–5510, 5516, 5518, 5519, 5524–5532.

[Repealed. Act March 4, 1909, c. 321, § 341.]

These sections, constituting the whole of this chapter not previously repealed, set forth in Comp. St. 1901, pp. 3711–3717, except section 5717 of said chapter, are incorporated in the act to codify, etc., the penal laws, Act March 4, 1909, c. 321, chiefly in chapters 3 and 10 thereof, and are expressly repealed by chapter 15, § 341, of said act, taking effect January 1, 1910. Said act is set forth ante, under Title LXIX A, "The Criminal Code."

Rev. St. §§ 5506, 5511–5515, 5520–5523, were previously repealed by Act Feb. 8, 1894, c. 25, § 1, 28 Stat. 36, as stated in the notes under those sections in Comp. St. 1901, pp. 3712, 3713, 3715.

Rev. St. § 5517, Comp. St. 1901, p. 3713, imposing a fine on a marshal or deputy marshal refusing to receive or execute process issued in pursuance of Rev. St. § 1985, Comp. St. 1901, p. 1265, not being within the scope of said Act March 4, 1909, c. 321, is not incorporated in or repealed by that act.

Rev. St. §§ 5507 and 5519, Comp. St. 1901, pp. 3712 and 3714, are included among the sections repealed by said Act March 4, 1909, c. 321, § 341; but their provisions are not carried into that act, apparently because section 5507 was held unconstitutional in James v. Bowman, 190 U. S. 127, 23 Sup. Ct. 678, 47 L. Ed. 979, and section 5519 was held unconstitutional in U. S. v. Harris, 106 U. S. 629, 1 Sup. Ct. 601, 27 L. Ed. 290.

CHAPTER EIGHT.

The Punishment of Accessories.

Secs. 5533–5535.

[Repealed. Act March 4, 1909, c. 321, § 341.]

These sections, constituting the whole of this chapter, set forth in Comp. St. 1901, pp. 3717, 3718, are incorporated in the act to codify, etc., the penal laws, Act March 4, 1909, c. 321, in chapter 14, §§ 333, 334, thereof, and are expressly repealed by chapter 15, § 341, of said act, taking effect January 1, 1910. Said act is set forth ante, under Title LXIX A, "The Criminal Code."

CHAPTER NINE.

Prisoners and Their Treatment.

The provisions of Rev. St. §§ 5536–5550, and of the subsequent acts and parts of acts included with this chapter in Comp. St. 1901, pp. 3718–3731, not being within the scope of the act to codify, etc., the penal laws, Act March 4, 1909, c. 321, which is set forth post, at the end of this Title, are not incorporated in or repealed by said act.

Sec. 5543.

Deductions from term of imprisonment for good conduct.

This section is superseded by Act June 21, 1902, c. 1140, set forth post, under Rev. St. § 5550, as to sentences imposed subsequent to July 21, 1902, and sentences imposed prior thereto the commutation upon which is less than that provided in that act.

Sec. 5544.

Application of preceding section.

This section is superseded by Act June 21, 1902, c. 1140, set forth post, under Rev. St. § 5550, as to sentences imposed subsequent to July 21, 1902, and sentences imposed prior thereto the commutation upon which is less than that provided by that act.

ACT MARCH 3, 1875, c. 145, § 1.

Deductions from term of imprisonment for good conduct.

This section is superseded by Act June 21, 1902, c. 1140, set forth post, under Rev. St. § 5550, as to sentences imposed subsequent to July 21, 1902, and sentences imposed prior thereto the commutation upon which is less than that prescribed by that act.

Sec. 5548.

Court may order sentences executed in house of correction.

Provisions for release on parole of prisoners confined in State reformatory institutions under this section, set forth in Comp. St. 1901, p. 3724, are contained in Act June 25, 1910, c. 387, § 9, set forth below.

Sec. 5550.

ACT MARCH 3, 1891, c. 529, § 8.

Deductions from term of imprisonment for good conduct.

This section is superseded by Act June 21, 1902, c. 1140, set forth below, as to sentences imposed subsequent to July 21, 1902, and sentences imposed prior thereto the commutation upon which is less than that prescribed by that act.

ACT JUNE 21, 1902, c. 1140. [*As amended* 1906.]

An Act to Regulate Commutation for Good Conduct for United States Prisoners. (32 Stat. 397.)

United States prisoners; commutation for good conduct; computation.

Be it enacted, &c., That each prisoner who has been or shall hereafter be convicted of any offense against the laws of the United States, and is confined, in execution of the judgment or sentence upon any such conviction, in any United States penitentiary or jail, or in any penitentiary, prison, or jail of any State or Territory, for a definite term, other than for life, whose record of conduct shows that he has faithfully observed all the rules and has not been subjected to punishment, shall be entitled to a deduction from the term of his sentence to be estimated as follows, commencing on the first day of his arrival at the penitentiary, prison, or jail: Upon a sentence of not less than six months nor more than one year, five days for each month; upon a sentence of more than one year and less than three years, six days for each month; upon a sentence of not less than three years and less than five years, seven days for each month; upon a sentence of not less than five years and less than ten years, eight days for each month; upon a sentence of ten years or more, ten days for each month. When a prisoner has two or more sentences, the aggregate of his several sentences shall be the basis upon which his deduction shall be estimated.

Act June 21, 1902, c. 1140, § 1, 32 Stat. 397.

Provisions for release on parole of prisoners who have served one-third of the term of sentence are contained in Act June 25, 1910, c. 387, set forth below.

Restoration of forfeited commutation.

Sec. 2. That in the case of convicts in any United States penitentiary, the Attorney-General shall have the power to restore to any such convict who has heretofore or may hereafter forfeit any good time by violating any existing law or prison regulation such portion of lost good time as may be proper, in his judgment, upon recommendations and evidence submitted to him by the warden in charge. Restoration, in the case of United States convicts confined in State and Territorial institutions, shall be regulated in accordance with the rules governing such institutions, respectively.

Act June 21, 1902, c. 1140, § 2, 32 Stat. 397.

Sentences affected by act.

Sec. 3. That this Act shall apply to all sentences imposed subsequent to July twenty-first, nineteen hundred and two, and to the sentences imposed prior thereto the commutation upon which is less than that provided in this Act.

Act June 21, 1902, c. 1140, § 3, 32 Stat. 398. Act April 27, 1906, c. 1997, 34 Stat. 149.

This section is amended by Act April 27, 1906, c. 1997, cited above, to read as set forth here. As originally enacted, the section was as follows: "That this Act shall take effect and be in force from and after thirty days from the date of its approval, and shall apply only to sentences imposed by courts subsequent to the time that this Act takes effect, as hereinbefore provided. Prisoners serving under any sentence imposed prior to such time shall be entitled and receive the commutation heretofore allowed under existing laws. Such existing laws are hereby repealed as to all sentences imposed subsequent to the time when this Act takes effect."

ACT JUNE 25, 1910, c. 387. [S. 870.]

An Act to Parole United States Prisoners, and for Other Purposes. (36 Stat. 819.)

United States prisoners; release on parole; conditions.

Be it enacted, &c., That every prisoner who has been or may hereafter be convicted of any offense against the United States, and is confined in execution of the judgment of such conviction in any United States penitentiary or prison, for a definite term or terms of over one year, whose record of conduct shows he has observed the rules of such institution, and who has served one-third of the total of the term or terms for which he was sentenced, may be released on parole as hereinafter provided.

Act June 25, 1910, c. 387, § 1, 36 Stat. 819.

Board of parole for each penitentiary or other prison; members; clerk; meetings.

Sec. 2. That the superintendent of prisons of the Department of Justice, and the warden and physician of each United States penitentiary shall constitute a board of parole for such prison, which shall establish rules and regulations for its procedure subject to the approval of the Attorney-General. The chief clerk of such prison shall be clerk of said board of parole, and meetings shall be held at each prison as often as the regulations of such board shall provide: Provided, That in every case where a prison other than a United States penitentiary is used for the confinement of such prisoners it shall be the duty of the Attorney-General to designate the officers of said prison who, together with the superintendent of prisons shall constitute such board for said prison.

Act June 25, 1910, c. 387, § 2, 36 Stat. 819.

Application for parole; discretion of board; terms and conditions; limits of residence; approval by Attorney-General.

Sec. 3. That if it shall appear to said board of parole from a report by the proper officers of such prison or upon application by a prisoner for release on parole, that there is a reasonable probability that such applicant will live and remain at liberty without violating the laws, and if in the opinion of the board such release is not incompat-

ible with the welfare of society, then said board of parole may in its discretion authorize the release of such applicant on parole, and he shall be allowed to go on parole outside of said prison, and, in the discretion of the board, to return to his home, upon such terms and conditions, including personal reports from such paroled person, as said board of parole shall prescribe, and to remain, while on parole, in the legal custody and under the control of the warden of such prison from which paroled, and until the expiration of the term or terms specified in his sentence, less such good time allowance as is or may hereafter be provided for by Act of Congress; and the said board shall, in every parole, fix the limits of the residence of the person paroled, which limits may thereafter be changed in the discretion of the board: Provided, That no release on parole shall become operative until the findings of the board of parole under the terms hereof shall have been approved by the Attorney-General of the United States.

Act June 25, 1910, c. 387, § 3, 36 Stat. 819.

Violation of parole; warrant for retaking prisoner.

Sec. 4. That if the warden of the prison or penitentiary from which said prisoner was paroled or said board of parole or any member thereof shall have reliable information that the prisoner has violated his parole, then said warden, at any time within the term or terms of the prisoner's sentence, may issue his warrant to any officer hereinafter authorized to execute the same, for the retaking of such prisoner.

Act June 25, 1910, c. 387, § 4, 36 Stat. 820.

Officers authorized to execute warrant; expenses.

Sec. 5. That any officer of said prison or any federal officer authorized to serve criminal process within the United States, to whom such warrant shall be delivered, is authorized and required to execute such warrant by taking such prisoner and returning him to said prison within the time specified in said warrant therefor. All necessary expenses incurred in the administration of this Act shall be paid out of the appropriation for the prison in connection with which such expense was incurred, and such appropriation is hereby made available therefor.

Act June 25, 1910, c. 387, § 5, 36 Stat. 820.

Action by board of parole on issue of warrant; revocation of parole.

Sec. 6. That at the next meeting of the board of parole held at such prison after the issuing of a warrant for the retaking of any paroled prisoner, said board of parole shall be notified thereof, and if said prisoner shall have been returned to said prison, he shall be given an opportunity to appear before said board of parole, and the said board may then or at any time in its discretion revoke the order and terminate such parole or modify the terms and conditions thereof. If such order of parole shall be revoked and the parole so terminated, the said prisoner shall serve the remainder of the sentence originally imposed; and the time the prisoner was out on parole shall not be taken into account to diminish the time for which he was sentenced.

Act June 25, 1910, c. 387, § 6, 36 Stat. 820.

Parole officer for each penitentiary; duties; salary and expenses; supervision of paroled prisoners by marshals.

Sec. 7. That each board of parole shall appoint a parole officer for the penitentiary over which it has jurisdiction. Subject to the direction and control of such board, it shall be the duty of such officer to aid paroled prisoners in securing employment and to visit and exercise supervision over them while on parole, and such officer shall have such authority and perform such other duties as the board of parole may direct. The salary of each parole officer shall be fixed by the board of parole, but shall not exceed one thousand five hundred dollars per annum, which, together with his actual and necessary traveling expenses, when approved by such board, shall be paid out of the appropriation for the maintenance of the penitentiary to which he is assigned, which appropriation is hereby made available for the purpose. In addition to such parole officers the supervision of paroled prisoners may also be devolved upon the United States marshals when the board of parole may deem it necessary.

Act March 25, 1910, c. 387, § 7, 36 Stat. 820.

Gratuities, transportation, etc., to paroled prisoners.

Sec. 8. That it shall be the duty of the warden of the prison to furnish to any and all paroled prisoners the usual gratuities, consisting of clothing, transportation, and five dollars in money; the transportation furnished shall be to the place to which the paroled prisoner has elected to go, with the approval of the board of parole. The warden of the prison who furnishes these gratuities is hereby authorized to charge the actual cost of the same in his accounts against the United States: Provided, however, That when any such paroled prisoner shall have received his final discharge, while he is away from such prison, he shall be entitled to no further gratuities provided for discharged prisoners under existing law.

Act June 25, 1910, c. 387, § 8, 36 Stat. 820.

United States prisoners in State reformatories; parole under State laws; expenses of parole and supervision; approval by Attorney-General; return of prisoner to home outside of State.

Sec. 9. That whenever any person has been convicted of any offense against the United States which is punishable by imprisonment, and has been sentenced to imprisonment and is confined therefor, in any reformatory institution of any State in accordance with section fifty-five hundred and forty-eight of the Revised Statutes, or other laws of the United States, then if such State has laws for the parole of prisoners committed to such institutions by the courts of that State, such person convicted of any offense against the United States shall be eligible to parole on the same terms and conditions and by the same authority and subject to recommittal for violation of such parole in the same manner, as persons committed to such institutions by the courts of said State, and the laws of said State relating to the parole of prisoners and the supervision thereof in such institutions are hereby adopted and made to apply to persons committed to such institutions for offenses against the United States. The necessary cost of parole and supervision of such prisoners, to the State where such institution is located shall be paid by the United States out of the appro-

priation for the support of prisoners confined in state institutions, which appropriation is hereby made available for the purpose. No such prisoner shall be entitled to go on parole until the Attorney-General shall have approved the order therefor: Provided, That when a prisoner is committed to such institution outside of the State where he lives he may be permitted by his parole to return to his home, and in such case the supervision of such prisoner on parole shall devolve upon the marshal of the district where said prisoner lives, and in case such prisoner should violate his parole a warrant for his recommitment shall be delivered to and executed by said marshal.

Act June 25, 1910, c. 387, § 9, 36 Stat. 821.

Rev. St. § 5548, mentioned in this section, is set forth in Comp. St. 1901, p. 3724.

Power of President to grant pardon or commutation, or good time allowance by act of Congress, not impaired by this act.

Sec. 10. That nothing herein contained shall be construed to impair the power of the President of the United States to grant a pardon or commutation in any case, or in any way impair or revoke such good time allowance as is or may hereafter be provided by Act of Congress.

Act June 25, 1910, c. 387, § 10, 36 Stat. 821.

TITLE LXXI.

THE SLAVE-TRADE.

Secs. 5551–5567.

[Repealed. Act March 4, 1909, c. 321, § 341.]

These sections, constituting the whole of this chapter, set forth in Comp. St. 1901, pp. 3732–3738, except sections 5568, 5569, of said chapter, are incorporated in the act to codify, etc., the penal laws, Act March 4, 1909, c. 321, in chapter 10 thereof, and are expressly repealed by chapter 15, § 341, of said act, taking effect January 1, 1910. Said act is set forth ante, under Title LXIX A, "The Criminal Code."

Rev. St. §§ 5562, 5565, and 5566, Comp. St. 1901, pp. 3736, 3737, are included among the sections repealed by said Act March 4, 1909, c. 321, § 341; but their provisions are not carried into that act, apparently because obsolete.

Rev. St. §§ 5568, 5569, Comp. St. 1901, pp. 3737, 3738, are not incorporated in or repealed by said Act March 4, 1909, c. 321, apparently because obsolete.

TITLE LXXII.

GUANO ISLANDS.

Sec. 5570.

Claims of United States to islands.

The crimes and offenses defined in chapter 11 of the act to codify, etc., the penal laws, Act March 4, 1909, c. 321, set forth ante, under Title LXIX A, "The Criminal Code," are made punishable when committed "on any island, rock, or key, containing deposits of guano, which may, at the discretion of the President, be considered as appertaining to the United States," by subdivision fourth of section 272 of said act.

APPENDIX.

APPENDIX.

ACT JUNE 4, 1897, c. 2, § 1.

An Act Making Appropriations for Sundry Civil Expenses of the Government for the Fiscal Year Ending June Thirtieth, Eighteen Hundred and Ninety-Eight, and for Other Purposes. (30 Stat. 11.)

Be it enacted, &c., * *

That the President, with the advice and consent of the Senate, shall appoint three commissioners whose duty it shall be, under the direction of the Attorney-General, to revise and codify the criminal and penal laws of the United States.

That they shall proceed with their work as rapidly as may be consistent with thoroughness, and shall report the result of their labors to the Attorney-General when completed, to be by him laid before Congress, and shall make such other reports during the progress of their work as they shall see fit to the Attorney-General, to be laid before Congress at his discretion.

That their report shall be so made as to indicate any proposed change in the substance of existing law, and shall be accompanied by notes which shall briefly and clearly state the reasons for any proposed change.

That each of said commissioners shall receive a salary of five thousand dollars a year, which, as also a sum sufficient to pay the expenses of the commissioners, to be approved and certified to by the Attorney-General, is hereby appropriated out of any money in the Treasury not otherwise appropriated.

ACT JULY 1, 1898, c. 546, § 1.

An Act Making Appropriations for Sundry Civil Expenses of the Government for the Fiscal Year Ending June Thirtieth, Eighteen Hundred and Ninety-Nine, and for Other Purposes. (30 Stat. 597.)

Be it enacted, &c., * *

The commissioners appointed by the President to revise and codify the criminal and penal laws of the United States shall, in the execution of their work, act jointly as a commission, and the expenses of the commissioners heretofore appropriated, including compensation of assistants and necessary office rent, shall be paid by the disbursing clerk of the Department of Justice, on vouchers certified by the chairman of said commission and approved by the Attorney-General.

The said commissioners shall prepare, as a part of their work, a brief code of criminal procedure of the United States circuit and districts courts, the same to be submitted to Congress for final action thereon.

The work of said commission shall, under the direction of the chairman thereof, be printed at the Government Printing Office, and when completed shall, together with the stereotyped plates, be the property of the United States.

ACT MARCH 3, 1899, c. 424, § 1.

An Act Making Appropriations for Sundry Civil Expenses of the Government for the Fiscal Year Ending June Thirtieth, Nineteen Hundred, and for Other Purposes. (30 Stat. 1074.)

Be it enacted, &c., * *

It shall be the duty of the commission appointed to revise and codify the criminal and penal laws of the United States to revise and codify the laws concerning the jurisdiction and practice of the courts of the United States, including the Judiciary Act, the acts in amendment thereof and supplementary thereto, and all acts providing for the removal, appeal and transfer of causes.

ACT MARCH 3, 1901, c. 853, § 1.

An Act Making Appropriations for Sundry Civil Expenses of the Government for the Fiscal Year Ending June Thirtieth, Nineteen Hundred and Two, and for Other Purposes. (31 Stat. 1133.)

Be it enacted, &c., * *

That the commission authorized by the Act entitled "An Act making appropriations for sundry civil expenses of the Government for the fiscal year ending June thirtieth, eighteen hundred and ninety-eight, and for other purposes," approved June fourth, eighteen hundred and ninety-seven, to revise and codify the criminal and penal laws of the United States, is hereby, directed to revise and codify, in accordance with the terms and provisions of said Act and the Acts supplementary thereto, all laws of the United States of a permanent and general nature in force at the time when the same shall be reported.

That in performing this duty the said commission shall bring together all statutes and parts of statutes relating to the same subjects, shall omit redundant and obsolete enactments, and shall make such alterations as may be necessary to reconcile the contradictions, supply the omissions, and amend the imperfections of the original text; and may propose and embody in such revision changes in the substance of existing law; but all such changes shall be clearly set forth in an accompanying report, which shall briefly explain the reasons for the same.

That the said commission shall arrange such revision under titles, chapters, and sections, or other suitable divisions and subdivisions, with head notes briefly expressive of the matter contained in such division, and with marginal notes so drawn as to point to the contents of the text, and with references to the original text from which each section is compiled, and to the decisions of the courts of the United States explaining or construing the same; and shall provide by an index for an easy reference to every portion of such revision.

That when the commission have completed such revision in accordance herewith, it shall cause a copy of the same, in print, to be submitted to Congress, that the statutes so revised and codified may be re-enacted if Congress shall so determine.

RES. MARCH 3, 1905, No. 28. [S. J. R. 107.]

Joint Resolution Authorizing the Commission to Revise the Laws of the United States to Incorporate in its Final Report the Criminal and Penal Laws and the Judiciary Title Heretofore Reported by Said Commission. (33 Stat. 1285.)

Resolved, &c., That the Commission to Revise the Criminal and Penal Laws of the United States be, and is hereby, authorized and required to incorporate in its final report of the revision of the general and permanent laws of the United States, the criminal and penal laws and the judiciary title heretofore reported by said Commission, as changed or modified by any Act or Acts passed since the date of the making of said reports.

CON. RES. JUNE 25, 1906.

Revision and Codification of the Laws. (34 Stat. 2833.)

Resolved by the House of Representatives (the Senate concurring), That a joint special committee be appointed consisting of five Senators to be appointed by the Vice-President and five Members of the House of Representatives to be appointed by the Speaker, to examine, consider and submit to Congress recommendations upon the revision and codification of laws reported by the statutory revision commission heretofore authorized to revise and codify the laws of the United States; and that the said joint committee be authorized to sit during the recess of Congress and to employ necessary clerical and other assistance; to order such printing and binding done as may be required in the transaction of its business and to incur such expense as may be deemed necessary, all such expense to be paid in equal proportions from the contingent funds of the Senate and House of Representatives.

ACT JUNE 30, 1906, c. 3914, § 1. [H. R. 19844.]

An Act Making Appropriations for Sundry Civil Expenses of the Government for the Fiscal Year Ending June Thirtieth, Nineteen hundred and seven, and for Other Purposes. (34 Stat. 697.)

Be it enacted, &c., * * On and after December fifteenth, nineteen hundred and six, no sums of money shall be payable under and by virtue of the Act of Congress of June fourth, eighteen hundred and ninety-seven, providing for the revision and codification of the criminal and penal laws of the United States and the subsequent Acts of Congress of March third, eighteen hundred and ninety-nine, and March third, nineteen hundred and one, enlarging the duties of the commissioners appointed under said Act, but the said commission so created shall, on or before said December fifteenth, nineteen hundred and six, complete the duties imposed upon them thereby and shall present their final report thereon to Congress in accordance with the provisions of said Act of March third, nineteen hundred and one, and of joint resolution of March third, nineteen hundred and five, before said date, and shall turn over to the Attorney-General all papers, documents and correspondence pertaining to the work of the commission, and all furniture, books, and so forth, in their possession and employed by them in the prosecution of their duties under said appointment, and all Acts and parts of Acts relative to their duties, powers, and employment shall thereupon be repealed.

RES. MARCH 2, 1907, No. 19. [H. J. R. 240.]

Joint Resolution to Create a Joint Committee to Consider the Revision and Codification of the Laws of the United States. (34 Stat. 1423.)

Resolved, &c., That a joint special committee be appointed, consisting of five Senators, to be appointed by the Vice-President from members of the Sixtieth Congress, and five Members of the House of Representatives, to be appointed by the Speaker from the members of the Sixtieth Congress, to examine, consider, and submit to Congress recommendations upon the revision and codification of laws reported by the statutory revision commission heretofore authorized to revise and codify the laws of the United States, including the laws of the last session of the Fifty-ninth Congress; and that the said joint committee be authorized to sit during the recess of Congress and to employ necessary assistants, to order such printing and binding done as may be required in the transaction of its business, and to incur such expense as may be deemed necessary, all such expense to be paid in equal proportions from the contingent funds of the Senate and House of Representatives.

RES. MARCH 4, 1909, No. 26. [S. J. R. 140.]

Joint Resolution to Create a Joint Committee to Consider the Revision and Codification of the Laws of the United States. (35 Stat. 1169.)

Resolved, &c., That a special joint committee be appointed, consisting of five Senators, to be appointed by the Vice-President from members of the Sixty-first Congress, and five Members of the House of Representatives, to be appointed by the Speaker from the members of the Sixty-first Congress, to examine, consider, and submit to Congress recommendations upon the revision and codification of laws reported by the statutory revision commission heretofore authorized to revise and codify the laws of the United States, including all laws of a general nature, permanent in character, passed since the submission to Congress on December fifteenth, nineteen hundred and six, of the final report of said commission; and that the said joint committee be authorized to sit during the recess of Congress and to employ necessary assistants, to order such printing and binding done as may be required in the transaction of its business, and to incur such expense as may be deemed necessary; all such expense to be paid in equal proportions from the contingent funds of the Senate and House of Representatives.

CHRONOLOGICAL TABLE OF LAWS

INCLUDED IN THE

COMPILED STATUTES OF THE UNITED STATES,

1901, AND SUPPLEMENT, 1911.

Being those acts passed subsequent to December 1, 1873, and prior to August 22, 1911, which are still in force; showing the volume and page of the Statutes at Large, and the pages and the sections under which the acts will be found in these compilations. The (*) pages refer to the Supplement, 1911.

Date of Act.	Stat. at Large.				Under Sec. R. S.	Page.
	Chap.	Sec.	Vol.	Page.		
1823						
Mch. 1,	21	7	3	733	2844	*908
1866						
June 27,	140	1–6	14	74	—	3755
July 28,	296	17	14	323	35	*14
1870						
May 4,	72	1	16	96	—	3756
1871						
Feb. 28,	100	57	16	456	563	455
1872						
June 8,	335	245–7	17	313	3945	2695
June 8,	335	251	17	314	3951	2698
1873						
Mch. 3,	241	1–5	17	579	—	3756
Mch. 3,	249	1	17	582	1344	*367
Mch. 3,	249	3	17	583	1346	*368
Mch. 3,	249	4	17	583	1347	*368
Mch. 3,	249	5	17	583	1348	*369
Mch. 3,	249	6	17	583	1349	*369
Mch. 3,	249	6	17	583	1350	*369
Mch. 3,	249	6	17	583	1351	*369
Mch. 3,	249	6	17	583	1352	*370
Mch. 3,	249	6	17	583	1353	*370
Mch. 3,	249	6	17	583	1354	*370
Mch. 3,	249	6	17	583	1355	*370
Mch. 3,	249	7	17	584	1356	*370
Mch. 3,	249	8	17	584	1357	*370
Mch. 3,	249	9	17	584	1358	*371
Mch. 3,	249	10	17	584	1359	*371
Mch. 3,	249	11	17	584	1360	*371
Mch. 3,	249	12	17	584	1361	*371
1874						
Jan. 6,	6	1	18	2	4420	3027
Jan. 8,	7	1	18	2	3271	2122

Date of Act.	Stat. at Large.				Under Sec. R. S.	Page.
	Chap.	Sec.	Vol.	Page.		
1874						
Jan. 20,	11	1	18	4	35	16
Jan. 20,	11	1	18	4	—	3770
Jan. 22,	14	1	18	5	78	45
Jan. 29,	19	1	18	6	3516	2349
Feb. 4,	22	1	18	14	1799	1230
Mch. 4,	44	1	18	19	215	112
Mch. 5,	46	1	18	19	391	220
Mch. 7,	50	1	18	20	1799	1231
Mch. 18,	57	1	18	23	395	224
Mch. 23,	62	1–2	18	23	4125	2781
Mch. 24,	65	1	18	24	2982	1956
Apr. 17,	106	1	18	30	4328	2966
Apr. 18,	110	1	18	31	4385	2995
Apr. 20,	117	1–2	18	33	216	114
May 12,	168	1	18	45	3495	2334
May 21,	186	1	18	48	1361	*371
June 1,	200	1	18	50	721	581
June 5,	214	1	18	53	548	436
June 6,	219	1	18	61	4720	3258
June 6,	223	1–2	18	62	2448	1512
June 6,	223	3	18	62	2256	1377
June 9,	259	1–2	18	64	3330	2178
June 9,	260	1	18	64	4504	3064
June 11,	275	1	18	66	1687	1157
June 11,	275	1	18	67	1690	1159
June 11,	275	1	18	67	1697	1175
June 11,	275	3	18	70	1692	1173
June 11,	275	4	18	70	1742	1193
June 11,	275	6	18	70	1744	1194
June 16,	285	2	18	75	300b	178
June 17,	294	1	18	77	1741	1192
June 18,	298	1–2	18	78	4698	3236
June 18,	301	1	18	78	4962	3411

Date of Act.	Stat. at Large. Chap.	Sec.	Vol.	Page.	Under Sec. R. S.	Page.
1874						
June 18,	301	3–5	18	79	4962	3412
June 18,	305	1	18	80	2449	1517
June 20,	328	1	18	85	52	26
June 20,	328	1	18	87	53	30
June 20,	328	1	18	90	200	101
June 20,	328	1	18	90	202	103
June 20,	328	1	18	90	4075	2765
June 20,	328	1	18	96	345	198
June 20,	328	1	18	96	3656	2429
June 20,	328	1	18	97	3495	2334
June 20,	328	1	18	101	215	112
June 20,	328	1	18	109	384	214
June 20,	328	2	18	109	799	622
June 20,	328	3	18	109	1765	1207
June 20,	328	4	18	109	3689	2471
June 20,	328	5	18	110	3691	2472
June 20,	330	1	18	111	2449	1517
June 20,	331	1	18	111	5262	3577
June 20,	333	1–10	18	113	—	3737
June 20,	339	1	18	121	1536	1054
June 20,	343	1	18	123	5133	3454
June 20,	343	2–3	18	123	5192	3488
June 20,	343	4	18	124	5167	3472
June 20,	343	5	18	124	5172	3477
June 20,	343	6	18	124	3582	2397
June 20,	344	1–2	18	125	4249	2908
June 20,	344	5–9	18	127	4249	2910
June 20,	344	10–13	18	128	4234	2901
June 22,	388	1	18	145	54	32
June 22,	389	10	18	177	3742	2509
June 22,	391	1–8	18	186	3091	2018
June 22,	391	13	18	188	3091	2021
June 22,	391	15	18	189	3091	2022
June 22,	391	17–18	18	189	5293	3606
June 22,	391	19	18	190	3091	2022
June 22,	391	20	18	190	5293	3606
June 22,	391	21	18	190	3011	1986
June 22,	391	22	18	190	1047	727
June 22,	391	23	18	190	2659	1825
June 22,	391	24–25	18	191	2989	1960
June 22,	391	26	18	191	3091	2023
June 22,	392	1–2	18	191	1561	1075
June 22,	395	1	18	193	3482	2324
June 22,	400	1	18	194	2490	1593
June 22,	401	1–3	18	195	608	490
June 22,	401	5	18	195	608	491
June 22,	401	6	18	195	532	317
June 22,	401	7–8	18	195	608	491
June 22,	402	1	18	196	2564	1759
June 22,	413	1	18	200	1673	1145
June 22,	414	1	18	200	5260	3566
June 22,	419	1	18	202	3553	2372
June 23,	453	1	18	203	1519	1045
June 23,	455	1	18	206	3581	2396
June 23,	455	1	18	216	3686	2459
June 23,	455	1	18	217	4675	3147
June 23,	455	1	18	220	4658	3142
June 23,	455	1	18	223	2038	1277
June 23,	456	1	18	231	394	223
June 23,	456	1	18	231	394	223
June 23,	456	5–6	18	232	3905	2667
June 23,	456	9	18	233	3909	2670
June 23,	456	12	18	235	3945	2696
June 23,	456	12	18	235	3951	2699
June 23,	456	13	18	237	3910	2671
June 23,	458	4	18	244	1168	835
June 23,	461	1	18	250	5269	3582
June 23,	463	1	18	251	536	347
June 23,	464	1–2	18	251	5382	3647
June 23,	465	1–3	18	251	4852	3361
June 23,	468	1	18	252	1052	730
June 23,	476	1	18	275	3684	2458
June 23,	476	2	18	276	—	2513
June 23,	486	1	18	282	1663	1136
Dec. 28,	9	1	18	293	—	3760
Dec. 28,	9	1	18	294	204	103
1875						
Jan. 14,	15	1	18	296	3575	2389
Jan. 14,	15	2	18	296	3524	2352
Jan. 14,	15	3	18	296	3575	2389
Jan. 14,	15	3	18	296	5177	3479
Jan. 19,	19	1	18	302	5185	3483
Jan. 22,	22	1	18	303	3091	2024
Jan. 29,	29	1	18	304	2535	1733
Feb. 8,	36	11	18	309	2618	1806
Feb. 8,	36	12–13	18	309	3145	2043
Feb. 8,	36	16	18	310	3242	2095
Feb. 8,	36	17	18	311	3326	2169
Feb. 8,	36	18	18	311	3244	2100
Feb. 8,	36	19–21	18	311	3412	2249
Feb. 8,	36	23	18	312	3169	2060
Feb. 8,	36	24	18	312	3385	2214
Feb. 8,	36	25	18	312	3386	2216
Feb. 11,	41	1	18	315	2324	1427
Feb. 16,	77	1–2	18	315	649	525
Feb. 16,	77	4	18	316	649	527
Feb. 18,	80	1	18	310	1342	960
Feb. 18,	80	1	18	316	65	38
Feb. 18,	80	1	18	316	67	39
Feb. 18,	80	1	18	317	79	45
Feb. 18,	80	1	18	317	239	131
Feb. 18,	80	1	18	317	284	170
Feb. 18,	80	1	18	317	330	189
Feb. 18,	80	1	18	317	333	190
Feb. 18,	80	1	18	317	453	257
Feb. 18,	80	1	18	317	541	304
Feb. 18,	80	1	18	318	629	505
Feb. 18,	80	1	18	318	709	575
Feb. 18,	80	1	18	318	711	578
Feb. 18,	80	1	18	318	846	648
Feb. 18,	80	1	18	318	1007	714
Feb. 18,	80	1	18	318	1011	715
Feb. 18,	80	1	18	318	1059	734
Feb. 18,	80	1	18	318	1342	951
Feb. 18,	80	1	18	318	2169	1333
Feb. 18,	80	1	18	318	2527	1721
Feb. 18,	80	1	18	318	2531	1725
Feb. 18,	80	1	18	318	2730	1845
Feb. 18,	80	1	18	319	2864	1904
Feb. 18,	80	1	18	319	3100	2027
Feb. 18,	80	1	18	319	3158	2054
Feb. 18,	80	1	18	319	3181	2071
Feb. 18,	80	1	18	319	3238	2093
Feb. 18,	80	1	18	319	3244	2097

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1875						
Feb. 18,	80	1	18	319	3299	2153
Feb. 18,	80	1	18	319	3417	2251
Feb. 18,	80	1	18	319	3561	2374
Feb. 18,	80	1	18	319	3904	2716
Feb. 18,	80	1	18	320	4037	2747
Feb. 18,	80	1	18	320	4250	2929
Feb. 18,	80	1	18	320	4289	2945
Feb. 18,	80	1	18	320	4360	2980
Feb. 18,	80	1	18	320	5183	3482
Feb. 18,	80	1	18	320	5198	3493
Feb. 18,	80	1	18	320	5224	3504
Feb. 18,	80	1	18	320	5228	3506
Feb. 18,	80	1	18	320	5287	3601
Feb. 18,	80	1	18	320	5452	3680
Feb. 18,	80	1	18	320	5413	3662
Feb. 18,	80	1	18	320	5504	3710
Feb. 18,	84	2	18	329	—	3760
Feb. 19,	89	1	18	329	5240	3516
Feb. 22,	95	1	18	333	846	648
Feb. 22,	95	2	18	333	796	620
Feb. 22,	95	3	18	333	795	619
Feb. 22,	95	4	18	333	846	649
Feb. 22,	95	5–6	18	334	798	621
Feb. 22,	95	7–8	18	334	846	649
Feb. 23,	99	1	18	334	2490	1591
Mch. 1,	114	1–5	18	335	1977	1260
Mch. 1,	115	1	18	337	1342	973
Mch. 2,	119	1	18	338	127	64
Mch. 2,	119	2	18	338	107	59
Mch. 3,	127	2	18	339	3304	2221
Mch. 3,	128	1	18	340	3852	2618
Mch. 3,	128	1	18	341	4002	2720
Mch. 3,	128	1	18	342	3827	2604
Mch. 3,	128	5–7	18	343	3913	2672
Mch. 3,	129	1	18	345	52	27
Mch. 3,	129	1	18	345	1823	1243
Mch. 3,	129	1	18	349	201	102
Mch. 3,	129	1	18	352	338	196
Mch. 3,	129	1	18	359	4831	3343
Mch. 3,	129	3	18	370	3669	2445
Mch. 3,	130	1	18	371	4249	2912
Mch. 3,	130	1	18	372	—	2513
Mch. 3,	130	1	18	372	5172	3478
Mch. 3,	130	1	18	373	3578	2393
Mch. 3,	130	1	18	374	4744	3277
Mch. 3,	130	1	18	376	1815	1236
Mch. 3,	130	1	18	377	1687	1157
Mch. 3,	130	1	18	377	4802	3321
Mch. 3,	130	1	18	384	2400	1475
Mch. 3,	130	1	18	388	1673	1145
Mch. 3,	130	1	18	389	38	17
Mch. 3,	130	2	18	396	235	124
Mch. 3,	130	3	18	399	5192	3489
Mch. 3,	130	6	18	400	25	12
Mch. 3,	130	8	18	401	643	521
Mch. 3,	130	8	18	401	771	602
Mch. 3,	130	9	18	371	—	3760
Mch. 3,	130	10	18	401	2688	1833
Mch. 3,	130	12	18	402	490	275
Mch. 3,	131	1	18	410	1144	827
Mch. 3,	131	4	18	415	3654	2428
Mch. 3,	131	12	18	419	3309	2158
Mch. 3,	131	14	18	420	440	251
Mch. 3,	131	15–16	18	420	2312	1419
Mch. 3,	132	6	18	450	3678	2454
Mch. 3,	132	7	18	450	3743	2510
Mch. 3,	132	8	18	450	445	254
Mch. 3,	132	9	18	450	3731	2504
Mch. 3,	133	1	18	452	1765	1207
Mch. 3,	133	1	18	453	5260	3566
Mch. 3,	133	1	18	455	1673	1141
Mch. 3,	133	2	18	455	3717	2496
Mch. 3,	135	1	18	466	1314	930
Mch. 3,	135	1	18	467	1337	937
Mch. 3,	135	1	18	467	1339	938
Mch. 3,	136	1	18	469	3011	1986
Mch. 3,	136	2	18	469	249	137
Mch. 3,	136	3–4	18	469	3011	1987
Mch. 3,	137	1–10	18	470	629	508
Mch. 3,	138	1–2	18	473	5343	3629
Mch. 3,	141	1–2	18	477	2163	1285
Mch. 3,	141	3	18	477	2164	1286
Mch. 3,	141	4	18	477	2163	1286
Mch. 3,	141	5	18	477	2164	1287
Mch. 3,	144	1–2	18	479	5439	3675
Mch. 3,	145	1–2	18	479	5544	3722
Mch. 3,	146	1	18	480	2517	1714
Mch. 3,	147	1	18	480	2544	1742
Mch. 3,	149	1	18	481	1089	746
Mch. 3,	150	1	18	481	2566	1761
Mch. 3,	151	1–3	18	481	5388	3649
Mch. 3,	152	1–6	18	482	2477	1568
Mch. 3,	153	1	18	483	1675	1150
Mch. 3,	153	1	18	483	1676	1153
Mch. 3,	153	1	18	484	1682	1155
Mch. 3,	154	1	18	484	3342	2189
Mch. 3,	155	1	18	484	1422	1009
Mch. 3,	156	3–8	18	485	4806	3324
Mch. 3,	157	1	18	486	1690	1171
Mch. 3,	167	1	18	507	3412	2249
Mch. 3,	178	2	18	512	1254	887
Mch. 3,	179	1	18	512	94	51
1876						
Feb. 1,	5	1	19	2	2165	1331
Feb. 1,	6	1	19	2	4130	2783
Feb. 18,	11	1–2	19	4	658	541
Feb. 18,	12	1	19	4	1690	1172
Apr. 13,	56	1	19	32	1044	725
Apr. 17,	63	2	19	33	3575	2390
Apr. 18,	66	1–2	19	34	29	13
Apr. 21,	72	1–3	19	35	2490	1593
Apr. 27,	84	1	19	38	2403	1478
Apr. 29,	86	1	19	41	1825	1244
May 1,	88	1	19	41	104	56
May 1,	89	1–3	19	49	2786	1868
May 3,	90	1–17	19	49	—	*1442
May 5,	91	1	19	52	2345	1439
May 13,	95	1	19	53	3339	2187
May 23,	103	1	19	54	1835	1247
June 20,	136	1	19	60	2866	1905
June 26,	147	1–2	19	61	533	328
June 26,	147	4	19	62	533	329
June 30,	156	1–3	19	63	5238	3509
June 30,	156	4	19	64	5205	3495

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1876						
June 30,	156	5	19	64	3583	2398
June 30,	156	6	19	64	5213	3500
June 30,	159	1	19	66	1417	1005
June 30,	159	1	19	69	1546	1062
July 4,	165	1	19	73	2303	1411
July 12,	179	1	19	79	4004	2721
July 12,	179	5–6	19	80	3830	2609
July 12,	179	11	19	82	3859	2624
July 12,	179	13	19	82	4004	2722
July 12,	179	14	19	82	3918	2681
July 12,	179	15	19	82	3916	2679
July 12,	183	1	19	88	5546	3723
July 12,	185	1	19	90	4356	2978
July 12,	186	1	19	90	3893	2658
July 12,	186	2	19	90	3894	2659
July 24,	226	1	19	99	4876	3377
July 24,	226	2	19	100	1273	902
July 24,	226	3	19	100	1113	812
July 29,	239	1	19	102	1265	897
July 31,	246	1	19	105	3827	2605
July 31,	246	1	19	107	2752	1852
July 31,	246	1	19	108	4858	*1435
July 31,	246	1	19	115	1799	1231
July 31,	246	1	19	121	2207	1356
July 31,	246	1	19	121	2256	1378
July 31,	246	1	19	121	2400	1475
Aug. 7,	255	1	19	126	1309	928
Aug. 11,	260	1	19	129	3951	2699
Aug. 11,	260	1	19	129	3945	2696
Aug. 11,	260	1	19	129	3954	2700
Aug. 12,	263	1	19	131	1112	811
Aug. 14,	267	3	19	139	5255	3532
Aug. 14,	270	2	19	139	2730	1845
Aug. 15,	287	1	19	144	1826	1245
Aug. 15,	287	1	19	145	47	20
Aug. 15,	287	1	19	147	1816	1237
Aug. 15,	287	1	19	149	235	127
Aug. 15,	287	1	19	152	3157	2050
Aug. 15,	287	1	19	152	3159	2055
Aug. 15,	287	1	19	152	3446	2275
Aug. 15,	287	1	19	155	3595	2406
Aug. 15,	287	1	19	158	3495	2335
Aug. 15,	287	3	19	169	166	84
Aug. 15,	287	5	19	169	1760	1204
Aug. 15,	287	6	19	169	1790	1215
Aug. 15,	289	3	19	199	469	266
Aug. 15,	289	4	19	200	3668	2444
Aug. 15,	300	1–2	19	203	4791	3304
Aug. 15,	304	1	19	206	863	662
1877						
Jan. 12,	18	1	19	221	2464	1547
Jan. 12,	18	2	19	221	2859	1447
Jan. 16,	24	1	19	223	5457	3683
Jan. 19,	27	1	19	223	474	269
Jan. 31,	41	1	19	230	556	451
Feb. 27,	69	1	19	241	197	97
Feb. 27,	69	1	19	241	215	110
Feb. 27,	69	1	19	241	225	118
Feb. 27,	69	1	19	241	259	145
Feb. 27,	69	1	19	241	325	192
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Feb. 27,	69	1	19	242	1132	821
Feb. 27,	69	1	19	242	1136	824
Feb. 27,	69	1	19	242	1137	825
Feb. 27,	69	1	19	242	1139	825
Feb. 27,	69	1	19	242	1162	832
Feb. 27,	69	1	19	242	1163	832
Feb. 27,	69	1	19	242	1167	833
Feb. 27,	69	1	19	243	1174	837
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Feb. 27,	69	1	19	243	1221	859
Feb. 27,	69	1	19	243	1224	861
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Feb. 27,	69	1	19	243	1279	907
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Feb. 27,	69	1	19	246	2742	1848
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Feb. 27,	69	1	19	246	2821	1880
Feb. 27,	69	1	19	246	2822	1880
Feb. 27,	69	1	19	247	2826	1882
Feb. 27,	69	1	19	247	2865	1905
Feb. 27,	69	1	19	247	2978	1952
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Feb. 27,	69	1	19	248	3105	2029
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Feb. 27,	69	1	19	248	3168	2059
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Feb. 27,	69	1	19	248	3310	2159
Feb. 27,	69	1	19	248	3318	2164
Feb. 27,	69	1	19	248	3355	2196
Feb. 27,	69	1	19	248	3362	2200
Feb. 27,	69	1	19	248	3433	2254
Feb. 27,	69	1	19	249	3456	2280
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Feb. 27,	69	1	19	249	3568	2376
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Feb. 27,	69	1	19	249	3620	2415
Feb. 27,	69	1	19	249	3622	2416
Feb. 27,	69	1	19	249	3625	2418
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Feb. 27,	69	1	19	249	3742	2509
Feb. 27,	69	1	19	249	3743	2510
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Feb. 27,	69	1	19	251	4318	2961
Feb. 27,	69	1	19	251	4319	2961
Feb. 27,	69	1	19	251	4320	2962
Feb. 27,	69	1	19	251	4381	2987
Feb. 27,	69	1	19	251	4390	2997
Feb. 27,	69	1	19	251	4409	3019
Feb. 27,	69	1	19	251	4415	3023
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Feb. 27,	69	1	19	251	4421	3027
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Feb. 27,	69	1	19	252	4513	3070
Feb. 27,	69	1	19	252	4522	3074
Feb. 27,	69	1	19	252	4575	3103
Feb. 27,	69	1	19	252	4605	3118
Feb. 27,	69	1	19	252	4658	3141
Feb. 27,	69	1	19	252	4768	3288
Feb. 27,	69	1	19	252	4787	3302
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Feb. 27,	69	1	19	252	5291	3602
Feb. 27,	69	1	19	253	5293	3605
Feb. 27,	69	1	19	253	5413	3662
Feb. 27,	69	1	19	253	5455	3682
Feb. 27,	69	1	19	253	5479	3696
Feb. 27,	69	1	19	253	5579	3742
Feb. 27,	69	1	19	256	4440	3036
Feb. 27,	69	1	19	256	4441	3036
Feb. 27,	69	1	19	262	5292	3604
Feb. 28,	73	1	19	264	4698	3236
Feb. 28,	74	1	19	264	2457	1520
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Mch. 3,	102	1	19	306	193	96
Mch. 3,	102	1	19	310	1342	970
Mch. 3,	102	1	19	315	2255	1375
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Mch. 3,	103	5–7	19	335	3013	2673
Mch. 3,	105	1	19	344	981	705
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Mch. 3,	107	1–3	19	377	2464	1548
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Feb. 11,	14	1	20	24	1690	1172
Feb. 28,	20	1	20	25	3513	2346
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Apr. 10,	58	1	20	36	3717	2497
Apr. 29,	66	1–6	20	37	4796	3307
Apr. 30,	76	2	20	46	2463	1528
Apr. 30,	77	2	20	524	300b	178
May 3,	88	1	20	48	3297	2148
May 4,	91	1	20	50	1367	986
May 4,	91	1	20	51	432	246
May 7,	96	1–13	20	58	5260	3569
May 16,	106	1	20	61	1667	1138
May 17,	107	2–3	20	62	3963	2704
May 17,	107	5–6	20	62	3963	2705
May 31,	146	1	20	87	3582	2397
June 3,	150	1–3	20	88	2463	1528
June 3,	151	1–3	20	89	2464	1545
June 3,	151	4–5	20	90	2463	1529
June 3,	151	6	20	90	2464	1547
June 3,	152	1	20	91	2291	1391
June 8,	169	1–4	20	101	544	401
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June 14.	191	4	20	115	3691	2472
June 14,	193	1	20	131	4127	2782
June 14,	196	1–4	20	132	552	448
June 17,	259	1	20	140	4017	2734
June 17.	259	1	20	141	3845	2614
June 17,	259	1	20	141	3920	2682
June 17.	259	1	20	142	4004	2722
June 17,	259	2	20	143	405	227
June 17,	260	1	20	143	1506	1040
June 17,	260	1	20	143	1513	1043
June 17,	261	1	20	144	4698	3237
June 18,	263	2	20	149	1219	858
June 18,	263	3	20	150	1215	855
June 18,	263	5	20	150	1240	875
June 18.	263	7	20	150	1244	884
June 18,	263	8–9	20	150	1270	899
June 18,	263	15	20	152	5299	3610
June 18,	265	1	20	163	4249	2912
June 18,	265	3–12	20	163	4249	2913
June 18,	267	1	20	165	1504	1039
June 18,	268	1	20	166	4695	3233
June 19,	311	1–2	20	167	429	243
June 19,	312	1–3	20	167	3673	2448
June 19,	316	1–7	20	169	—	280
June 19,	318	1	20	171	4223	2854
June 19,	322	1	20	173	543	397
June 19,	324	1	20	175	4130	2784
June 19,	326	1–6	20	175	538	370
June 19,	326	8–9	20	177	538	371
June 19,	329	1	20	183	450	257
June 19,	329	1	20	187	3157	2051
June 19,	329	1	20	191	3545	2368
June 19,	329	1	20	191	3546	2369
June 19,	329	1	20	203	3683	2457
June 19,	329	1	20	205	349	203
June 20,	359	1	20	216	3827	2605
June 20,	359	1	20	219	1287	915
June 20,	359	1	20	220	1827	1246
June 20,	359	1	20	223	1673	1142
June 20.	359	1	20	235	547	414
June 20,	359	1	20	240	3921	2682
June 20,	366	1	20	243	2517	1713
Dec. 16,	5	1	20	258	2475	*684
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Jan. 25,	23	1–2	20	265	4713	3251
Jan. 25,	23	4	20	265	4785	3298
Jan. 25,	23	5	20	265	4713	3252
Jan. 27,	28	1	20	267	1712	1181
Jan. 28,	30	1–4	20	274	2448	1513
Jan. 31,	39	1	20	277	902	676
Jan. 31,	39	2	20	277	903	676
Jan. 31,	39	3	20	277	904	676
Feb. 3,	40	1–2	20	278	104	56
Feb. 3,	42	1	20	280	5497	3707
Feb. 3,	43	1–2	20	280	534	331
Feb. 3,	44	1	20	281	4877	3377
Feb. 4,	45	1	20	281	3835	2611
Feb. 14,	68	1	20	288	3676	2450
Feb. 14,	68	1	20	290	1528	1050
Feb. 15,	81	1	20	292	747	590
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Feb. 26,	103	1	20	322	2659	1825
Feb. 26,	105	1	20	322	1393	996
Feb. 28.	112	1	20	324	2535	1733
Mch. 1,	125	1	20	327	3169	2060
Mch. 1,	125	2	20	327	797	620
Mch. 1,	125	2	20	327	3143	2041
Mch. 1,	125	2	20	328	3144	2042
Mch. 1,	125	2	20	328	3149	2045
Mch. 1,	125	2	20	328	3163	2056
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Mch. 1,	125	3	20	331	3183	2072
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Mch. 1,	125	3	20	331	3197	2077
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Mch. 1,	125	5	20	335	3287	2130
Mch. 1,	125	5	20	336	3293	2133
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Mch. 1,	125	14	20	346	3377	2207
Mch. 1,	125	15	20	346	3383	2210
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Mch. 1,	125	18	20	351	3446	2274
Mch. 1,	125	20	20	351	3297	2149
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Mch. 3,	183	1	20	410	1667	1139
Mch. 3,	183	1	20	415	749	591
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Mch. 3,	183	1	20	420	5260	3574
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Mch. 3,	192	1	20	472	2291	1392
Mch. 3,	200	1	20	484	4698	3237
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May 12,	5	1	21	3	1418	1007
May 12,	5	1	21	3	1419	1007
May 12,	5	1	21	3	1420	1008
May 12,	5	1	21	3	1624	1110
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May 17,	8	1	21	4	5440	3676
June 9,	12	1–2	21	7	3527	2361
June 9,	12	3	21	8	3586	2401
June 9,	12	4	21	8	3527	2361
June 11,	18	1–2	21	10	548	426
June 11,	18	4–5	21	10	548	427
June 12,	20	1	21	11	3951	2700
June 14,	23	1	21	20	3282	2129
June 21,	34	2	21	27	3157	2051
June 21,	34	3	21	30	3575	2392
June 21,	34	3	21	30	4771	3289
June 23,	35	1	21	31	1270	900
June 23,	35	1	21	31	5268	3581
June 23,	35	1	21	33	4837	3351
June 23,	35	2	21	30	1342	973
June 23,	35	4	21	34	1309	928
June 23,	35	4	21	34	1336	936
June 23,	35	8	21	35	1136	824
June 28,	43	1–7	21	37	5255	3528
June 30,	49	1	21	41	572	475
June 30,	52	2	21	43	800	624
June 30,	52	2	21	43	852	656
June 30,	52	3	21	43	384	214
June 30,	54	1	21	44	4385	2995
July 1,	60	1	21	46	2298	1402
July 1,	62	1	21	47	3751	2529
July 1,	63	1–2	21	48	2297	1399
Dec. 20,	1	1–2	21	59	3330	2179
Dec. 22,	2	1	21	59	3578	2394
1880						
Jan. 22,	9	2	21	61	2324	1426
Jan. 22,	9	2	21	61	2325	1429
Jan. 24,	13	1	21	62	2547	1743
Jan. 29,	17	1–5	21	62	535	334
Jan. 29,	17	7–9	21	63	535	335
Feb. 4,	18	1–5	21	63	544	403
Feb. 4,	18	7–9	21	64	544	404
Feb. 14,	25	1	21	66	5186	3483
Feb. 24,	30	1	21	66	2569	1770
Mch. 10,	37	1	21	67	3020	1991
Apr. 7,	48	2	21	72	3961	2703
Apr. 20,	58	1–3	21	76	533	330
May 3,	73	1	21	86	1581	1084
May 4,	81	1	21	110	1260	890
May 14,	89	1–3	21	140	2291	1392
May 18,	95	1	21	141	5255	3524
May 27,	105	1–4	21	142	2446	1502
May 27,	106	1	21	143	2552	1745
May 27,	106	3	21	143	2553	1748
May 28,	108	1	21	145	3260	2114
May 28,	108	2	21	145	3262	2115
May 28,	108	3	21	145	3285	2129
May 28,	108	4	21	145	3293	2133
May 28,	108	5	21	146	3294	2135
May 28,	108	6	21	147	3287	2130
May 28,	108	7	21	147	3310	2159
May 28,	108	8	21	147	3309	2158
May 28,	108	10	21	148	3329	2175
May 28,	108	11	21	148	3330	2176
May 28,	108	12	21	148	2965	1948
May 28,	108	13	21	148	2965	1948
May 28,	108	14	21	148	3297	2149

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May 28,	108	15	21	145	3330	2180
May 28,	108	16	21	148	3314	2162
May 28,	108	18	21	149	3244	2101
May 28,	108	19	21	150	3330	2181
May 31,	113	1	21	151	4398	3002
June 1,	115	1	21	153	1309	928
June 4,	121	1	21	156	4858	3364
June 4,	121	1	21	156	—	*1446
June 8,	129	1	21	164	415	234
June 8,	136	1	21	166	2292	1395
June 9,	161	1	21	167	3385	2212
June 9,	161	2	21	168	3357	2198
June 9,	164	1	21	169	2301	1407
June 9,	166	1	21	170	4729	3264
June 10,	189	1–2	21	173	2737	1847
June 10,	190	1–9	21	173	2990	1963
June 10,	190	10	21	175	2981	1953
June 10,	190	11	21	175	2990	1968
June 11,	203	2–8	21	175	547	415
June 11,	203	10	21	176	547	417
June 11,	206	1	21	177	4017	2733
June 11,	206	1	21	179	3916	2680
June 14,	213	1	21	198	548	425
June 14,	213	2	21	198	548	423
June 14,	214	1	21	198	2990	1963
June 15,	225	1	21	226	3687	2460
June 15,	227	2	21	237	2301	*605
June 15,	227	3–4	21	238	2357	1445
June 16,	235	1	21	262	4672	3146
June 16,	235	1	21	263	4680	3148
June 16,	235	1	21	271	211	106
June 16,	235	1	21	274	—	1489
June 16,	235	1	21	275	4843	*1428
June 16,	235	1	21	275	4864	3367
June 16,	235	1	21	276	526	289
June 16,	236	1–2	21	281	4698	3237
June 16,	239	1	21	283	2568	1764
June 16,	244	1–4	21	287	2306	1415
June 16,	252	1	21	294	527	291
Dec. 17,	2	1	21	311	2238	1367
1881						
Jan. 13,	19	1	21	315	2490	1594
Jan. 20,	24	1	21	317	1400	998
Jan. 21,	25	1–2	21	317	3827	2605
Jan. 31,	32	1–3	21	603	1790	1216
Feb. 1,	33	1	21	322	3495	2335
Feb. 8,	34	1	21	322	3063	2008
Feb. 17,	60	1	21	325	2517	1711
Feb. 17,	60	1	21	325	2517	1712
Feb. 17,	60	2	21	326	2518	1715
Feb. 23,	71	1	21	330	540	393
Feb. 23,	73	1	21	331	3666	2441
Feb. 23,	73	2	21	338	1418	1007
Feb. 23,	73	2	21	338	1419	1007
Feb. 23,	73	2	21	338	1420	1008
Feb. 24,	79	1	21	347	1270	900
Feb. 26,	80	2	21	350	4832	3345
Feb. 26,	82	1	21	352	5211	3499
Feb. 28,	91	1	21	373	2568	1765
Feb. 28,	92	1	21	373	2559	1753
Mch. 1,	95	1	21	374	3524	2352
Mch. 1,	96	1	21	374	3941	2692
Mch. 1,	96	1	21	374	4017	2734
Mch. 1,	96	1	21	375	4004	2722
Mch. 2,	107	1–2	21	377	4179	2832
Mch. 2,	111	1	21	379	4249	2917
Mch. 3,	130	1	21	388	1817	1238
Mch. 3,	130	1	21	409	—	283
Mch. 3,	130	1	21	412	397	225
Mch. 3,	130	1	21	412	554	450
Mch. 3,	132	1	21	414	4839	3355
Mch. 3,	132	2	21	429	2737	1847
Mch. 3,	133	1	21	435	4249	2917
Mch. 3,	133	1	21	447	3527	2361
Mch. 3,	133	1	21	454	596	482
Mch. 3,	133	2	21	457	3697	2478
Mch. 3,	134	1	21	50	—	*1446
Mch. 3,	138	1–13	21	502	4937	3401
Mch. 3,	140	1	21	505	2326	1431
Mch. 3,	141	1	21	505	1536	1055
Mch. 3,	144	1–3	21	507	537	363
Mch. 3,	144	5–7	21	507	537	364
Mch. 3,	150	1	21	510	1486	1035
Mch. 3,	153	1	21	511	2297	1398
Mch. 3,	154	1–2	21	511	536	348
Mch. 3,	156	1	21	512	2601	1795
1882						
Mch. 6,	25	1	22	13	2581	1775
Mch. 17,	41	1–2	22	29	3848	2616
Mch. 22,	47	1–8	22	30	5352	3633
Mch. 23,	48	3	22	32	806	626
Apr. 18,	83	1	22	47	2569	1769
Apr. 25,	88	1	22	48	2586	1780
Apr. 25,	88	2	22	48	2587	1784
Apr. 25,	87	1–3	22	47	535	335
Apr. 25,	89	1	22	49	3066	2008
Apr. 26,	106	1	22	49	2326	1431
Apr. 26,	106	2	22	49	2321	1425
May 1,	111	1	22	52	1159	831
May 1,	112	1	22	52	5254	3523
May 4,	116	1	22	53	3963	2706
May 4,	116	1	22	54	3848	2617
May 4,	117	1–11	22	55	4249	2917
May 6,	126	1–3	22	58	2164	1305
May 6,	126	6–13	22	60	2164	1307
May 6,	126	14	22	61	2169	1333
May 6,	126	15	22	61	2164	1311
May 6,	126	16	23	118	2164	1311
May 19,	172	2	22	93	1661	1131
May 26,	190	1	22	97	3518	2350
June 15,	218	1–5	22	101	539	377
June 15,	218	7	22	103	539	379
June 15,	218	10	22	103	539	380
June 15,	219	1	22	103	2552	1746
June 15,	219	3	22	104	2553	1749
June 16,	223	1	22	105	2582	1777
June 16,	223	1	22	105	2583	1779
June 16,	223	1	22	105	2607	1800
June 16,	223	1	22	105	2684	1831
June 22,	236	1	22	108	56	33
June 30,	254	1	22	118	1244	885
June 30,	254	1	22	118	1262	896
June 30,	254	1	22	118	1270	900
June 30,	254	1	22	118	1275	906

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June 30,	254	1	22	120	5260	3574
June 30,	254	1	22	121	2475	*685
June 30,	254	3	22	122	1302	923
June 30,	255	1	22	123	1339	938
June 30,	255	1	22	123	1341	939
July 1,	258	1–11	22	126	1820	1240
July 1,	262	1	22	133	3665	2439
July 12,	290	1–7	22	162	5136	3457
July 12,	290	8–9	22	164	5167	3472
July 12,	290	11	22	165	3697	2478
July 12,	290	12	22	165	254	140
July 12,	290	13	22	166	5208	3497
July 12,	290	14	22	166	5136	3460
July 20,	312	1–10	22	172	537	349
July 25,	349	2	22	175	4744	3276
July 25,	349	3	22	175	4744	3277
July 25,	349	4	22	175	4774	3290
July 25,	349	5	22	176	4720	3259
July 27,	351	1	22	176	544	404
July 31,	361	1	22	180	4025	2738
Aug. 1,	366	1	22	181	4962	3412
Aug. 2,	373	2	22	185	3865	2636
Aug. 2,	374	1–14	22	186	4252	2931
Aug. 3,	376	1–5	22	214	2164	1288
Aug. 3,	377	1	22	215	2568	1765
Aug. 3,	378	1–6	22	215	5271	3593
Aug. 3,	379	1–2	22	216	3961	2703
Aug. 5,	389	1	22	226	235	127
Aug. 5,	389	1	22	228	241	132
Aug. 5,	389	1	22	238	214	110
Aug. 5,	389	1	22	240	215	112
Aug. 5,	389	1	22	241	—	2515
Aug. 5,	389	1	22	243	1826	1245
Aug. 5,	389	1	22	248	472	268
Aug. 5,	389	1	22	253	3925	2684
Aug. 5,	389	1	22	254	682	561
Aug. 5,	389	4	22	255	169	86
Aug. 5,	389	5	22	256	3691	2473
Aug. 5,	390	1	22	270	52	27
Aug. 5,	391	1	22	285	1368	988
Aug. 5,	391	1	22	285	1512	1042
Aug. 5,	391	1	22	285	1521	1046
Aug. 5,	391	1	22	285	1556	1071
Aug. 5,	391	1	22	286	1447	1021
Aug. 5,	391	1	22	286	1459	1025
Aug. 5,	391	1	22	286	1566	1077
Aug. 5,	391	1	22	289	1546	1062
Aug. 5,	391	2	22	296	1541	1058
Aug. 5,	393	1	22	298	4937	3404
Aug. 5,	395	1	22	299	1663	1137
Aug. 5,	398	1	22	300	4153	2818
Aug. 5,	398	2	22	300	4154	2821
Aug. 5,	398	3	22	300	4186	2835
Aug. 5,	399	1	22	301	1675	1152
Aug. 7,	433	1	22	302	3653	2427
Aug. 7,	433	1	22	305	—	2515
Aug. 7,	433	1	22	306	3654	2428
Aug. 7,	433	1	22	310	4429	3030
Aug. 7,	433	1	22	319	3751	2529
Aug. 7,	433	1	22	322	4832	3345
Aug. 7,	433	1	22	324	1546	1062
Aug. 7,	433	1	22	327	2403	1479
Aug. 7,	433	1	22	330	4852	3361
Aug. 7,	433	1	22	330	4858	3364
Aug. 7,	433	1	22	332	5586	3747
Aug. 7,	433	1	22	336	1777	1210
Aug. 7,	433	1	22	337	72	42
Aug. 7,	438	1	22	345	4702	3241
Aug. 7,	438	2	22	345	4705	3245
Aug. 7,	441	1	22	346	4400	3015
Aug. 7,	444	1–2	22	348	2446	1503
Aug. 7,	447	1	22	349	2568	1762
Aug. 8,	468	1	22	372	3385	2212
Aug. 8,	469	1	22	373	4766	3286
1883						
Jan. 9,	15	1–2	22	401	3489	2327
Jan. 9,	16	1	22	401	3362	2200
Jan. 9,	17	1	22	402	2491	1703
Jan. 13,	24	1	22	402	3385	2212
Jan. 15,	25	1	22	402	547	417
Jan. 16,	27	1–15	22	403	1790	1217
Feb. 28,	58	2	22	432	4745	3278
Mch. 3,	91	1	22	453	4698	3238
Mch. 3,	93	1	22	456	1273	902
Mch. 3,	93	1	22	456	1306	925
Mch. 3,	93	1	22	457	1211	852
Mch. 3,	93	1	22	457	1244	885
Mch. 3,	93	1	22	459	1178	839
Mch. 3,	97	1	22	472	1367	986
Mch. 3,	97	1	22	473	1556	1071
Mch. 3,	97	2	22	481	1571	1079
Mch. 3,	101	2	22	484	2241	1369
Mch. 3,	102	1	22	484	—	3212
Mch. 3,	116	1–7	22	485	1093	748
Mch. 3,	118	1	22	487	2345	1439
Mch. 3,	120	1	22	487	3717	2497
Mch. 3,	121	1	22	488	3408	2247
Mch. 3,	121	5	22	489	3364	2202
Mch. 3,	123	2–3	22	526	4032	2742
Mch. 3,	123	4	22	528	3860	2624
Mch. 3,	123	5–6	22	528	4032	2744
Mch. 3,	128	1	22	535	53	30
Mch. 3,	128	1	22	552	3663	2437
Mch. 3,	128	2	22	563	3913	2674
Mch. 3,	130	1–11	22	564	4824	3333
Mch. 3,	131	1	22	565	—	3765
Mch. 3,	133	1	22	566	4214	2845
Mch. 3,	135	1	22	567	2659	1826
Mch. 3,	141	2	22	592	82	47
Mch. 3,	141	5	22	599	1541	1059
Mch. 3,	142	1–4	22	600	3852	2619
Mch. 3,	143	1	22	605	—	2515
Mch. 3,	143	1	22	615	1805	1233
Mch. 3,	143	1	22	616	3617	2413
Mch. 3,	143	1	22	621	1816	1238
Mch. 3,	143	1	22	625	4867	3370
Mch. 3,	143	1	22	625	4896	3386
Mch. 3,	143	1	22	626	2475	1560
Mch. 3,	143	1	22	628	4398	3002
Mch. 3,	143	1	22	631	846	650
Mch. 3,	143	1	22	632	37	17

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Mch. 1,	9	1	23	3	3964	2708
Apr. 18,	25	1	23	11	2527	1722
Apr. 18,	26	1	23	11	5448	3679
May 1,	37	1	23	17	3679	2455
May 2,	38	1–4	23	18	532	318
May 2,	38	6	23	18	532	319
May 13,	44	1	23	21	5582	3744
May 13,	46	2–3	23	21	1756	1201
May 16,	52	1–6	23	22	5415	3663
May 29,	60	1–3	23	31	—	299
May 29,	60	4–9	23	32	—	3183
May 29,	60	11	23	33	—	301
June 3,	64	2–4	23	35	548	427
June 9,	73	1	23	40	3905	2668
June 11,	75	1	23	40	2743	1848
June 18,	1	1	23	1	572	475
June 20,	103	1	23	48	2990	1963
June 20,	106	1	23	50	535	336
June 26,	121	1	23	53	4131	2804
June 26,	121	2	23	54	4580	3106
June 26,	121	3	23	54	4583	3109
June 26,	121	4	23	54	4561	3095
June 26,	121	5	23	54	4582	3108
June 26,	121	6	23	55	4600	3116
June 26,	121	7	23	55	4581	3107
June 26,	121	9	23	55	4578	3105
June 26,	121	10	23	55	4531	3079
June 26,	121	11	23	56	4572	3101
June 26,	121	12	23	56	1745	1195
June 26,	121	13	23	56	4213	2845
June 26,	121	14–15	23	57	4219	2851
June 26,	121	16	23	57	2981	1954
June 26,	121	17	23	57	3021	1992
June 26,	121	18	23	57	4289	2945
June 26,	121	19	23	58	4511	3069
June 26,	121	20	23	58	4518	3072
June 26,	121	21	23	58	4178	2831
June 26,	121	22	23	58	2164	1290
June 26,	121	23	23	58	3976	2710
June 26,	121	24	23	58	2966	1949
June 26,	121	25	23	59	2872	1910
June 26,	121	26	23	59	5294	3607
June 26,	121	27	23	59	4501	3061
June 26,	121	28	23	59	4458	3043
June 26,	121	29	23	59	2776	1864
June 26,	121	30	23	59	4219	2852
June 26,	122	1–3	23	60	1367	987
June 26,	123	1	23	60	101	55
June 27,	126	1	23	60	3865	2636
July 2,	142	1	23	63	2990	1966
July 4,	180	1	23	96	2312	1420
July 4,	181	1	23	99	4781	3296
July 4,	181	2	23	99	4786	3301
July 4,	181	3	23	99	4785	3297
July 4,	181	4	23	99	4786	3298
July 4,	181	5	23	101	3479	2321
July 4,	181	6	23	101	4786	3301
July 5,	214	1–5	23	103	2490	1607
July 5,	214	6	23	104	2477	1569
July 5,	217	1	23	108	1144	827
July 5,	217	1	23	109	1132	822
July 5,	217	1	23	109	3716	2490
July 5,	217	1	23	111	1219	858
July 5,	217	1	23	112	1174	837
July 5,	217	1	23	113	3623	2417
July 5,	220	1	23	115	2164	1305
July 5,	220	1	23	115	2164	1306
July 5,	220	1	23	116	2164	1307
July 5,	220	1	23	117	2164	1309
July 5,	220	1	23	117	2164	1310
July 5,	220	1	23	118	2164	1311
July 5,	221	1–7	23	118	—	199
July 5,	224	1	23	421	1342	959
July 5,	225	1–2	23	122	1046	726
July 5,	228	1	23	132	4381	2987
July 5,	228	2–3	23	132	4382	2989
July 5,	229	1	23	144	5255	3530
July 5,	229	4	23	147	5255	3524
July 5,	229	8	23	148	5255	3532
July 5,	232	1	23	155	2527	1721
July 5,	234	1	23	156	3848	2617
July 5,	234	1	23	156	4004	2723
July 5,	234	1	23	156	4017	2734
July 5,	234	3	23	158	3913	2674
July 5,	235	2–3	23	159	1673	1146
July 7,	331	1	23	172	3152	2048
July 7,	332	1	23	198	4666	3144
July 7,	332	1	23	199	2759	1856
July 7,	332	1	23	204	3713	2489
July 7,	332	1	23	212	—	1489
July 7,	332	1	23	213	4823	3333
July 7,	332	1	23	214	5583	3745
July 7,	333	1	23	235	211	107
July 7,	334	1	23	237	1729	1187
July 7,	334	1	23	254	3670	2446
July 7,	334	3	23	258	3479	2322
Dec. 27,	7	1–2	23	280	547	417
1885						
Jan. 20,	25	1–6	23	283	1093	750
Jan. 30,	43	1	23	291	1579	1083
Jan. 30,	43	1	23	294	1612	1097
Jan. 30,	43	3	23	295	429	244
Feb. 11,	55	1	23	298	4434	3033
Feb. 14,	67	1	23	305	1260	890
Feb. 16,	123	1	23	306	3646	2424
Feb. 25,	149	1–7	23	321	2457	1524
Feb. 25,	150	1	23	322	1685	1156
Feb. 25,	150	1	23	329	1091	1173
Feb. 26,	164	1–5	23	332	2164	1290
Mch. 3,	335	1	23	350	290	173
Mch. 3,	338	2	23	356	529	293
Mch. 3,	339	1	23	359	1287	915
Mch. 3,	340	1	23	362	4694	3232
Mch. 3,	340	1	23	362	4781	3296
Mch. 3,	341	1	23	381	445	255
Mch. 3,	342	1	23	385	3860	2625
Mch. 3,	342	1	23	386	3902	2666
Mch. 3,	342	1	23	386	3943	2694
Mch. 3,	342	1	23	387	3875	2651
Mch. 3,	342	1	23	387	3905	2669
Mch. 3,	342	3–6	23	387	3874	2640
Mch. 3,	343	1	23	404	3157	2051
Mch. 3,	353	1	23	437	764	595
Mch. 3,	355	1–2	23	443	702	572

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Mch. 3,	360	1	23	494	4398	3003
Mch. 3,	360	1	23	499	2400	1476
Mch. 3,	360	1	23	510	4834	3347
Mch. 3,	360	1	23	512	69	40
1886						
Jan. 19,	4	1–3	24	1	146	74
Mch. 19,	22	1–2	24	5	4703	3243
Mch. 29,	28	1–3	24	8	5238	3514
Mch. 31,	41	1	24	9	304	180
Apr. 29,	64	1	24	15	3336	2185
May 1,	69	1	24	16	2990	1969
May 1,	73	1	24	18	5142	3462
May 1,	73	2–4	24	18	5136	3456
May 6,	88	1	24	22	2298	1403
May 17,	338	1	24	50	1213	854
May 17,	339	1	24	50	2517	1714
June 1,	396	1	24	76	2552	1745
June 19,	421	1	24	79	4382	2991
June 19,	421	2	24	80	4504	3064
June 19,	421	3	24	80	4531	3080
June 19,	421	4	24	80	4289	2945
June 19,	421	5	24	81	4153	2812
June 19,	421	6	24	81	4177	2829
June 19,	421	7	24	81	4371	2984
June 19,	421	8	24	81	4347	2972
June 19,	421	9	24	81	4371	2985
June 19,	421	11	24	81	4219	2851
June 19,	421	12	24	82	4219	2852
June 19,	421	13	24	82	4572	3102
June 19,	421	14	24	82	4418	3024
June 19,	421	15	24	82	2981	1955
June 19,	421	16	24	82	4233	2896
June 19,	421	17	24	82	4130	2784
June 19,	421	18	24	83	4578	3105
June 19,	424	1	24	84	4249	2921
June 29,	567	1–5	24	86	—	3204
June 30,	581	1	24	106	534	332
July 2,	611	1	24	122	3913	2675
July 8,	745	1	24	127	539	380
July 9,	755	1–2	24	129	4466	3046
July 9,	755	3	24	129	4490	3058
July 9,	756	2	24	129	4837	3351
July 10,	764	1–4	24	143	2400	1476
July 26,	779	1	24	148	4670	3145
July 26,	781	1	24	151	1673	1146
July 26,	781	2	24	157	3691	2473
July 31,	827	1	24	199	436	249
July 31,	827	1	24	200	463	262
Aug. 2,	840	1–21	24	209	—	2228
Aug. 2,	842	1–2	24	213	552	449
Aug. 3,	848	1–2	24	214	533	330
Aug. 3,	849	2	24	215	1537	1056
Aug. 4,	896	1–3	24	218	3385	2214
Aug. 4,	899	1	24	220	4698	3239
Aug. 4,	901	1–4	24	220	3874	2641
Aug. 4,	902	1	24	227	3578	2394
Aug. 4,	902	1	24	255	—	1489
Aug. 4,	903	1	24	268	1528	1050
Aug. 5,	928	1–3	24	308	533	324
Aug. 5,	928	6–10	24	309	533	325
Aug. 5,	929	2	24	329	5255	3533

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Aug. 5,	929	8	24	335	5253	3523
Aug. 5.	932	1	24	337	550	443
Dec. 20,	2	1	24	351	1339	938
Dec. 23,	9	1	24	353	4756	3282
Dec. 23,	9	1	24	353	4757	3282
1887						
Jan. 3,	12	1	24	354	4414	3020
Jan. 3,	13	2	24	355	5463	3688
Jan. 3,	14	1–4	24	355	3865	2634
Jan. 29,	70	1–6	24	371	4731	3265
Jan. 29,	72	1	24	372	1120	816
Feb. 3,	90	1–7	24	373	135	67
Feb. 4,	104	1	24	379	—	*1284
Feb. 4,	104	2–3	24	379	—	3155
Feb. 4,	104	4	24	380	—	*1288
Feb. 4,	104	5	24	380	—	3156
Feb. 4,	104	6	24	380	—	*1289
Feb. 4,	104	7–9	24	380	—	3159
Feb. 4,	104	10	24	382	—	*1293
Feb. 4,	104	11–12	24	382	—	3161
Feb. 4,	104	13–16	24	383	—	*1296
Feb. 4,	104	17–19	24	385	—	3168
Feb. 4,	104	20	24	386	—	*1304
Feb. 4,	104	21–22	24	386	—	3170
Feb. 4,	104	24	24	387	—	3171
Feb. 4,	105	1–2	24	387	4929	3398
Feb. 9,	123	1	24	392	2990	1967
Feb. 12,	129	1–4	24	401	1661	1131
Feb. 23,	210	1–3	24	409	—	3198
Feb. 23,	213	1–3	24	411	5539	3720
Feb. 23,	215	1	24	411	2990	1966
Feb. 23,	218	1	24	414	2990	1969
Feb. 23,	220	6–10	24	415	2164	1292
Feb. 23,	221	1	24	415	3058	2005
Feb. 28,	269	1–2	24	423	538	372
Feb. 28,	271	1–6	24	424	540	385
Feb. 28,	275	1	24	429	2562	1756
Feb. 28,	278	1	24	430	2603	1797
Feb. 28,	279	4	24	431	539	381
Feb. 28,	279	1–2	24	430	539	380
Feb. 28,	288	2	24	435	4321	2963
Mch. 1,	311	1–8	24	435	1179	839
Mch. 2,	314	1–10	24	440	—	3218
Mch. 2,	315	1–6	24	442	536	345
Mch. 2,	315	10	24	443	536	346
Mch. 2,	318	1	24	445	127	63
Mch. 3,	339	1	24	475	4130	2785
Mch. 3,	340	1–2	24	476	4066	*1167
Mch. 3,	340	4	24	477	4066	*1168
Mch. 3,	345	4–5	24	491	5260	3575
Mch. 3,	346	1	24	492	4005	2724
Mch. 3,	347	1	24	492	607	487
Mch. 3,	348	1	24	492	2533	1726
Mch. 3,	348	2	24	493	2534	1730
Mch. 3,	359	1–16	24	505	1093	752
Mch. 3,	362	1	24	509	3663	2437
Mch. 3,	362	1	24	512	—	2516
Mch. 3,	362	1	24	515	3513	2347
Mch. 3,	362	1	24	523	4398	3003
Mch. 3,	362	1	24	526	2241	1370
Mch. 3,	362	1	24	527	—	1489
Mch. 3,	362	1	24	539	4834	3348

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Mch. 3,	362	1	24	542	100	54
Mch. 3,	373	1	24	552	629	508
Mch. 3,	373	2–3	24	552	721	582
Mch. 3,	373	4–6	24	552	629	514
Mch. 3,	373	6	24	555	629	511
Mch. 3,	373	7	24	555	715	579
Mch. 3,	376	1–7	24	556	2490	1595
Mch. 3,	378	1–2	24	559	5192	3490
Mch. 3,	378	3	24	560	3575	2389
Mch. 3,	388	1	24	569	3808	2638
Mch. 3,	392	1	24	596	69	40
Mch. 3,	396	3	24	634	3513	2348
Mch. 3,	397	1–5	24	635	5352	3635
Mch. 3,	397	9–10	24	636	5352	3637
1888						
Jan. 20,	1	1	25	1	4395	3001
Jan. 20,	2	1–2	25	1	3875	2652
Feb. 1.	4	1	25	9	2033	1275
Feb. 18,	15	1	25	40	4883	3381
Feb. 20,	17	1–13	25	41	5269	3586
Feb. 29,	18	1	25	43	4020	2736
Mch. 5,	20	1	25	43	4796	3310
Mch. 9,	30	1	25	45	4066	*1168
Mch. 23,	34	1	25	45	4075	2765
Mch. 30,	47	1	25	57	3756	2588
Apr. 2,	54	1	25	76	461	260
Apr. 4,	58	1–2	25	78	539	381
Apr. 4,	58	4–6	25	79	539	382
Apr. 4,	61	1	25	80	4219	2851
Apr. 4,	61	2	25	80	4382	2992
Apr. 4,	61	3	25	80	4581	3107
Apr. 11,	81	1	25	84	539	380
Apr. 24,	194	1	25	94	5255	3525
May 1,	212	1	25	112	1341	939
May 1,	212	1	25	112	3716	2493
May 2,	227	1	25	134	2595	1788
May 2,	227	1	25	134	2596	1790
May 9,	231	1	25	135	3848	2616
May 9,	231	2	25	135	3848	2617
May 16,	257	1–3	25	151	5255	3549
May 21,	298	1	25	153	540	388
May 24,	308	1	25	157	3805	2637
May 28,	320	1–3	25	158	2541	1739
June 4,	340	1	25	166	5388	3649
June 4,	341	1–2	25	166	2599	1792
June 7,	369	1	25	173	4710	3250
June 7,	373	1	25	176	—	3221
June 13,	389	1–9	25	182	—	302
June 18,	393	1	25	186	1712	1181
June 18,	393	1	25	186	1713	1182
June 18,	394	1	25	187	5465	3690
June 18,	394	2	25	187	3894	2661
June 18,	394	2	25	187	5463	3689
June 29,	496	1–5	25	209	5255	3533
July 9,	595	1–8	25	245	—	*1448
July 11,	615	1	25	258	1817	1239
July 11,	615	1	25	262	95	52
July 23,	692	1	25	339	2568	1765
July 24,	702	1	25	345	3860	2626
Aug. 1,	727	1–2	25	355	4796	3310
Aug. 1,	728	1–2	25	357	—	2516

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Aug. 1,	729	1–3	25	357	967	701
Aug. 7,	772	1–7	25	382	5269	3583
Aug. 8,	785	1	25	386	800	624
Aug. 8,	786	1	25	387	353	205
Aug. 8,	787	1–2	25	387	1766	1208
Aug. 8,	788	1–3	25	387	536	346
Aug. 8,	789	1–7	25	388	537	365
Aug. 8,	790	1	25	388	540	393
Aug. 8,	792	1–4	25	389	537	359
Aug. 9,	817	1–2	25	392	537	355
Aug. 11,	860	1	25	417	5255	*1538
Aug. 11,	860	2	25	423	5255	3537
Aug. 11,	860	3	25	423	5255	3526
Aug. 11,	860	4	25	424	5255	*1538
Aug. 11,	860	7	25	424	5255	*1538
Aug. 11,	860	8	25	424	5255	3526
Aug. 11,	860	11	25	425	5255	3526
Aug. 13,	866	1	25	433	629	508
Aug. 13,	866	2	25	436	721	582
Aug. 13,	866	3	25	436	721	582
Aug. 13,	866	4	25	436	629	514
Aug. 13,	866	5	25	436	629	515
Aug. 13,	866	6	25	436	629	515
Aug. 13,	866	7	25	437	715	579
Aug. 13,	868	2	25	437	3489	2328
Aug. 13,	869	1–8	25	438	537	366
Aug. 14,	890	1–6	25	442	1427	1012
Aug. 14,	891	1	25	443	540	392
Aug. 27,	913	1	25	449	4608	3239
Aug. 27,	914	1	25	450	4837	3352
Sept. 7,	991	1	25	458	1546	1062
Sept. 13,	1015	1–15	25	476	2164	1312
Sept. 22,	1027	1	25	485	3716	2493
Sept. 22,	1028	1	25	489	1673	1142
Sept. 22,	1028	6	25	490	1673	1143
Sept. 26,	1037	1	25	491	1225	861
Sept. 26,	1039	1	25	496	3894	2661
Sept. 26,	1039	2	25	496	3893	2658
Oct. 1,	1056	1	25	498	540	388
Oct. 1,	1060	1	25	500	4249	2921
Oct. 1,	1064	1–4	25	504	2164	1318
Oct. 2,	1069	1	25	511	258	144
Oct. 2,	1069	1	25	525	2221	1361
Oct. 2,	1069	1	25	526	2464	1552
Oct. 2,	1069	1	25	529	5583	3745
Oct. 2,	1069	1	25	530	—	3172
Oct. 2,	1069	1	25	543	3691	2473
Oct. 2,	1069	1	25	546	76	43
Oct. 12,	1092	1	25	552	1221	860
Oct. 12,	1093	1	25	552	2552	1746
Oct. 12,	1098	1	25	557	461	261
Oct. 12,	1099	1	25	557	2559	1753
Oct. 13,	1113	1	25	557	4249	2921
Oct. 18,	1194	1	25	560	3296	2141
Oct. 18,	1195	1	25	560	4249	2922
Oct. 18,	1197	1	25	564	4474	3051
Oct. 19,	1209	1	25	565	2568	1766
Oct. 19,	1210	1	25	566	2164	1294
Oct 19,	1210	1	25	587	64	38
Oct. 19,	1210	3	25	600	418	238
Oct. 19,	1216	1	25	613	140	72
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Jan. 16,	50	1	25	650	3874	2640
Jan. 30,	100	1	25	654	4028	2741
Feb. 6,	113	1–3	25	655	608	492
Feb. 6,	113	3	25	655	619	497
Feb. 6,	113	5	25	656	608	493
Feb. 6,	113	6	25	656	699	569
Feb. 6,	113	7	25	656	608	493
Feb. 8,	115	1	25	657	1429	1015
Feb. 8,	116	1	25	657	4837	3352
Feb. 9,	119	1–3	25	657	1595	1088
Feb. 9,	120	1	25	658	5345	3630
Feb. 9,	121	1	25	658	2603	1798
Feb. 9,	122	1–4	25	659	521	285
Feb. 12,	132	1	25	659	4698	3239
Feb. 12,	135	1–2	25	661	683	562
Feb. 13,	149	1	25	667	2990	1970
Feb. 15,	168	1–4	25	671	535	336
Feb. 15,	168	6–7	25	672	535	337
Feb. 16,	171	1	25	672	197	98
Feb. 23,	205	1	25	690	535	338
Feb. 23,	208	1	25	691	4249	2922
Feb. 26.	279	1	25	719	235	128
Mch. 1,	309	1	25	750	2586	1782
Mch. 1,	310	1	25	750	2586	1782
Mch. 1.	311	1–3	25	751	2562	1757
Mch. 1,	323	1	25	470	4249	2922
Mch. 1,	331	1	25	781	1420	1008
Mch. 1,	332	1	25	782	4765	3285
Mch. 1,	332	1	25	783	4780	3295
Mch. 2,	358	1	25	790	2568	1766
Mch. 2,	368	1	25	793	2579	1773
Mch. 2,	371	1	25	817	419	239
Mch. 2,	372	1	25	831	1220	859
Mch. 2,	372	1	25	833	1661	1132
Mch. 2,	373	1	25	840	—	3222
Mch. 2,	374	1	25	841	3860	2626
Mch. 2,	374	1	25	844	3735	2506
Mch. 2,	381	1	25	854	2357	1445
Mch. 2,	381	2	25	854	2298	1403
Mch. 2,	381	3	25	854	2297	1400
Mch. 2,	381	4	25	854	2357	1445
Mch. 2,	381	5	25	854	2298	1403
Mch. 2,	381	6	25	854	2298	1404
Mch. 2,	381	7	25	855	2291	1393
Mch. 2,	381	8	25	855	2357	1446
Mch. 2,	382	1	25	855	—	*1289
Mch. 2,	382	2	25	857	—	*1295
Mch. 2,	382	3	25	858	—	3163
Mch. 2,	382	4	25	859	—	*1297
Mch. 2,	382	5	25	859	—	*1303
Mch. 2,	382	6	25	861	—	3168
Mch. 2,	382	7	25	861	—	3169
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Mch. 2,	382	9	25	862	—	3171
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Mch. 2,	390	1–10	25	869	1230	868
Mch. 2,	393	1	25	873	5480	3696
Mch. 2,	393	2	25	873	5480	3698
Mch. 2,	393	3–5	25	873	3894	2660
Mch. 2,	396	1	25	878	1521	1047
Mch. 2,	396	2	25	878	1517	1044
Mch. 2,	410	1	25	907	3665	2440
Mch. 2,	410	1	25	912	217	115
Mch. 2,	411	1	25	941	—	2518
Mch. 2,	411	1	25	945	3576	2392
Mch. 2,	411	1	25	954	—	3173
Mch. 2,	411	1	25	960	2464	1553
Mch. 2,	411	1	25	962	4864	3367
Mch. 2,	418	1	25	1012	4488	3055
Mch. 2,	418	1	25	1012	4489	3056
1890						
Feb. 4,	5	5	26	3	548	423
Feb. 7,	8	1	26	6	1426	1011
Feb. 19,	14	1	26	8	2990	1970
Feb. 27,	20	1–4	26	13	1212	853
Feb. 27,	21	1	26	14	546	410
Feb. 27,	21	6	26	15	546	411
Mch. 4,	25	1	26	16	4698	3240
Mch. 5,	26	1	26	17	214	110
Mch. 8.	29	1–2	26	17	2595	1789
Mch. 13,	31	1	26	18	2603	1798
Mch. 27,	51	1–3	26	31	4796	3311
Apr. 3,	62	1	26	34	2990	1971
Apr. 4,	63	1	26	40	474	269
Apr. 5,	65	1–6	26	45	549	438
Apr. 9,	73	1–3	26	50	3756	2588
Apr. 9.	73	1–3	26	50	—	3765
Apr. 10,	77	1–2	26	53	2207	1356
Apr. 11,	78	1	26	54	1342	968
Apr. 14,	80	1	26	55	1230	872
Apr. 16,	85	1	26	56	393	222
Apr. 19,	101	1	26	58	2990	1971
Apr. 26,	159	1	26	66	2990	1971
Apr. 26,	161	1–6	26	67	543	399
Apr. 26,	165	1–6	26	71	546	408
Apr. 26,	167	1–7	26	72	538	374
Apr. 29,	171	1	26	77	2581	1776
Apr. 30,	173	2–3	26	78	1835	1248
May 1,	180	1	26	80	2517	1714
May 2,	182	18	26	90	2490	1615
May 2,	182	18	26	91	2490	1598
May 2,	182	20	26	91	2490	1616
May 2,	182	22	26	91	2394	1462
May 2,	182	23	26	92	2477	1570
May 2,	182	24	26	92	2490	1617
May 14,	202	1	26	106	540	387
May 14,	207	1–7	26	109	2394	1463
May 20,	233	1	26	115	2599	1791
May 24,	292	1	26	120	4130	2784
May 26,	355	1	26	121	2294	1396
June 9,	403	1–3	26	129	537	356
June 10,	407	1–9	26	131	2839	1886
June 10,	407	24	26	140	3011	1987
June 10,	407	25	26	141	2839	1896
June 10,	407	26	26	141	5452	3681
June 10,	407	27	26	141	5502	3710
June 13,	423	1	26	152	1240	875
June 16,	426	3–4	26	158	1120	817
June 18,	431	1	26	161	3354	2194
June 18,	432	1	26	162	3441	2272
June 20,	437	1	26	167	1341	940
June 25,	616	1	26	180	4401	3016
June 26,	631	1	26	180	532	319

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June 27,	634	2	26	182	4693	3230
June 27,	634	3	26	182	4703	3244
June 27,	634	4	26	183	4693	3231
June 30,	639	1	26	188	4778	3294
June 30,	640	1	26	189	3718	2498
June 30,	640	1	26	194	1541	1060
June 30,	640	1	26	197	3676	2450
July 1,	646	1	26	209	4714	3253
July 2,	647	1–8	26	209	—	3200
July 2,	651	1–3	26	212	536	347
July 11,	667	1	26	228	1790	1224
July 11,	667	1	26	236	234	123
July 11,	667	1	26	242	3570	2379
July 11,	667	1	26	254	415	234
July 11,	667	1	26	257	446	256
July 11,	667	1	26	259	481	272
July 11,	667	1	26	259	486	273
July 11,	667	1	26	265	348	202
July 11,	667	2	26	268	3662	2436
July 14,	706	1	26	275	4130	2786
July 14,	707	1	26	288	521	286
July 14,	708	1–4	26	289	3526	2354
July 14,	708	5	26	289	3513	2348
July 14,	708	6	26	289	5192	3490
July 14,	708	7	26	290	3526	2355
July 26,	721	1	26	292	4414	3020
Aug. 6,	724	1	26	307	—	*1447
Aug. 8,	728	1	26	313	—	3177
Aug. 18,	797	1	26	316	—	2518
Aug. 19,	801	1	26	320	4504	3065
Aug. 19,	802	1–3	26	320	—	2863
Aug. 28,	812	1–2	26	362	2634	1814
Aug. 28,	813	1	26	362	2568	1766
Aug. 28,	814	1–2	26	363	2586	1783
Aug. 28,	814	3	26	363	2070	1828
Aug. 28,	814	4	26	363	2586	1784
Aug. 29,	819	1	26	369	2490	1598
Aug. 29,	820	1	26	371	170	88
Aug. 30,	837	1	26	374	3663	2438
Aug. 30,	837	1	26	382	4688	3151
Aug. 30,	837	1	26	391	2298	1404
Aug. 30,	837	1	26	391	2464	1553
Aug. 30,	837	1	26	391	2477	1570
Aug. 30,	837	1	26	392	4865	3369
Aug. 30,	837	1	26	393	4864	3368
Aug. 30,	837	1	26	396	1835	1249
Aug. 30,	837	1	26	399	1197	847
Aug. 30,	837	1	26	400	1144	827
Aug. 30,	837	1	26	400	1188	843
Aug. 30,	837	2–3	26	412	—	2519
Aug. 30,	837	4	26	413	3622	2417
Aug. 30,	839	1–10	26	414	—	3185
Aug. 30,	841	1–6	26	417	—	3214
Sept. 4,	873	1	26	424	2601	1795
Sept. 4,	874	1–2	26	424	5339	3627
Sept. 4,	875	1–3	26	425	4234	2902
Sept. 19,	907	1	26	447	5255	*1539
Sept. 19,	907	2	26	452	5255	3527
Sept. 19,	907	11	26	455	5255	3537
Sept. 19,	907	13	26	455	5255	*1539
Sept. 19,	907	15	26	456	1273	902
Sept. 19,	907	15	26	456	5255	3527
Sept. 19,	908	1	26	465	3894	2659
Sept. 19,	908	2	26	466	3929	2686
Sept. 19,	908	3	26	466	4041	2749
Sept. 25,	909	1–2	26	466	2568	1766
Sept. 25,	911	1	26	467	2601	1795
Sept. 25,	912	1	26	467	2533	1727
Sept. 25,	917	1	26	470	2578	1772
Sept. 25,	917	1	26	470	2579	1774
Sept. 25,	917	2	26	470	3004	1982
Sept. 25,	922	1	26	474	549	437
Sept. 25,	926	1–2	26	478	2475	*686
Sept. 26,	944	1	26	484	3510	2342
Sept. 26,	945	1–3	26	485	3511	2343
Sept. 27,	998	1	26	491	1342	969
Sept. 27,	1001	1	26	492	1835	1249
Sept. 27,	1001	7	26	495	1835	1249
Sept. 29,	1040	1–3	26	496	2490	1598
Sept. 29,	1040	6	26	498	2490	1600
Sept. 29,	1047	1	26	501	2601	1796
Sept. 30,	1121	1	26	502	2394	1461
Sept. 30,	1125	1	26	504	1260	891
Sept. 30,	1126	1	26	510	2536	1736
Sept. 30,	1126	1	26	511	257	144
Sept. 30,	1126	1	26	511	2805	1874
Sept. 30,	1126	1	26	537	1090	747
Oct. 1,	1239	1	26	561	2490	1610
Oct. 1,	1240	1–2	26	561	2490	1610
Oct. 1,	1241	1–3	26	562	1204	849
Oct. 1,	1244	26	26	618	3244	2101
Oct. 1,	1244	28	26	618	3381	2210
Oct. 1,	1244	29	26	618	3383	2210
Oct. 1,	1244	30	26	619	3368	2203
Oct. 1,	1244	31	26	619	3363	2202
Oct. 1,	1244	32	26	619	3392	2219
Oct. 1,	1244	33	26	620	3357	2198
Oct. 1,	1244	34	26	620	3389	2218
Oct. 1,	1244	35	26	620	3387	2217
Oct. 1,	1244	36–40	26	620	—	2226
Oct. 1,	1244	41	26	621	—	2235
Oct. 1,	1244	42–49	26	621	3328	2171
Oct. 1,	1244	53	26	624	3237	2092
Oct. 1,	1244	54	26	624	2970	1950
Oct. 1,	1256	1–8	26	645	59	34
Oct. 1,	1256	9	26	646	237	130
Oct. 1,	1256	10	26	646	59	36
Oct. 1,	1259	2	26	648	1120	817
Oct. 1,	1260	1	26	648	3860	2630
Oct. 1,	1262	1	26	650	2399	1474
Oct. 1,	1263	1–3	26	650	2463	*631
Oct. 1,	1266	1	26	653	—	295
Oct. 1,	1266	2	26	653	1195	846
Oct. 1,	1266	3–5	26	653	—	296
Oct. 1,	1266	9	26	653	—	297
Oct. 1,	1267	1–2	26	655	2594	1788
Oct. 1,	1269	2	26	657	2247	1372
Dec. 11,	2	1	26	687	548	428
Dec. 18,	22	1	26	690	2634	1814
Dec. 22,	26	1	26	692	4426	3029
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Jan. 13,	70	1	26	716	1225	863
Jan. 16,	74	1	26	718	4824	3335

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Jan. 19,	80	1	26	722	1348	*369
Feb. 6,	113	1	26	733	180	91
Feb. 9,	122	1	26	737	1216	857
Feb. 10,	127	1–5	26	742	5462	3686
Feb. 10,	128	1	26	743	—	3163
Feb. 10,	130	1	26	746	4783	3297
Feb. 10,	130	1	26	746	5486	3703
Feb. 16,	238	1	26	763	1258	880
Feb. 18,	244	1	26	764	2490	1601
Feb. 21,	250	1	26	765	4178	2830
Feb. 21,	250	2	26	765	4178	2831
Feb. 21,	251	1	26	766	2568	1767
Feb. 21,	252	1–2	26	766	231	121
Feb. 24,	282	1	26	767	537	352
Feb. 24,	283	1	26	769	1673	1144
Feb. 24,	283	1	26	769	3717	2497
Feb. 24,	284	1	26	773	1131	821
Feb. 24,	284	1	26	779	1197	847
Feb. 24,	287	1	26	782	554	450
Feb. 28,	384	1	26	796	2275	1381
Feb. 28,	384	1	26	796	2276	1382
Mch. 2,	493	1	26	799	544	405
Mch. 2,	494	1	26	807	3676	2451
Mch. 2,	498	1	26	824	1230	870
Mch. 3,	517	1	26	826	607	488
Mch. 3,	517	2–15	26	826	—	547
Mch. 3,	519	1–9	26	830	4011	2727
Mch. 3,	521	1–2	26	833	—	3177
Mch. 3,	525	1–2	26	836	2533	1728
Mch. 3,	529	1–9	26	839	5550	3725
Mch. 3,	533	1–8	26	842	2475	*687
Mch. 3,	538	1–13	26	851	1093	758
Mch. 3,	539	1–2	26	854	—	765
Mch. 3,	539	4–19	26	856	—	766
Mch. 3,	540	1	26	867	2729	1845
Mch. 3,	540	1	26	872	1274	905
Mch. 3,	541	1	26	914	69	40
Mch. 3,	541	1	26	923	4806	3325
Mch. 3,	541	1	26	934	415	284
Mch. 3,	541	1	26	944	389	219
Mch. 3,	541	1	26	945	349	204
Mch. 3,	541	1	26	947	554	451
Mch. 3,	541	3	26	948	3518	2350
Mch. 3,	542	1	26	948	4249	2923
Mch. 3,	542	1	26	968	2649	1820
Mch. 3,	542	1	26	973	2038	1278
Mch. 3,	542	1	26	979	4791	3304
Mch. 3,	542	1	26	984	4834	3348
Mch. 3,	543	16	26	1026	2490	1617
Mch. 3,	543	37	26	1043	2490	1617
Mch. 3,	544	1	26	1050	3297	2149
Mch. 3,	547	1	26	1079	4017	2735
Mch. 3,	547	1	26	1081	408	229
Mch. 3,	548	1	26	1082	4724	3261
Mch. 3,	548	1	26	1082	4786	3301
Mch. 3,	548	2	26	1082	4780	3295
Mch. 3,	548	3	26	1083	4744	3278
Mch. 3,	551	1–4	26	1084	2164	1294
Mch. 3,	551	5	26	1085	2164	1292
Mch. 3,	551	6–11	26	1085	2164	1296
Mch. 3,	551	13	26	1086	2164	1300
Mch. 3,	552	1	26	1087	2591	1786
Mch. 3,	555	1–7	26	1089	—	3189
Mch. 3,	559	1	26	1093	2463	1531
Mch. 3,	561	1	26	1095	2464	1535
Mch. 3,	561	2	26	1096	2464	1549
Mch. 3,	561	3	26	1097	2288	1385
Mch. 3,	561	4	26	1097	2257	1381
Mch. 3,	561	5	26	1097	2289	1388
Mch. 3,	561	5	26	1097	2290	1389
Mch. 3,	561	6	26	1098	2301	1406
Mch. 3,	561	7	26	1098	2457	1521
Mch. 3,	561	8	26	1099	2457	1521
Mch. 3,	561	8	26	1099	2463	1531
Mch. 3,	561	9	26	1099	2353	1443
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Mch. 3,	561	11–14	26	1099	2394	1467
Mch. 3,	561	16	26	1101	2392	1459
Mch. 3,	561	17	26	1101	2298	1405
Mch. 3,	561	17	26	1101	2464	1554
Mch. 3,	561	18–21	26	1101	2477	1570
Mch. 3,	561	24	26	1103	2464	1537
Mch. 3,	562	1	26	1103	4787	3302
Mch. 3,	565	1	26	1106	4952	3406
Mch. 3,	565	2	26	1107	4954	3407
Mch. 3,	565	3	26	1107	4956	3407
Mch. 3,	565	4	26	1108	4958	3409
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Mch. 3,	565	8	26	1109	4965	3414
Mch. 3,	565	9	26	1109	4967	3416
Mch. 3,	565	10–13	26	1109	4971	3417
Mch. 3,	566	1–4	26	1110	535	338
Mch. 3,	566	6	26	1110	535	339
Mch. 3,	568	1	26	1418	4722	3260
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Feb. 26,	10	1	27	4	2990	1971
Mch. 8,	11	1	27	5	2990	1972
Mch. 8,	12	1	27	5	469	266
Mch. 9,	14	1	27	7	866	664
Mch. 10,	15	1	27	7	540	393
Mch. 21,	20	1–2	27	11	537	368
Mch. 26,	23	1	27	12	2568	1767
Mch. 29,	25	1	27	12	1216	857
Mch. 31,	28	1–2	27	12	550	444
Mch. 31,	29	1–4	27	12	2582	1778
Apr. 7,	37	1–2	27	14	2568	1767
Apr. 7,	39	1–2	27	15	548	428
Apr. 11,	40	1	27	15	4829	3339
Apr. 11,	41	1–2	27	16	4489	3057
Apr. 13,	43	1	27	16	2990	1972
Apr. 13,	44	1	27	16	2990	1972
Apr. 15,	47	1	27	19	2578	1771
Apr. 19,	50	1	27	20	540	388
Apr. 19,	50	3	27	20	540	389
May 3,	59	1–4	27	24	537	357
May 5,	60	1–9	27	25	2164	1319
May 9,	62	1	27	27	215	113
May 10,	63	1–4	27	27	4132	2806
May 11,	66	1	27	29	2599	1793

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June 3,	85	1	27	40	2578	1772
June 3,	86	1	27	41	2807	1875
June 3,	86	1	27	41	2881	1913
June 4,	88	1-2	27	41	2552	1748
June 25,	133	1	27	59	2490	1601
June 30,	137	1	27	61	2990	1967
June 30,	328	1-5	27	336	1215	855
July 5,	145	1-6	27	72	535	342
July 5,	145	8	27	73	550	446
July 5,	147	1	27	76	529	294
July 5,	147	1	27	80	—	3222
July 6,	154	1	27	87	3578	2394
July 13,	158	5	27	111	5255	3527
July 13,	161	1	27	119	4713	3252
July 13,	162	1	27	120	1181	840
July 13,	164	9	27	145	469	266
July 13,	165	5	27	148	3999	2718
July 14,	168	1	27	14	2990	1973
July 14,	169	1	27	149	4698	3240
July 16,	195	1	27	177	1766	1209
July 16,	195	1	27	178	1240	875
July 16,	195	1	27	178	1293	921
July 16,	195	1	27	178	1297	922
July 16,	196	1	27	200	3259	2114
July 16,	196	1	27	183	4818	3331
July 16,	196	1	27	194	277	157
July 16,	196	1	27	197	337	194
July 16,	196	1	27	199	3663	2438
July 16,	196	1	27	200	3295	2135
July 16,	196	1	27	200	3320	2166
July 16,	196	1	27	200	3323	2167
July 16,	196	1	27	222	—	555
July 19,	206	1	27	243	3718	2498
July 19,	206	1	27	245	419	239
July 19,	206	1	27	245	1571	1080
July 20,	209	1-5	27	252	984	706
July 21,	215	1	27	254	2990	1973
July 22,	231	1	27	257	4249	2923
July 26,	248	1-2	27	267	4130	2787
July 26,	249	1-2	27	268	3941	2693
July 26,	251	1	27	270	2291	1393
July 26,	255	1-4	27	272	4714	3254
July 26,	256	1-4	27	272	463	263
July 27,	264	1	27	273	2990	1973
July 27,	267	1	27	275	217	115
July 27,	269	1-2	27	276	1204	851
July 27,	270	1-4	27	276	1168	835
July 27,	272	1	27	277	1342	947
July 27,	272	1	21	277	1342	964
July 27,	272	1	27	277	1342	968
July 27,	272	2	27	277	1342	965
July 27,	272	3	27	277	1342	945
July 27,	272	4	27	278	1202	849
July 27,	273	1	27	278	1230	872
July 27,	277	1-6	27	281	4740	3273
July 28,	311	2	27	313	1595	1088
July 28,	315	1	27	321	1603	1094
July 28,	316	1	27	321	3751	2529
July 28,	317	1	27	322	5192	3491
July 29,	320	15	27	325	—	2521
July 30,	328	1-5	27	336	1215	855

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Aug. 3.	360	1	27	345	5238	3513
Aug. 3,	361	1	27	347	848	655
Aug. 4,	375	1	27	348	2333	1434
Aug. 4,	375	2	27	348	2464	1545
Aug. 4,	375	2	27	348	2464	1547
Aug. 4,	375	3	27	348	2333	1434
Aug. 5.	379	1-2	27	348	4743	3275
Aug. 5,	380	1	27	351	—	2522
Aug. 5,	380	1	27	354	4249	2923
Aug. 5,	380	1	27	362	3671	2447
Aug. 5,	380	1	27	368	2249	1374
Aug. 5,	380	1	27	373	2038	1278
Aug. 5,	380	1	27	384	4834	3348
Dec. 22,	8	1	27	407	2562	1757
Dec. 22,	11	1	27	408	2990	1973
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Jan. 5,	18	1	27	413	4731	3267
Jan. 23,	41	1	27	421	3868	2638
Jan. 27,	50	1	27	426	4249	2924
Jan. 28,	51	1	27	426	1113	812
Jan. 31,	54	1	27	427	2490	1602
Feb. 3,	58	1	27	429	4740	3274
Feb. 6,	64	1-2	27	431	5255	3550
Feb. 8,	69	1	27	434	2578	1773
Feb. 9,	74	8	27	436	705	573
Feb. 9,	74	9	27	436	4911	3391
Feb. 11,	83	1	27	443	—	3173
Feb. 13,	103	1	27	444	2463	1531
Feb. 13,	105	1-8	27	445	4289	2946
Feb. 15,	114	1-8	27	449	4796	3312
Feb. 15,	119	1-2	27	456	2357	1446
Feb. 18,	136	1	27	458	1673	1144
Feb. 20,	146	1	27	468	—	2522
Feb. 21,	149	1	27	470	—	775
Feb. 21,	151	1	27	472	2990	1974
Feb. 27,	167	1-4	27	477	3756	2589
Feb. 27,	167	1-4	27	477	—	3766
Feb. 27,	168	1	27	478	1280	910
Feb. 27,	168	1	27	479	1188	843
Feb. 27,	168	1	27	480	1270	901
Feb. 27,	168	1	27	480	1273	903
Feb. 27,	168	1	27	484	3716	2493
Mch. 1,	182	1	27	497	1675	1152
Mch. 1,	182	1	27	500	4130	2788
Mch. 1,	183	1-25	27	507	5255	3553
Mch. 1,	186	1	27	515	1309	928
Mch. 1,	186	1	27	520	1341	940
Mch. 2,	196	1-8	27	531	—	3174
Mch. 3,	199	1	27	551	2038	1278
Mch. 3,	199	1	27	553	3686	*1047
Mch. 3,	206	1-6	27	569	2164	1300
Mch. 3,	206	6	27	570	2164	1292
Mch. 3,	206	7-10	27	570	2164	1300
Mch. 3,	208	1	27	587	3444	2273
Mch. 3,	208	1	27	591	1755	1200
Mch. 3,	208	1	27	593	2306	1416
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Mch. 3,	208	1	27	603	3665	2439

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Mch. 3,	210	1	27	653	4834	3349
Mch. 3,	211	1	27	675	4130	2784
Mch. 3,	211	1	27	689	337	195
Mch. 3,	211	1	27	709	2207	1356
Mch. 3.	211	1	27	714	619	497
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Mch. 3,	212	1	27	715	1560	1074
Mch. 3,	212	1	27	715	3718	2498
Mch. 3,	212	1	27	716	423	241
Mch. 3,	212	1	27	716	1417	1006
Mch. 3,	212	1	27	716	3676	2451
Mch. 3,	212	1	27	717	422	240
Mch. 3,	212	1	27	717	1421	1009
Mch. 3,	212	1	27	732	3718	2499
Mch. 3,	213	1	27	733	3915	2678
Mch. 3,	215	1	27	743	—	*1471
Mch. 3,	220	1	27	745	532	319
Mch. 3,	221	1–3	27	746	3570	2380
Mch. 3,	225	1–3	27	751	993	710
Mch. 3,	226	1	27	751	766	597
Nov. 1,	8	1	28	4	3526	2355
Nov. 3,	9	1	28	5	535	344
Nov. 3,	10	1–7	28	5	546	411
Nov. 3,	13	1	28	7	1225	863
Nov. 3,	14	1	28	7	2164	1321
Nov. 3,	14	2	28	7	2164	1322
Dec. 12,	1	1	28	15	2490	1602
Dec. 21,	3	1	28	16	4739	3270
Dec. 21,	3	1	28	19	1093	764
Dec. 21,	6	1	28	21	389	219
1894						
Jan. 11,	10	1–2	28	26	2247	1372
Jan. 22,	16	1	28	28	4430	3031
Jan. 22,	17	1	28	28	407	228
Jan. 27,	21	2	28	31	4032	2743
Jan. 27,	21	3	28	31	3860	2625
Jan. 27,	21	4	28	32	4032	2744
Jan. 27,	21	6	28	32	4039	2748
Jan. 27,	21	7	28	32	4033	2745
Jan. 27,	21	8	28	32	4044	2751
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Jan. 27,	21	11	28	33	4040	2749
Jan. 27,	21	12–13	28	33	4034	2747
Jan. 27,	22	1	28	33	3709	2484
Feb. 8,	25	1–3	28	36	2005	1273
Mch. 10,	34	1	28	40	2593	1787
Mch. 12,	36	1	28	41	5579	3742
Mch. 12,	36	1	28	41	5580	3743
Mch. 12,	36	1	26	41	5591	3748
Mch. 14,	38	1	28	43	4249	2924
Mch. 29,	49	1–5	28	47	277	157
Apr. 6,	57	1–12	28	53	4398	3006
Apr. 21,	61	2	28	62	3709	2486
Apr. 24,	63	1	28	64	4398	3007
Apr. 30,	66	1–6	28	67	538	373
Apr. 30,	66	8	28	68	538	374
May 7,	71	1	28	73	2535	1734
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May 30,	87	1	28	84	2448	1515
June 5,	91	1	28	85	4398	3011
June 5,	92	1	28	85	2774	1863
June 5,	92	2	28	86	2869	1908
July 3,	122	1	28	99	1379	993
July 3,	123	1–2	28	99	548	436
July 12,	131	1–2	28	101	3570	2381
July 12,	132	1–2	28	102	538	376
July 16,	137	1	28	104	3860	2630
July 16,	137	1	28	105	3875	2653
July 16,	137	2	28	106	3916	2680
July 16,	137	4	28	107	241	132
July 18,	141	1	28	113	4774	3291
July 18,	144	1–2	28	114	539	382
July 18,	144	4–9	28	115	539	383
July 23,	147	1	28	115	607	488
July 23,	149	1–2	28	117	534	332
July 26,	163	1–3	28	122	2457	1522
July 26,	165	1	28	136	1514	1043
July 26,	164	1–2	28	123	2291	1394
July 26,	165	1	28	124	1521	1048
July 26,	165	1	28	124	2166	1332
July 26,	165	1	28	132	425	241
July 26,	165	1	28	138	1612	1097
July 26,	166	1	28	150	211	107
July 26,	166	1	28	151	4130	2789
July 26,	167	1	28	151	1314	930
July 31,	174	1	28	162	51	21
July 31,	174	1	28	172	2752	1852
July 31,	174	1	28	173	235	128
July 31,	174	1	28	179	4806	3326
July 31,	174	1	28	197	—	1490
July 31,	174	1	28	204	556	452
July 31,	174	2	28	205	1763	1206
July 31,	174	3	28	205	276	154
July 31,	174	4	28	205	268	148
July 31,	174	4	28	206	3625	2418
July 31,	174	4	28	206	3633	2420
July 31,	174	5	28	205	268	148
July 31,	174	6	28	206	271	151
July 31,	174	7	28	206	277	159
July 31,	174	7	28	207	456	258
July 31,	174	8–9	28	207	277	159
July 31,	174	10	28	208	235	128
July 31,	174	11–12	28	209	277	163
July 31,	174	12	28	209	3622	2416
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July 31,	174	15	28	210	257	144
July 31,	174	16	28	210	307	181
July 31,	174	17	28	210	886	671
July 31,	174	18	28	210	3743	2510
July 31,	174	19	28	210	2639	1816
July 31,	174	20–25	28	210	277	166
Aug. 1,	176	1	28	212	1465	1028
Aug. 1,	179	1–3	28	215	1118	814
Aug. 3,	192	1	28	219	1536	1055
Aug. 3,	194	1–2	28	221	540	392
Aug. 3,	197	1–2	28	222	2533	1729
Aug. 3,	198	1	28	222	2475	1565
Aug. 3,	202	1	28	225	4249	2914

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Aug. 4,	213	1	28	229	4803	3322
Aug. 6,	227	1	28	233	5365	3641
Aug. 6,	227	2	28	233	5366	3642
Aug. 6,	228	1	28	235	1225	864
Aug. 6,	228	1	28	236	3675	2449
Aug. 6,	228	1	28	237	1273	903
Aug. 8,	236	1–2	28	263	2477	1572
Aug. 8,	238	1	28	270	529	294
Aug. 8,	238	1	28	271	—	3222
Aug. 8,	238	1	28	272	524	289
Aug. 8,	238	1	28	274	—	298
Aug. 9,	244	1–4	28	274	543	398
Aug. 11,	256	1	28	277	2582	1779
Aug. 13,	280	1–2	28	278	—	2523
Aug. 13,	281	1–2	28	278	3583	2398
Aug. 13,	282	1–2	28	279	3468	2315
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Aug. 13,	282	5–8	28	279	3468	2316
Aug. 13,	284	1	28	281	—	2873
Aug. 15,	288	1	28	285	2399	1474
Aug. 15,	290	4	28	312	3732	2505
Aug. 18,	299	2	28	360	5255	3538
Aug. 18,	299	3	28	360	5255	3536
Aug. 18,	299	4	28	362	5255	3525
Aug. 18,	299	5	28	362	5255	3538
Aug. 18,	300	1	28	372	4796	3313
Aug. 18,	301	1	28	378	2753	1854
Aug. 18,	301	1	28	383	3570	2382
Aug. 18,	301	1	28	384	1835	1251
Aug. 18,	301	1	28	390	2164	1303
Aug. 18,	301	1	28	391	3687	2459
Aug. 18,	301	1	28	392	2549	1744
Aug. 18,	301	1	28	394	2413	1483
Aug. 18,	301	1	28	397	2306	1417
Aug. 18,	301	1	28	403	217	116
Aug. 18,	301	1	28	405	216	115
Aug. 18,	301	1	28	406	1661	1133
Aug. 18,	301	1	28	410	4835	3350
Aug. 18,	301	1	28	411	4834	3349
Aug. 18,	301	1	28	412	3913	2675
Aug. 18,	301	1	28	412	4828	3339
Aug. 18,	301	1	28	412	4829	3340
Aug. 18,	301	1	28	412	4831	3344
Aug. 18,	301	1	28	416	824	634
Aug. 18,	301	1	28	416	829	639
Aug. 18,	301	1	28	416	1014	717
Aug. 18,	301	1	28	418	4130	2789
Aug. 18,	301	4	28	422	2464	1554
Aug. 20,	302	1	28	423	2401	1477
Aug. 20,	302	2	28	423	2403	1478
Aug. 23,	310	1	28	488	2562	1757
Aug. 23,	313	1	28	491	4249	2924
Aug. 23,	314	1–2	28	491	2490	1611
Aug. 23,	316	1	28	492	4833	3346
Aug. 23,	319	1	28	499	4765	3285
Aug. 27,	341	1–2	28	504	535	339
Aug. 27,	349	25	28	552	3564	2375
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Aug. 27,	349	34	28	557	3167	2058
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Aug. 27,	349	38–46	28	560	3435	2256
Aug. 27,	349	47	28	562	3446	2275
Aug. 27,	349	48	28	563	3251	2109
Aug. 27,	349	49–60	28	563	3296	2141
Aug. 27,	349	62	28	567	3244	2102
Aug. 27,	349	63–65	28	567	3157	2052
Aug. 27,	349	66	28	567	3320	2166
Aug. 27,	349	67	28	568	3262	2117
Aug. 27,	349	68	28	568	3328	2172
Aug. 27,	349	69	28	568	3244	2102
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Dec. 13,	3	1	28	594	2446	1503
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Dec. 29,	14	1	28	599	2297	1400
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Jan. 12,	23	96	28	624	3915	2679
Jan. 12,	23	97–100	28	624	3756	2585
Jan. 16,	24	2	28	624	4146	2810
Jan. 16,	24	3	28	625	4320	2962
Jan. 16,	24	4–6	28	624	4214	2846
Jan. 16,	29	1	28	630	1309	929
Jan. 19,	34	1–3	28	634	2301	1408
Jan. 21,	37	1	28	635	2477	1572
Jan. 25,	43	1	28	637	3529	2363
Jan. 25,	45	1	28	639	1433	1017
Feb. 4,	55	1	28	642	543	400
Feb. 4,	55	2	28	642	543	401
Feb. 8,	59	1	28	643	607	488
Feb. 8,	61	1	28	643	—	3171
Feb. 8,	64	1–5	28	645	—	2886
Feb. 12,	83	1	28	658	1144	828
Feb. 15,	92	1–2	28	664	2490	1612
Feb. 18,	94	1	28	665	607	489
Feb. 18,	96	1	28	666	—	551
Feb. 18,	97	1	28	667	4504	3065
Feb. 19,	102	1–4	28	672	4233	2899
Feb. 19,	103	1–2	28	672	4249	2924
Feb. 20,	105	1–3	28	673	3495	2335
Feb. 25,	128	1	28	680	1624	1119
Feb. 25,	128	1	28	680	1624	1120
Feb. 26,	133	1	28	687	2455	1519
Feb. 27,	137	1	28	689	1624	1120
Feb. 28,	139	1	28	690	4434	3033
Feb. 28,	140	1	28	692	4025	2739
Mch. 1,	146	1	28	699	4400	3015
Mch. 1,	146	2	28	699	4414	3020
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Mch. 2,	177	1	28	769	11	6
Mch. 2,	177	1	28	771	52	27
Mch. 2,	177	1	28	776	268	150
Mch. 2,	177	1	28	777	276	154
Mch. 2,	177	1	28	780	2164	1304
Mch. 2,	177	1	28	780	4806	3326
Mch. 2,	177	1	28	784	3495	2336
Mch. 2,	177	1	28	787	3716	2494
Mch. 2,	177	1	28	788	217	116
Mch. 2,	177	1	28	803	3735	2507
Mch. 2,	177	1	28	806	537	358
Mch. 2,	177	3	28	807	459	260
Mch. 2,	177	4	28	807	277	165
Mch. 2,	177	5	28	807	256	142
Mch. 2,	177	5	28	807	1759	1203
Mch. 2,	177	6	28	808	3711	2487
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Mch. 2,	177	9	28	808	2815	1878
Mch. 2,	177	10	28	809	886	671
Mch. 2,	180	1	28	814	967	701
Mch. 2,	181	1	28	814	1230	872
Mch. 2,	182	1	28	814	2490	1613
Mch. 2,	186	1	28	825	4414	3020
Mch. 2,	186	1	28	826	1417	1006
Mch. 2,	186	1	28	826	1461	1026
Mch. 2,	186	1	28	827	1546	1063
Mch. 2,	186	1	28	837	1528	1051
Mch. 2,	186	1	28	838	1519	1045
Mch. 2,	187	1	28	843	1762	1205
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Mch. 2,	189	1	28	933	197	99
Mch. 2,	189	1	28	933	2919	1928
Mch. 2,	189	1	28	937	2413	1484
Mch. 2,	189	1	28	949	4882	3379
Mch. 2,	189	1	28	956	833	642
Mch. 2,	189	1	28	957	5550	3728
Mch. 2,	189	1	28	958	715	580
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Mch. 2,	194	1	28	965	4965	3414
Mch. 3,	1482	6	33	1148	5255	*1551
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Jan. 6,	4	1	29	2	2562	1758
Jan. 23,	8	1	29	4	2490	1603
Feb. 7,	12	1–2	29	5	5348	3632
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Feb. 18,	22	1	29	8	1309	929
Feb. 20,	28	1–2	29	11	2464	1537
Feb. 26,	33	1	29	25	856	657
Feb. 27,	34	1	29	32	3659	2431
Mch. 2,	37	1	29	39	5294	3607
Mch. 2,	39	1–3	29	42	2490	1603
Mch. 4,	40	1	29	43	2464	1537
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Mch. 13,	54	1	29	57	4702	3242
Mch. 16,	58	1–3	29	60	2591	1786
Mch. 16,	59	1	29	60	1284	913
Mch. 16,	59	1	29	61	1179	841
Mch. 16,	59	1	29	62	1260	891
Mch. 16,	59	1	29	63	1290	917
Mch. 20,	62	1	29	72	2568	1768
Mch. 28,	73	1	29	75	182	91
Apr. 6,	90	1	29	85	2533	1729
Apr. 24,	120	1–2	29	96	1546	1063
Apr. 25,	140	1	29	106	527	290
May 9,	164	1	29	115	2880	1913
May 11,	168	1–3	29	116	2394	1465
May 14,	179	2	29	120	2477	1573
May 15,	182	1–2	29	120	—	975
May 18,	191	1	29	121	2535	1734
May 18,	192	1	29	121	4249	2925
May 18,	195	1	29	122	2491	1703
May 19,	199	1	29	122	4466	3047
May 19,	200	1	29	123	2603	1798
May 19,	204	1	29	124	493	276
May 19,	208	1–5	29	126	5255	3539
May 21,	212	1–4	29	127	2477	1573
May 21,	217	1	29	129	2981	1953
May 22,	231	1	29	133	1673	1147
May 22,	232	1–2	29	134	2581	1775
May 25,	238	1	29	135	533	326
May 25,	239	1	29	136	3719	2499
May 25,	244	1	29	138	4249	2925
May 28,	252	1	29	143	1825	1244
May 28,	252	1	29	148	3679	2455
May 28,	252	1	29	149	2752	1853
May 28,	252	1	29	171	519	280
May 28,	252	1	29	176	3735	2507
May 28,	252	1	29	177	—	556
May 28,	252	3	29	179	166	84
May 28,	252	4	29	179	277	165
May 28,	252	5	29	179	3621	2416
May 28,	252	6–18	29	179	793	611
May 28,	252	19	29	184	627	499
May 28,	252	19	29	184	1014	717
May 28,	252	20	29	184	628	501
May 28,	252	21	29	184	847	652
May 28,	252	23	29	185	385	215
May 28,	252	24	29	186	793	618
May 28,	255	1	29	188	4131	2803
May 28,	255	2–3	29	188	4131	2804
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June 6,	337	1–19	29	253	—	2236
June 6,	338	1	29	258	1159	832
June 8,	370	1	29	262	3875	2653
June 8,	371	1–4	29	263	2998	1978
June 8,	373	1	29	268	3618	2415
June 8,	373	1	29	270	2919	1928
June 8,	373	1	29	275	3578	2395
June 8.	373	1	29	285	416	237
June 9,	386	1	29	313	3864	2633
June 9,	386	1	29	313	3871	2639
June 9,	386	1	29	315	4005	2724
June 9,	386	1	29	316	3668	2444
June 10,	394	1	29	317	658	541
June 10,	398	1	29	342	2490	1618
June 10,	398	1	29	343	2413	1486
June 10,	399	1	29	361	1556	1072
June 10,	399	1	29	361	1576	1082
June 10,	399	1	29	361	1417	1007
June 10,	399	1	29	361	1440	1019
June 10,	399	1	29	370	3676	2452
June 10,	399	1	29	370	3721	2501
June 10,	399	1	29	372	1537	1056
June 10,	399	1	29	376	1612	1097
June 10,	400	1–4	29	380	5550	3729
June 10,	401	1	29	381	—	2868
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June 10,	403	1–2	29	384	2562	1758
June 10,	404	1	29	384	2582	1779
June 10,	406	1	29	385	4249	2925
June 11,	418	1	29	393	2990	1974
June 11,	420	1	29	413	2464	1555
June 11,	420	1	29	413	2464	1556
June 11,	420	1	29	414	3495	2337
June 11,	420	1	29	421	2754	1855
June 11,	420	1	29	421	3578	2395
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June 11,	420	1	29	445	4835	3350
June 11,	420	1	29	453	3756	2595
June 11,	422	1–2	29	456	548	429
June 11,	422	4–5	29	457	548	430
June 11,	424	1	29	458	3848	2616
Dec. 22,	3	1	29	481	782	606
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Jan. 6,	4	1	29	481	4966	3415
Jan. 13,	11	1–4	29	484	2477	1574
Jan. 15,	29	1–5	29	487	5325	3620
Jan. 18,	61	1	29	489	4426	3029
Jan. 18,	62	1–3	29	490	2490	1621
Jan. 18,	62	5	29	491	2490	1622
Jan. 18,	62	7–8	29	490	2490	1623
Jan. 20,	67	1	29	491	4178	2830
Jan. 20,	67	2	29	491	4178	2831
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Jan. 20,	68	1	29	492	—	556
Jan. 21,	83	1	29	494	4249	2926
Jan. 26,	92	1	29	497	1216	857
Jan. 28,	106	1–2	29	502	540	389
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Feb. 8,	178	1–5	29	516	548	430
Feb. 9,	205	1	29	517	4829	3339
Feb. 10,	214	1	29	519	1341	940
Feb. 11,	216	1	29	526	2333	1434
Feb. 13,	221	1	29	526	1368	989
Feb. 13,	223	1	29	527	4249	2927
Feb. 15,	231	1	29	530	4414	3020
Feb. 16,	234	1	29	530	1212	854
Feb. 17,	248	1	29	805	4722	3260
Feb. 18,	250	1	29	535	2490	1604
Feb. 18,	251	1	29	536	4249	2927
Feb. 19,	263	1	29	536	—	547
Feb. 19,	263	1	29	536	—	557
Feb. 19,	265	1	29	544	88	48
Feb. 19,	265	1	29	546	155	76
Feb. 19,	265	1	29	550	277	168
Feb. 19,	265	1	29	554	4806	3326
Feb. 19,	265	1	29	559	3495	2337
Feb. 19,	265	1	29	577	—	776
Feb. 19,	265	1	29	577	793	618
Feb. 19,	265	3	29	578	996	711
Feb. 20,	268	1	29	590	201	102
Feb. 20,	268	1	29	590	3913	2676
Feb. 20,	269	1–2	29	590	533	321
Feb. 20,	269	5–9	29	591	533	322
Feb. 24,	310	1–3	29	592	1661	1133
Feb. 24,	311	1–4	29	593	1292	919
Feb. 24,	313	1–3	29	594	2463	1532
Feb. 25,	316	1–2	29	595	1783	1213
Feb. 26,	335	1	29	599	2464	1556
Feb. 27,	340	1	29	559	3926	2685
Feb. 27,	341	1	29	600	767	600
Mch. 2,	354	1	29	600	5238	3514
Mch. 2,	358	1–12	29	604	—	3194
Mch. 2,	363	1–8	29	618	4066	*1168
Mch. 2,	366	1–5	29	620	548	435
Mch. 3,	372	1–5	29	621	—	976
Mch. 3,	375	1	29	624	1835	1251
Mch. 3,	376	1–3	29	624	3511	2344
Mch. 3,	377	1	29	625	5459	3684
Mch. 3,	378	1	29	625	4878	3378
Mch. 3,	379	1–8	29	626	3297	2150
Mch. 3,	385	1	29	644	413	230
Mch. 3,	385	1	29	648	241	133
Mch. 3,	385	1	29	648	3668	2444
Mch. 3,	385	1	29	648	4020	2736
Mch. 3,	386	1	29	658	3676	2452
Mch. 3,	386	1	29	661	1528	1051
Mch. 3,	386	1	29	663	5260	3576
Mch. 3,	389	1	29	687	4507	3067
Mch. 3,	389	2	29	688	4153	2820
Mch. 3,	389	3	29	688	4576	3104
Mch. 3,	389	4	29	689	4541	3085
Mch. 3,	389	5	29	689	4233	2896
Mch. 3,	389	6	29	689	4542	3085
Mch. 3,	389	7	29	689	4545	3086
Mch. 3,	389	8	29	689	4504	3065
Mch. 3,	389	9	29	689	4382	2993

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Mch. 3,	389	12	29	690	4233	2897
Mch. 3,	389	12	29	690	4233	2896
Mch. 3,	389	13	29	690	4233	2899
Mch. 3,	389	14	29	690	4418	3026
Mch. 3,	389	15	29	691	2834	1884
Mch. 3,	389	16	29	691	4153	2821
Mch. 3,	389	17	29	691	2797	1871
Mch. 3,	389	18	29	691	5347	3631
Mch. 3,	389	19	29	691	4511	3068
Mch. 3,	389	20	29	691	4153	2821
Mch. 3,	390	1	29	692	705	574
Mch. 3,	391	1	29	692	4886	3382
Mch. 3,	391	2	29	692	4920	3394
Mch. 3,	391	3	29	692	4887	3382
Mch. 3,	391	4	29	692	4894	3384
Mch. 3,	391	5	29	692	4898	3387
Mch. 3,	391	6	29	692	4921	3395
Mch. 3,	391	7–8	29	692	4894	3385
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Mch. 3,	394	1	29	695	—	2227
Mch. 3,	395	1	29	695	742	589
Apr. 23,	1	1	30	10	—	298
June 4,	2	1	30	11	—	3768
June 4,	2	1	30	11	—	*1711
June 4,	2	1	30	17	2752	1853
June 4,	2	1	30	18	240	132
June 4,	2	1	30	26	235	129
June 4,	2	1	30	30	2525	1718
June 4,	2	1	30	30	2526	1719
June 4,	2	1	30	34	2464	1538
June 4,	2	1	30	39	431	245
June 4,	2	1	30	48	3665	2439
June 4,	2	1	30	54	4824	3336
June 4,	2	1	30	61	3756	2591
June 4,	2	1	30	62	3756	2597
June 7,	3	1	30	86	192	95
June 7,	3	1	30	87	2490	1618
June 7,	3	11	30	93	3678	2454
June 7,	4	1–6	30	96	—	2876
June 23,	8	1	30	105	2490	1623
July 19,	9	1	30	105	88	50
July 19,	9	1	30	105	4830	3342
July 19,	9	1	30	136	64	38
July 24,	11	1–8	30	151	2491	1626
July 24,	11	9	30	206	3341	2188
July 24,	11	10	30	206	3394	2221
July 24,	11	11–13	30	207	2491	1694
July 24,	11	14	30	207	2981	1955
July 24,	11	15	30	207	2982	1956
July 24,	11	16–28	30	208	2491	1696
July 24,	11	29	30	210	2982	1957
July 24,	11	30	30	211	3020	1991
July 24,	11	31	30	211	2491	1701
July 24,	11	32	30	211	2839	1893
July 24,	11	32	30	211	2907	1924
July 24,	11	33–34	30	213	2491	1701
July 24,	13	1	30	214	4228	2856
July 24,	14	2–3	30	215	2207	1357
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Feb. 17,	26	3	30	248	4347	2973
Feb. 17,	26	4	30	248	3109	2030
Feb. 17,	26	5	30	249	4347	2973
Feb. 17,	28	1	30	249	2517	1715
Mch. 11,	57	1	30	274	3480	2323
Mch. 14,	60	1	30	276	4766	3288
Mch. 15,	68	1	30	277	268	150
Mch. 15,	68	1	30	286	2693	1835
Mch. 15,	68	1	30	288	275	152
Mch. 15,	68	1	30	296	3495	2337
Mch. 15,	68	3	30	316	3683	2457
Mch. 15,	68	4	30	277	—	3769
Mch. 15,	68	4	30	316	3756	2597
Mch. 15,	68	6	30	316	3711	2487
Mch. 15,	68	7	30	316	162	81
Mch. 15,	68	8	30	317	846	651
Mch. 15,	68	9	30	317	3860	2630
Mch. 15,	68	10	30	317	241	133
Mch. 15,	69	1	30	326	1661	1134
Mch. 15,	69	1	30	326	3716	2495
Mch. 21,	82	1	30	330	2535	1734
Mch. 23,	86	1	30	340	4440	3036
Apr. 21,	184	1	30	360	4414	3020
Apr. 21,	186	1	30	361	2568	1768
Apr. 22,	187	1–15	30	361	1242	876
Apr. 26,	191	3	30	365	1280	910
Apr. 26,	191	6	30	365	1280	910
Apr. 26,	191	7	30	365	1261	895
Apr. 29,	229	3–4	30	368	2490	1592
May 4,	234	1	30	369	1537	1056
May 4,	234	1	30	373	422	240
May 4,	234	1	30	374	431	245
May 4,	234	1	30	380	1368	990
May 4,	234	1	30	390	1531	1053
May 4,	236	1–2	30	397	548	431
May 11,	292	1	30	404	2477	1573
May 11,	292	2	30	404	2477	1575
May 14,	234	1	30	380	1370	991
May 14,	297	1	30	406	4249	2927
May 14,	299	1	30	409	2303	1412
May 14,	299	2–9	30	409	2477	1575
May 14,	299	10	30	413	2394	1469
May 14,	299	11	30	414	2463	1533
May 14,	299	12	30	414	2256	1378
May 14,	299	13	30	415	2319	1424
May 14,	299	14	30	415	3008	1983
May 17,	339	1–2	30	416	629	516
May 17,	340	1	30	417	5550	3730
May 17,	341	1	30	417	2927	1930
May 18,	344	1–2	30	418	2357	1446
May 19,	347	1	30	419	3902	2667
May 21,	348	1	30	420	3495	2337
May 28,	367	1	30	421	1242	880
May 28,	367	2	30	421	1242	881
June 1,	369	1	30	423	535	343
June 1,	369	2	30	423	535	344
June 1,	370	1–12	30	424	—	3205
June 6,	389	1	30	432	1757	1202

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June 13,	446	1	30	443	3913	2676
June 13,	446	2	30	444	3948	2697
June 13,	446	3	30	444	3860	2631
June 13,	446	4	30	444	3898	2664
June 13,	448	1-3	30	448	—	2286
June 13,	448	3	30	450	3152	2048
June 13,	448	4-17	30	450	—	2290
June 13,	448	19-31	30	456	—	2297
June 13,	448	32	30	466	3693	2476
June 13,	448	34	30	467	3526	2356
June 13,	448	35-49	30	467	—	2241
June 13,	448	50	30	470	2491	1703
June 13,	448	51	30	470	—	2311
June 15,	451	1-2	30	471	4249	2927
June 16,	458	1	30	473	2305	1414
June 17,	463	1-5	30	474	1406	1001
June 18,	469	1-4	30	483	1342	961
June 18,	469	5	30	483	1342	970
June 18,	469	6	30	483	1120	817
June 18.	469	7	30	483	1342	963
June 23,	494	1	30	487	2578	1773
June 24,	495	1-2	30	487	793	618
June 27,	503	1	30	494	1093	753
June 27,	503	2	30	494	1093	753
June 27,	504	1	30	495	—	776
June 29,	536	1	30	522	2599	1793
June 29,	538	1	30	525	1242	882
July 1,	541	1	30	544	4972	3418
July 1,	541	2-4	30	545	—	*1491
July 1,	541	5-11	30	547	—	3424
July 1,	541	12	30	549	—	*1495
July 1,	541	13	30	549	—	3427
July 1,	541	14	30	550	—	*1496
July 1,	541	15-16	30	550	—	3428
July 1,	541	17	30	550	—	*1496
July 1,	541	18	30	551	—	*1497
July 1,	541	19-20	30	551	—	3429
July 1,	541	21	30	551	—	*1498
July 1,	541	22	30	551	—	3431
July 1,	541	23	30	552	—	*1499
July 1,	541	24-32	30	553	—	3431
July 1,	541	33-39	30	555	—	3435
July 1,	541	40	30	556	—	*1500
July 1,	541	41-46	30	556	—	3437
July 1,	541	47-48	30	557	—	*1500
July 1,	541	49-54	30	558	—	3439
July 1,	541	55-56	30	559	—	3442
July 1,	541	57-60	30	560	—	*1503
July 1,	541	61-63	30	562	—	3446
July 1,	541	64-65	30	563	—	*1507
July 1,	541	66	30	564	—	3448
July 1,	541	67	30	564	—	*1509
July 1,	541	68-69	30	565	—	3450
July 1,	541	70	30	565	—	*1511
July 1,	543	1-7	30	570	1835	1251
July 1,	544	1	30	571	1132	822
July 1,	546	1	30	597	—	*1711
July 1,	546	1	30	604	2752	1854
July 1,	546	1	30	604	2756	1855
July 1,	546	1	30	604	4249	2927
July 1,	546	1	30	605	3578	2395
July 1,	546	1	30	614	—	2524
July 1,	546	1	30	618	2463	1533
July 1,	546	1	30	623	4839	3355
July 1,	546	1	30	624	4863	3366
July 1,	546	1	30	640	2033	1276
July 1,	546	1	30	640	4834	3350
July 1,	546	1	30	644	714	579
July 1,	546	1	30	648	3756	2597
July 1,	546	3	30	649	1093	753
July 2,	563	1-3	30	651	2324	1428
July 2,	564	1	30	652	2543	1741
July 7,	571	1	30	653	162	82
July 7,	571	1	30	656	3157	2053
July 7,	571	1	30	661	3546	2369
July 7,	571	1	30	672	1816	1238
July 7,	571	1	30	674	2394	1466
July 7,	571	1	30	682	533	323
July 7,	571	1	30	685	540	391
July 7,	571	1	30	687	51	22
July 7,	571	1	30	708	1595	1089
July 7,	576	1-2	30	717	5391	3652
July 7,	578	1	30	718	4746	3279
July 7,	583	1	30	721	1233	873
July 8,	636	1	30	722	1341	941
July 8,	642	1	30	728	1132	822
Dec. 21,	28	1	30	755	4516	3071
Dec. 21,	28	2	30	755	4522	3074
Dec. 21,	28	3	30	755	4526	3076
Dec. 21,	28	4	30	756	4529	3077
Dec. 21,	28	5	30	756	4530	3078
Dec. 21,	28	6	30	756	4547	3087
Dec. 21,	28	7	30	757	4556	3092
Dec. 21,	28	8	30	757	4557	3093
Dec. 21,	28	9	30	757	4558	3094
Dec. 21,	28	10	30	757	4559	3094
Dec. 21,	28	11	30	758	4561	3095
Dec. 21,	28	12	30	758	4564	3097
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Dec. 21,	28	14	30	758	4568	3099
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Dec. 21,	28	18	30	760	4583	3109
Dec. 21,	28	19	30	760	4596	3113
Dec. 21,	28	20	30	761	4597	3115
Dec. 21,	28	21	30	761	4600	3116
Dec. 21,	28	22	30	761	4611	3120
Dec. 21,	28	23	30	762	4612	3120
Dec. 21,	28	24	30	763	4531	3080
Dec. 21,	28	25-26	30	764	4531	3081
Dec. 21,	29	1	30	764	4438	3034
Dec. 21,	29	2	30	764	4439	3035
Dec. 21,	29	3	30	765	4440	3036
Dec. 21,	29	4	30	765	4417	3024
Dec. 21,	32	1-4	30	769	546	409
Dec. 21,	36	1	30	770	1697	1174
Dec. 21,	36	2	30	771	1698	1175
Dec. 21,	36	3	30	771	1734	1188

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Feb. 2,	81	1	30	812	548	432
Feb. 2,	81	3–4	30	813	548	432
Feb. 2,	83	1	30	814	547	418
Feb. 2,	83	3	30	814	547	418
Feb. 2,	84	1	30	814	2090	1974
Feb. 8,	121	1	30	822	956	697
Feb. 14,	154	1	30	836	27	12
Feb. 14,	155	1–3	30	836	536	348
Feb. 20,	168	1	30	838	2567	1761
Feb. 21,	172	1	30	839	2990	1975
Feb. 21,	177	1	30	843	3287	2130
Feb. 23,	186	1	30	846	607	489
Feb. 24,	187	1	30	846	—	776
Feb. 24,	187	1	30	864	162	82
Feb. 24,	187	1	30	884	394	223
Feb. 24,	187	4	30	890	162	83
Feb. 24,	187	4	30	890	1790	1217
Feb. 27,	205	1	30	892	2403	1480
Feb. 28,	221	1–2	30	908	2464	1543
Feb. 28,	227	1	30	915	4896	3385
Mch. 1,	325	1	30	957	3709	2487
Mch. 1,	327	1	30	964	4011	2730
Mch. 1,	327	1	30	964	4025	2739
Mch. 1,	327	1	30	965	3874	2643
Mch. 1,	327	1	30	965	4017	2735
Mch. 1,	327	2	30	965	3860	2631
Mch. 1,	327	3	30	965	4005	2724
Mch. 1,	327	4	30	966	3913	2676
Mch. 1,	327	5	30	966	4037	2748
Mch. 1,	328	1	30	966	2490	1623
Mch. 2,	350	1	30	976	533	323
Mch. 2,	351	1	30	977	539	384
Mch. 2,	351	3	30	977	539	384
Mch. 2,	352	2	30	977	1102	809
Mch. 2,	352	2–3	30	977	1280	911
Mch. 2,	352	3	30	978	1099	808
Mch. 2,	352	4	30	978	1106	809
Mch. 2,	352	4	30	978	1118	815
Mch. 2,	352	4	30	978	1280	911
Mch. 2,	352	7	30	979	1123	818
Mch. 2,	352	9	30	979	1280	912
Mch. 2,	352	16	30	981	1291	918
Mch. 2,	362	1	30	984	3875	2654
Mch. 2,	374	1–8	30	990	2477	1581
Mch. 2,	378	1	30	995	1362	981
Mch. 2,	379	1	30	995	539	384
Mch. 2,	393	1–4	30	1002	548	432
Mch. 3,	413	1–7	30	1004	1363	982
Mch. 3,	413	8–9	30	1006	1456	1023
Mch. 3,	413	10	30	1006	1403	998
Mch. 3,	413	11	30	1007	1457	1025
Mch. 3,	413	12	30	1007	1406	999
Mch. 3,	413	13	30	1007	1556	1072
Mch. 3,	413	14–15	30	1007	1406	1000
Mch. 3,	413	16	30	1008	1418	1007
Mch. 3,	413	16	30	1008	1573	1081
Mch. 3,	413	17	30	1008	1465	1028
Mch. 3,	413	18–24	30	1008	1596	1090
Mch. 3,	413	25	30	1009	1420	1008
Mch. 3,	413	26	30	1009	1363	985
Mch. 3,	419	1–33	30	1014	2175	1336
Mch. 3,	421	1	30	1024	1556	1073
Mch. 3,	421	1	30	1024	1596	1092
Mch. 3,	421	1	30	1027	4813	3328
Mch. 3,	421	1	30	1038	425	242
Mch. 3,	421	1	30	1038	1368	990
Mch. 3,	423	2	30	1074	4130	2791
Mch. 3,	424	1	30	1074	—	*1712
Mch. 3,	424	1	30	1074	3578	2395
Mch. 3.	424	1	30	1081	5255	3552
Mch. 3,	424	1	30	1085	5593	3749
Mch. 3,	424	1	30	1097	2464	1543
Mch. 3,	424	1	30	1098	2413	1487
Mch. 3,	424	1	30	1101	4869	3371
Mch. 3,	424	1	30	1116	370	210
Mch. 3,	425	1	30	1148	5255	3561
Mch. 3,	425	7	30	1150	5255	3527
Mch. 3,	425	9–20	30	1151	5255	3540
Mch. 3,	426	1	30	1161	1093	751
Mch. 3,	427	1	30	1233	2477	1584
Mch. 3,	427	1	30	1237	790	609
Mch. 3,	435	1–2	30	1349	3296	2147
Mch. 3,	441	1	30	1354	941	692
Mch. 3,	452	1–4	30	1368	560	453
Mch. 3,	454	1	30	1372	2491	1704
Mch. 3,	458	1–3	30	1377	1835	1253
Mch. 3,	460	1	30	1379	4766	3286
1900						
Feb. 1,	7	1–3	31	3	2175	1349
Feb. 7,	10	1–9	31	5	547	418
Feb. 7,	11	1	31	6	3852	2622
Feb. 9,	13	1	31	7	4843	3356
Feb. 10,	15	1–2	31	27	4130	2791
Feb. 10,	16	1	31	27	548	429
Feb. 14,	19	1	31	29	4290	2948
Feb. 19,	22	1–3	31	30	—	2874
Feb. 20,	23	2	31	32	5255	3542
Feb. 20,	23	3	31	32	5255	3547
Feb. 26,	25	1	31	33	1093	758
Mch. 14,	41	1–3	31	45	3526	2357
Mch. 14,	41	4	31	45	235	129
Mch. 14,	41	5	31	47	3526	2358
Mch. 14,	41	6	31	47	254	141
Mch. 14,	41	7–9	31	47	3526	2359
Mch. 14,	41	10	31	48	5138	3461
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Mch. 14,	41	12	31	49	5171	3475
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Mch. 23,	90	1	31	50	4445	3038
Mch. 30,	118	1	31	58	3756	2598
Mch. 31,	120	1–4	31	58	4252	2940
Apr. 12,	185	1–6	31	73	535	339
Apr. 12,	186	1	31	74	548	433
Apr. 12,	188	1	31	75	2990	1975
Apr. 17,	192	1	31	97	157	77
Apr. 17,	192	1	31	107	3145	2044
Apr. 17,	192	1	31	107	3152	*937
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Apr. 17,	192	1	31	121	440	252
Apr. 17,	192	1	31	132	—	776
Apr. 18,	244	1	31	136	4716	3256
Apr. 18,	245	1	31	136	549	438
Apr. 18,	246	1	31	137	2990	1975
Apr. 23,	251	1	31	137	4731	3267
Apr. 30,	339	S7	31	158	3141	2041
Apr. 30,	339	S8	31	159	2604	1799
May 3,	344	1	31	165	539	384
May 5,	349	1	31	169	2463	1532
May 5,	349	2	31	170	2463	1532
May 5,	349	3	31	170	2463	1533
May 9,	385	1	31	171	4703	3244
May 9,	385	1	31	170	4693	3231
May 9,	387	1–4	31	172	5255	3548
May 10,	389	1–4	31	174	2175	1351
May 10,	390	1–2	31	174	546	410
May 12,	391	1	31	175	541	394
May 12,	391	2	31	175	541	395
May 12,	391	3	31	175	572	471
May 12,	391	4	31	175	658	536
May 12,	391	5–9	31	176	541	395
May 12,	393	1–3	31	177	3446	2276
May 17,	479	1–2	31	179	2490	1618
May 18,	481	1	31	179	537	368
May 18,	482	1	31	180	534	333
May 19,	484	1	31	180	2490	1614
May 21,	487	1	31	181	3005	1982
May 22,	489	1	31	181	2555	1751
May 23,	541	1	31	182	864	663
May 24,	549	1–3	31	183	547	420
May 24,	550	1–2	31	183	1427	1014
May 25,	553	1	31	187	526	290
May 25,	553	2–5	31	188	—	3181
May 25,	555	1	31	202	—	301
May 25,	555	1	31	202	—	3192
May 25,	555	1	31	204	—	299
May 26,	586	1	31	208	1280	912
May 26,	586	1	31	209	1190	844
May 26,	586	1	31	209	1260	891
May 26,	586	1	31	210	1179	841
May 26,	586	1	31	213	1290	917
May 26,	586	1	31	216	4837	3353
May 26,	586	1	31	217	4832	3346
May 26,	589	1	31	218	2604	1799
May 26,	590	1	31	218	548	433
May 26,	590	3–4	31	219	548	433
May 26,	591	1–3	31	219	550	444
May 29,	594	1–10	31	219	533	326
May 31,	598	1	31	241	2490	1619
May 31,	600	1	31	249	2774	1863
June 1,	601	1–5	31	249	537	353
June 2,	613	1	31	257	3865	2637
June 2,	613	1	31	259	4020	2736
June 2,	614	1	31	262	4414	3020
June 2,	615	1–3	31	262	2175	1352
June 4,	623	1	31	266	2517	1715
June 5,	714	1	31	266	2990	1975
June 5,	715	1	31	266	—	*1444
June 5,	716	2–3	31	269	2298	1405
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June 5,	717	1	31	270	953	696
June 6,	781	1–2	31	274	658	541
June 6,	784	1–6	31	277	4130	2792
June 6,	785	1	31	282	—	2525
June 6,	785	1	31	294	4830	3342
June 6,	789	1	31	577	5498	3708
June 6,	790	3	31	584	5255	*1540
June 6,	791	1	31	591	—	2525
June 6,	791	1	31	596	4249	2928
June 6,	791	1	31	611	235	129
June 6,	791	1	31	611	2164	1305
June 6,	791	1	31	612	1817	1239
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June 6,	791	1	31	613	2243	1371
June 6,	791	1	31	616	—	776
June 6,	791	1	31	618	2175	1352
June 6,	791	1	31	618	2475	1566
June 6,	791	1	31	620	4865	3369
June 6,	791	1	31	631	5255	3561
June 6,	791	1	31	632	3756	2599
June 6,	791	1	31	636	4829	3341
June 6,	791	1	31	637	282	169
June 6,	791	1	31	639	846	651
June 6,	791	1	31	642	98	53
June 6,	792	4	31	656	1315	931
June 6,	793	1	31	656	5270	3591
June 6,	796	1	31	658	2352	1441
June 6,	797	1	31	658	3592	2405
June 6,	801	1	31	660	3875	2654
June 6,	803	1	31	660	—	551
June 6,	805	1	31	662	1661	1131
June 6,	818	1	31	682	2527	1722
June 6,	819	1–3	31	682	5255	3552
June 6,	821	1	31	683	2291	1393
June 7,	859	1	31	685	1566	1077
June 7,	859	1	31	697	1368	990
June 7,	859	1	31	697	4809	3327
June 7,	859	1	31	697	1556	1073
June 7,	859	1	31	702	424	241
June 7,	859	1	31	703	1462	1027
June 7,	859	1	31	703	1514	1043
June 7,	860	1	31	708	1290	917
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Jan. 14,	13	1	31	730	537	353
Jan. 14,	13	2	31	730	537	354
Jan. 16,	92	1–2	31	733	533	323
Jan. 16,	93	1–5	31	733	20	9
Jan. 19,	102	1	31	735	547	420
Jan. 19,	102	3	31	735	547	421
Jan. 22,	105	1	31	736	531	316
Jan. 22,	105	1–7	31	736	549	440
Jan. 22,	105	9–14	31	737	549	442
Jan. 24,	164	1–8	31	739	540	389
Jan. 26,	180	1	31	740	2490	1620
Jan. 28,	184	5	31	745	4832	3346
Jan. 31,	186	1	31	745	2333	1435
Feb. 1,	189	1	31	745	2568	1768
Feb. 1,	190	1	31	746	1546	1063
Feb. 2,	192	1–32	31	748	1094	784
Feb. 2,	192	34	31	757	1094	803
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Feb. 11,	351	1	31	766	2990	1976
Feb. 12,	355	1	31	781	531	316
Feb. 12,	355	1–7	31	781	537	360
Feb. 12,	355	9–14	31	783	537	362
Feb. 12,	363	1	31	788	4774	3291
Feb. 12,	363	1	31	788	4775	3292
Feb. 15,	372	1	31	790	2477	1584
Feb. 15,	373	1	31	791	2990	1976
Feb. 18,	377	1	31	793	5255	3530
Feb. 19,	382	1–6	31	798	548	433
Feb. 20,	383	1	31	798	2990	1976
Feb. 20,	385	1	31	799	2990	1977
Feb. 20,	386	1	31	799	4472	3050
Feb. 23,	465	1–2	31	800	4466	3047
Feb. 23,	466	1–3	31	801	2175	1353
Feb. 25,	478	1	31	809	—	*1449
Feb. 26,	607	1–4	31	810	1225	865
Feb. 27,	614	1	31	815	2477	1585
Feb. 27,	615	1	31	816	2581	1776
Feb. 28,	621	1–6	31	818	535	341
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Mch. 1,	674	1	31	847	2304	1413
Mch. 1,	674	1	31	847	2305	1413
Mch. 1,	677	1	31	873	1673	1147
Mch. 2,	800	1–16	31	877	4130	2795
Mch. 2,	801	1–7	31	880	545	405
Mch. 2,	802	1	31	892	1744	1194
Mch. 2,	802	1	31	893	4122	2779
Mch. 2,	803	1	31	895	4130	2799
Mch. 2,	803	1	31	896	1291	919
Mch. 2,	803	1	31	899	1094	805
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Mch. 2,	804	1	31	911	1325	933
Mch. 2,	804	1	31	912	1111	810
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Mch. 3,	832	1	31	1077	2490	1620
Mch. 3,	833	1	31	1085	2490	1614
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Mch. 3,	857	1	31	1437	2990	1977
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Mch. 3,	861	1	31	1439	2517	1715
Mch. 3,	862	1	31	1439	2463	1534
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Mch. 3,	881	1	31	1458	548	434
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Mch. 10,	144	1	32	58	537	*136
Mch. 11,	180	1	32	63	2479	*733
Mch. 11,	182	1	32	63	2294	*595
Mch. 22,	272	1	32	81	4130	*1174
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Apr. 12,	501	1–10	32	100	2749	*876
Apr. 12,	502	1–2	32	101	4249	*1204
Apr. 12,	503	1	32	102	5136	*1514
Apr. 21,	563	1	32	112	3874	*1123
Apr. 21,	563	1	32	113	3874	*1124
Apr. 21,	563	1	32	114	3735	*1066
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Apr. 28,	594	1	32	125	1816	*476
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May 9,	783	1	32	193	4929	*1457
May 9,	784	1	32	193	—	*1339
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May 22,	820	1–3	32	202	2475	*690
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June 17,	1093	1–8	32	388	2463	*662
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June 24,	1155	1	32	398	4139	*1189
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June 27,	1156	1	32	399	4740	*1404
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June 28,	1306	1	32	485	4130	*1175
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July 1,	1368	1	32	680	1585	*410
July 1,	1368	1	32	683	1363	*373
July 1,	1368	1	32	686	1512	*385
July 1,	1368	1	32	686	1513	*385
July 1,	1368	1	32	687	1596	*412
July 1,	1369	76–77	32	710	3568	*998
July 1,	1369	79–83	32	710	3568	*999
July 1,	1369	84	32	711	2770	*891
July 1,	1369	85	32	711	3592	*1012
July 1,	1369	87	32	712	215	*39
July 1,	1370	1–9	32	712	4796	*1411
July 1,	1372	1	32	715	2529	*847
July 1,	1379	1	32	730	2743	*874
July 1,	1386	1	32	733	2479	*724
Dec. 16,	2	1	32	753	2737	*873
Dec. 18,	5	1–2	32	756	2276	*590
Dec. 23,	11	1	32	760	2990	*927
1903						
Jan. 9.	63	1–6	32	765	2475	*691
Jan. 12,	90	1	32	767	—	*554
Jan. 13,	134	1	32	770	3296	*955
Jan. 14,	186	1–8	32	770	3568	*1000
Jan. 15,	190	1	32	773	4698	*1395
Jan. 21,	196	1–26	32	775	1625	*422
Jan. 22,	197	1	32	780	2594	*867
Jan. 30,	338	1	32	786	3756	*1085
Jan. 31,	344	1–5	32	790	2246	*577
Feb. 2,	349	1–3	32	791	—	*1350
Feb. 5,	487	1–19	32	797	—	*1493
Feb. 9,	529	1	32	806	1014	*276
Feb. 9,	529	2	32	807	5278	*1584
Feb. 9,	531	1	32	820	2479	*734
Feb. 11,	543	1	32	822	2479	*728
Feb. 11,	544	1–2	32	823	—	*1383
Feb. 12,	548	1	32	825	2333	*611
Feb. 14,	552	1–10	32	825	—	*114
Feb. 14,	552	11	32	830	201	*34
Feb. 14,	552	12–13	32	830	—	*123
Feb. 14,	553	1–5	32	830	1094	*284
Feb. 19,	708	1–5	32	847	—	*1309
Feb. 24,	753	1	32	854	2855	*909
Feb. 25,	755	1	32	865	98	*21
Feb. 25,	755	1	32	866	201	*34
Feb. 25,	755	1	32	877	3152	*938
Feb. 25,	755	1	32	884	217	*43
Feb. 25,	755	1	32	885	1167	*318
Feb. 25,	755	1	32	904	—	*1313
Feb. 28,	858	1–3	32	920	4708	*1400
Mch. 2,	975	1	32	930	1179	*320
Mch. 2,	975	1	32	932	1094	*286
Mch. 2,	975	1	32	932	1259	*335
Mch. 2,	975	1	32	932	1275	*349
Mch. 2,	975	1	32	933	1260	*337
Mch. 2,	975	1	32	934	1094	*287
1903						
Mch. 2,	975	1	32	934	1260	*337
Mch. 2,	975	1	32	939	1137	*314
Mch. 2,	976	1–3	32	943	—	*1314
Mch. 2,	977	1	32	944	4698	*1396
Mch. 2,	980	1–3	32	952	3568	*1001
Mch. 2,	980	4	32	953	3568	*998
Mch. 2,	980	5–13	32	953	3568	*1002
Mch. 2,	982	1	32	955	2990	*927
Mch. 3,	993	1	32	982	4249	*1205
Mch. 3,	995	1	32	1011	1315	*360
Mch. 3,	995	1	32	1012	1309	*358
Mch. 3,	995	1	32	1021	1094	*286
Mch. 3,	1002	1	32	1028	2303	*606
Mch. 3,	1006	1	32	1040	—	*984
Mch. 3,	1006	1	32	1043	4850	*1430
Mch. 3,	1006	1	32	1048	3484	*989
Mch. 3,	1006	1	32	1082	3668	*1027
Mch. 3,	1007	1	32	1109	3526	*994
Mch. 3,	1007	1	32	1112	3751	*1075
Mch. 3,	1007	1	32	1113	2038	*493
Mch. 3,	1007	1	32	1119	—	*97
Mch. 3,	1007	1	32	1122	1835	*482
Mch. 3,	1007	1	32	1130	2475	*693
Mch. 3,	1007	1	32	1137	4830	*1422
Mch. 3,	1007	1	32	1141	793	*259
Mch. 3,	1007	1	32	1145	3756	*1086
Mch. 3,	1009	1	32	1166	3858	*1113
Mch. 3,	1009	1	32	1174	3926	*1137
Mch. 3,	1009	1	32	1175	4017	*1151
Mch. 3,	1009	2	32	1175	3874	*1124
Mch. 3,	1009	4	32	1176	3869	*1122
Mch. 3,	1009	6	32	1176	408	*71
Mch. 3,	1009	9	32	1176	3898	*1131
Mch. 3,	1010	1	32	1197	1363	*374
Mch. 3,	1010	1	32	1197	1367	*375
Mch. 3,	1010	1	32	1197	1513	*385
Mch. 3,	1010	1	32	1198	1363	*374
Mch. 3,	1010	1	32	1198	1513	*386
Mch. 3,	1010	1	32	1198	1517	*387
Mch. 3,	1010	1	32	1198	1519	*388
Mch. 3,	1010	1	32	1198	1596	*412
Mch. 3,	1012	34	32	1221	1815	*475
Mch. 3,	1014	1	32	1223	5192	*1526
Mch. 3,	1019	1	32	1225	4887	*1453
Mch. 3,	1019	2	32	1226	4892	*1454
Mch. 3,	1021	1	32	1228	4731	*1403
Dec. 17,	1	1–2	33	3	2491	*739
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Jan. 25,	35	1	33	9	2543	*851
Jan. 30,	39	1	33	9	3756	*1086
Jan. 30,	40	1	33	9	2544	*852
Feb. 6,	151	1	33	11	2602	*868
Feb. 18,	160	1	33	41	1089	*278
Mch. 1,	388	1	33	58	—	*555
Mch. 4,	393	1	33	58	5250	*1530
Mch. 4,	394	1	33	59	2294	*596
Mch. 9,	503	1–2	33	64	2457	*627
Mch. 11,	505	1–2	33	65	2477	*715
Mch. 16,	550	1–2	33	83	2256	*581
Mch. 18,	715	1–2	33	85	2581	*861
Mch. 18,	716	1	33	104	4796	*1415
Mch. 18,	716	1	33	106	3152	*938

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Mch. 18,	716	1	33	109	3495	*991
Mch. 18,	716	1	33	111	3665	*1023
Mch. 18,	716	1	33	117	416	*73
Mch. 18,	716	1	33	135	349	*65
Mch. 18,	716	1	33	139	—	*526
Mch. 18,	716	3	33	142	1765	*465
Mch. 22,	748	1	33	144	2238	*573
Mch. 24,	815	1	33	145	2535	*849
Apr. 6,	862	1	33	159	3756	*1089
Apr. 8,	945	1	33	163	4698	*1396
Apr. 11,	1140	1	33	168	4504	*1272
Apr. 12,	1245	1	33	171	2517	*847
Apr. 12,	1246	1	33	171	2568	*857
Apr. 12,	1249	1	33	173	2475	*684
Apr. 13,	1252	1–2	33	174	4607	*1275
Apr. 19,	1396	1	33	185	891	*273
Apr. 19,	1398	1	33	186	454	*87
Apr. 20,	1400	1–13	33	187	2475	*693
Apr. 21,	1402	1	33	211	2457	*628
Apr. 21,	1402	6	33	217	468	*92
Apr. 21,	1403	1–4	33	225	1225	*327
Apr. 21,	1404	1–4	33	226	1094	*287
Apr. 22,	1413	1	33	242	4249	*1206
Apr. 22,	1414	1	33	242	2566	*855
Apr. 22,	1414	1	33	243	2566	*856
Apr. 22,	1414	2	33	243	2567	*856
Apr. 22,	1414	3	33	243	2566	*856
Apr. 22,	1415	1–2	33	243	2479	*729
Apr. 23,	1485	1	33	261	1094	*288
Apr. 23,	1485	1	33	262	1094	*288
Apr. 23,	1485	1	33	263	1094	*290
Apr. 23,	1485	1	33	264	1254	*334
Apr. 23,	1485	1	33	264	1259	*336
Apr. 23,	1485	1	33	264	1260	*338
Apr. 23,	1485	1	33	266	1094	*290
Apr. 23,	1485	1	33	266	1268	*344
Apr. 23,	1485	1	33	273	1178	*319
Apr. 23,	1485	1	33	274	1216	*324
Apr. 23,	1485	1	33	276	1094	*291
Apr. 23,	1485	1	33	276	1663	*441
Apr. 23,	1485	1	33	276	1673	*444
Apr. 23,	1496	1	33	306	2479	*729
Apr. 25,	1600	1	33	306	2479	*730
Apr. 26,	1603	1–2	33	308	4531	*1273
Apr. 27,	1612	1	33	313	3913	*1132
Apr. 27,	1618	1–7	33	316	4850	*1430
Apr. 27,	1621	1	33	324	4249	*1206
Apr. 27,	1622	1	33	337	1546	*400
Apr. 27,	1622	1	33	345	1399	*377
Apr. 27,	1622	1	33	346	1367	*376
Apr. 27,	1622	1	33	349	1622	*416
Apr. 27,	1625	1–2	33	362	3095	*935
Apr. 27,	1626	1	33	362	—	*551
Apr. 27,	1627	1	33	362	2990	*927
Apr. 27,	1630	1	33	396	3687	*1048
Apr. 27,	1630	1	33	398	3663	*1021
Apr. 27,	1630	1	33	401	215	*40
Apr. 27,	1630	1	33	401	3484	*989
Apr. 27,	1630	1	33	403	418	*75
Apr. 27,	1630	1	33	403	1566	*407
Apr. 27,	1630	5	33	428	—	*524
Apr. 28,	1486	1	33	283	526	*105
Apr. 28,	1758	1–2	33	429	5255	*1572
Apr. 28,	1759	1	33	435	3738	*1066
Apr. 28,	1759	1	33	439	161	*27
Apr. 28,	1759	1	33	439	3874	*1125
Apr. 28,	1759	2	33	440	3896	*1130
Apr. 28,	1759	3	33	440	3732	*1064
Apr. 28,	1759	4	33	440	4017	*1152
Apr. 28,	1759	7	33	441	3913	*1132
Apr. 28,	1759	8	33	441	3831	*1110
Apr. 28,	1762	1	33	460	3617	*1012
Apr. 28,	1762	1	33	465	2542	*851
Apr. 28,	1762	1	33	478	—	*527
Apr. 28,	1762	1	33	485	453	*87
Apr. 28,	1762	1	33	488	2038	*494
Apr. 28,	1762	1	33	497	—	*1070
Apr. 28,	1762	1	36	479	1817	*478
Apr. 28,	1766	1–2	33	518	3716	*1059
Apr. 28,	1770	1	33	522	4249	*1206
Apr. 28,	1772	1–4	33	525	2352	*616
Apr. 28,	1776	1–3	33	527	2298	*597
Apr. 28,	1783	1	33	538	2529	*848
Apr. 28,	1785	1	33	539	2546	*852
Apr. 28,	1791	1	33	542	3756	*1090
Apr. 28,	1796	1	33	545	2327	*611
Apr. 28,	1801	1–3	33	547	2298	*598
Apr. 28,	1807	1	33	554	2592	*865
Apr. 28,	1825	1	33	574	2601	*868
Dec. 20,	20	1	33	595	1219	*326
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Jan. 5,	23	1–7	33	599	4130	*1176
Jan. 20,	50	1–2	33	610	3756	*1091
Jan. 24,	137	1–3	33	614	2463	*634
Feb. 1,	288	1	33	628	2463	*635
Feb. 1,	288	2	33	628	2463	*630
Feb. 1,	288	3	33	628	2463	*636
Feb. 1,	288	4	33	628	2477	*716
Feb. 1,	288	5	33	628	2463	*636
Feb. 2,	293	1	33	629	2533	*848
Feb. 3,	297	1	33	642	155	*24
Feb. 3,	297	1	33	647	277	*57
Feb. 3,	297	1	33	650	4796	*1416
Feb. 3,	297	1	33	652	3152	*938
Feb. 3,	297	1	33	657	3665	*1023
Feb. 3,	297	1	33	684	—	*498
Feb. 3,	297	4	33	687	1765	*465
Feb. 6,	453	6	33	692	—	*527
Feb. 6,	453	10	33	697	3568	*1004
Feb. 6,	454	1–2	33	698	5270	*1583
Feb. 6,	456	1	33	700	2463	*636
Feb. 7,	547	1–3	33	702	2463	*637
Feb. 8,	552	1	33	706	2463	*667
Feb. 9,	564	1–2	33	711	4252	*1210
Feb. 9,	567	1	33	714	2463	*667
Feb. 10,	571	1	33	714	1838	*485
Feb. 17,	580	1	33	718	2535	*850
Feb. 17,	582	1	33	719	2578	*859
Feb. 20,	592	1–30	33	724	4937	*1459
Feb. 20,	593	1	33	731	4858	*1435
Feb. 21,	720	1–3	33	732	—	*1376
Feb. 23,	733	1–2	33	733	4066	*1171
Feb. 23,	738	1–2	33	740	4850	*1433
Feb. 23,	744	1–3	33	743	—	*1316

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Feb. 25,	799	1–3	33	814	2556	*853
Feb. 28,	1163	1	33	818	5146	*1514
Mch. 1,	1293	1–2	33	819	4249	*1206
Mch. 1,	1295	1	33	820	1838	*485
Mch. 1,	1300	1	33	822	2990	*927
Mch. 2,	1306	1	33	826	2787	*894
Mch. 2,	1307	1	33	830	1094	*291
Mch. 2,	1307	1	33	831	1275	*350
Mch. 2,	1307	1	33	832	1188	*321
Mch. 2,	1307	1	33	836	1240	*332
Mch. 2,	1307	1	33	837	1137	*315
Mch. 2,	1307	1	33	840	1133	*313
Mch. 2,	1307	1	33	841	1673	*445
Mch. 2,	1311	1	33	843	2491	*740
Mch. 3,	1402	1	33	847	3668	*1027
Mch. 3,	1404	1	33	850	1309	*358
Mch. 3,	1404	1	33	850	1338	*364
Mch. 3,	1404	1	33	853	1111	*310
Mch. 3,	1405	1	33	872	2463	*637
Mch. 3,	1405	1	33	883	523	*101
Mch. 3,	1406	1	33	901	4864	*1438
Mch. 3,	1413	1–2	33	983	2732	*873
Mch. 3,	1416	1–2	33	986	1661	*435
Mch. 3,	1422	1	33	990	182	*29
Mch. 3,	1424	1	33	991	2288	*592
Mch. 3,	1450	1	33	1014	2256	*581
Mch. 3,	1453	1–2	33	1022	4405	*1234
Mch. 3,	1454	1	33	1023	4417	*1240
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Mch. 3,	1454	4	33	1025	4499	*1266
Mch. 3,	1454	6	33	1026	4417	*1241
Mch. 3,	1456	1	33	1027	4418	*1241
Mch. 3,	1456	2	33	1028	4480	*1263
Mch. 3,	1456	3	33	1028	4483	*1263
Mch. 3,	1456	4–5	33	1028	4418	*1242
Mch. 3,	1457	1	33	1028	4415	*1238
Mch. 3,	1457	2	33	1029	4416	*1239
Mch. 3,	1457	3	33	1029	4423	*1246
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Mch. 3,	1457	6	33	1030	4452	*1254
Mch. 3,	1457	7	33	1031	4470	*1259
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Mch. 3,	1457	9	33	1032	4498	*1266
Mch. 3,	1457	10	33	1032	4233	*1203
Mch. 3,	1457	11	33	1032	4415	*1239
Mch. 3,	1459	1	33	1032	2463	*668
Mch. 3,	1476	1	33	1045	2463	*668
Mch. 3,	1480	1	33	1085	3860	*1115
Mch. 3,	1480	1	33	1087	4002	*1145
Mch. 3,	1480	1	33	1088	4025	*1154
Mch. 3,	1480	2	33	1091	4051	*1165
Mch. 3,	1481	1	33	1111	424	*77
Mch. 3,	1481	1	33	1113	1596	*413
Mch. 3,	1482	4	33	1147	5255	*1555
Mch. 3,	1483	1	33	1164	1536	*393
Mch. 3,	1483	1	33	1168	—	*1072
Mch. 3,	1483	1	33	1182	3648	*1018
Mch. 3,	1483	1	33	1190	2038	*494
Mch. 3,	1483	1	33	1206	3668	*1027
Mch. 3,	1483	1	33	1207	793	*250
Mch. 3,	1483	1	33	1207	824	*266
Mch. 3,	1483	1	33	1212	3756	*1093
Mch. 3,	1484	1	33	1214	3665	*1022
Mch. 3,	1484	1	33	1217	3665	*1023
Mch. 3,	1484	1	33	1217	4219	*1196
Mch. 3,	1484	1	33	1233	472	*94
Mch. 3,	1484	1	33	1245	52	*17
Mch. 3,	1484	1	33	1249	3756	*1093
Mch. 3,	1487	1	33	1259	715	*254
Mch. 3,	1488	1	33	1259	3837	*1111
Mch. 3,	1495	1	33	1264	2463	*639
Mch. 3,	1496	1–6	33	1264	—	*1351
Mch. 3,	1501	1–4	33	1269	—	*1339
Dec. 21,	3	1	34	5	3693	*1053
Dec. 21,	3	2–3	34	5	5255	*1573
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Feb. 5,	83	1	34	11	2256	*582
Feb. 22,	500	1	34	17	4136	*1189
Feb. 27,	510	1	34	33	5255	*1574
Feb. 27,	510	1	34	36	463	*89
Feb. 27,	510	1	34	42	—	*124
Feb. 27,	510	3	34	48	3679	*1040
Mch. 15,	950	1	34	62	2463	*640
Mch. 16,	951	1–6	34	63	—	*1388
Mch. 17,	955	1–2	34	68	4400	*1232
Mch. 22,	1127	1–4	34	83	2475	*697
Mch. 23,	1130	1–8	34	84	5255	*1555
Mch. 27,	1347	1–3	34	88	2345	*613
Apr. 5,	1366	1–5	34	99	1690	*451
Apr. 5,	1366	6	34	101	1699	*456
Apr. 5,	1366	7–12	34	101	1690	*454
Apr. 9,	1370	1–6	34	104	1519	*388
Apr. 9,	1372	1–2	34	106	4414	*1236
Apr. 16,	1631	1–5	34	116	2463	*668
Apr. 19,	1640	1	34	123	4249	*1207
Apr. 19,	1640	2–3	34	123	2758	*889
Apr. 24,	1861	1	34	132	3528	*995
Apr. 24,	1865	1	34	136	4319	*1214
Apr. 24,	1865	2	34	136	4325	*1215
Apr. 24,	1865	3–4	34	136	4319	*1215
Apr. 26,	1874	1–2	34	136	5255	*1567
Apr. 26,	1875	1	34	137	4502	*1271
Apr. 26,	1877	1–2	34	148	2256	*582
Apr. 27,	1997	1	34	149	5550	*1702
May 3,	2078	1	34	168	2990	*927
May 3,	2079	1	34	168	2990	*928
May 4,	2081	1	34	168	4937	*1459
May 4,	2081	2–4	34	168	4937	*1470
May 11,	2448	1	34	186	3842	*1112
May 12,	2453	1–2	34	190	4348	*1217
May 12,	2454	1	34	190	2758	*890
May 16,	2460	1	34	198	4426	*1247
May 16,	2465	1	34	196	5255	*1543
May 23,	2552	1	34	198	2475	*699
May 23,	2553	1	34	199	2990	*928
May 25,	2554	1	34	199	2218	*572
May 26,	2556	1–7	34	200	2749	*880
May 28,	2565	1	34	204	4472	*1262
May 28,	2566	1	34	204	4347	*1216

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June 4,	2572	1	34	208	5255	*1550
June 7,	3046	1-6	34	215	3328	*959
June 7,	3047	1-4	34	217	3297	*955
June 7,	3048	1	34	218	—	*550
June 8,	3060	1-4	34	225	3751	*1075
June 9,	3066	1	34	228	2479	*730
June 9.	3067	1	34	229	2357	*619
June 11,	3072	1-3	34	231	5255	*1535
June 11,	3073	1-5	34	232	—	*1316
June 11,	3074	1-5	34	233	2463	*640
June 12,	3078	1	34	242	1094	*292
June 12,	3078	1	34	242	4819	*1421
June 12,	3078	1	34	245	1244	*333
June 12,	3078	1	34	245	1275	*350
June 12,	3078	1	34	246	1273	*348
June 12,	3078	1	34	246	1305	*356
June 12,	3078	1	34	248	1260	*338
June 12,	3078	1	34	248	1268	*344
June 12,	3078	1	34	249	1625	*434
June 12,	3078	1	34	250	1270	*345
June 12,	3078	1	34	255	1179	*320
June 12,	3078	1	34	255	3679	*1042
June 12,	3078	1	34	256	1094	*292
June 12,	3078	1	34	256	1178	*319
June 12,	3078	1	34	258	1133	*313
June 12,	3078	1	34	258	1673	*445
June 12,	3078	1	34	258	3716	*1059
June 12,	3288	1	34	259	2463	*670
June 13,	3289	1-8	34	260	—	*1377
June 14,	3299	1-5	34	263	4395	*1225
June 15,	3333	1	34	267	—	*1508
June 16,	3337	1	34	288	1675	*448
June 16,	3338	1	34	296	1507	*384
June 19,	3431	1	34	298	4249	*1207
June 19,	3433	1-7	34	299	4796	*1416
June 19,	3436	1-3	34	302	2578	*859
June 20,	3442	1-4	34	313	4395	*1220
June 20,	3447	3	34	324	4669	*1279
June 21,	3504	1	34	326	2479	*734
June 21,	3504	1	34	328	469	*93
June 21,	3504	1	34	330	2477	*716
June 21,	3508	1-8	34	386	5255	*1558
June 21,	3509	1	34	387	3240	*942
June 22,	3514	1	34	402	201	*34
June 22,	3514	1	34	402	201	*35
June 22,	3514	1	34	418	1094	*293
June 22,	3514	1	34	427	430	*79
June 22,	3514	4	34	448	3660	*1019
June 22,	3514	5-6	34	449	169	*28
June 22,	3514	7	34	449	192	*30
June 22,	3515	1-4	34	449	1061	*436
June 22,	3516	1	34	451	5200	*1527
June 22,	3518	1	34	451	1465	*384
June 23,	3519	1	34	452	2581	*861
June 23,	3520	1-6	34	452	2749	*882
June 23,	3521	1	34	453	3568	*1005
June 23,	3521	2	34	453	3568	*1004
June 23,	3523	1	34	454	153	*23
June 25,	3526	1-2	34	455	1094	*293
June 25,	3528	1	34	456	215	*40
June 25,	3536	1	34	460	—	*1439
June 25,	3540	1	34	463	3717	*1061
June 26,	3546	1	34	467	3874	*1126
June 26,	3546	1	34	475	3914	*1134
June 26,	3546	1	34	476	3915	*1134
June 26,	3546	1	34	477	3913	*1133
June 26,	3547	1-16	34	478	4395	*1226
June 26,	3548	1	34	481	2477	*717
June 26,	3550	1	34	482	2477	*717
June 27,	3554	1	34	517	2455	*627
June 27,	3559	1-5	34	519	2463	*670
June 28,	3565	1-2	34	536	2463	*645
June 28,	3569	1	34	539	2844	*909
June 28,	3573	1	34	546	627	*250
June 28,	3583	4	34	551	4531	*1274
June 28,	3585	1	34	552	1778	*467
June 29,	3590	1	34	553	1420	*381
June 29,	3590	1	34	554	1457	*382
June 29,	3590	1	34	554	1556	*402
June 29,	3590	1	34	554	1556	*403
June 29,	3590	1	34	554	1622	*416
June 29,	3590	1	34	555	415	*73
June 29,	3590	1	34	555	1556	*403
June 29,	3590	1	34	555	1569	*408
June 29,	3590	1	34	556	1420	*381
June 29,	3590	1	34	564	422	*77
June 29,	3590	1	34	570	1580	*408
June 29,	3590	1	34	571	1581	*409
June 29,	3590	1	34	577	1517	*388
June 29,	3590	1	34	578	1514	*386
June 29,	3590	1	34	579	418	*75
June 29,	3590	1	34	579	1399	*377
June 29,	3590	1	34	579	1612	*415
June 29,	3591	2	34	587	—	*1311
June 29,	3591	1-10	34	584	—	*1288
June 29,	3592	1-2	34	596	—	*124
June 29,	3592	3-15	34	596	2173	*528
June 29,	3592	18	34	602	2173	*538
June 29,	3592	20-31	34	602	2173	*538
June 29,	3593	1-3	34	607	2463	*645
June 29,	3594	1-5	34	607	—	*1341
June 29,	3597	1	34	611	5255	*1575
June 29,	3607	1-4	34	616	2475	*700
June 29,	3608	1	34	618	858	*271
June 29,	3612	1	34	620	1536	*393
June 29,	3613	1-2	34	620	3145	*936
June 29,	3621	1-7	34	626	4130	*1180
June 29,	3624	1-2	34	630	2173	*544
June 29,	3625	1	34	631	2990	*928
June 29,	3628	1	34	632	5255	*1544
June 30,	3912	1	34	659	1835	*482
June 30,	3912	1	34	663	2463	*673
June 30,	3912	4	34	669	5255	*1575
June 30,	3913	1	34	670	521	*99
June 30,	3913	1	34	679	—	*1353
June 30,	3913	1	34	684	2463	*646
June 30,	3913	1	34	695	523	*101
June 30,	3913	1	34	696	—	*1390
June 30,	3914	1	34	697	—	*1713
June 30,	3914	1	34	722	—	*556
June 30,	3914	1	34	727	—	*626

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June 30,	3914	1	34	743	5255	*1544
June 30,	3914	1	34	750	278	*58
June 30,	3914	1	34	753	793	*259
June 30,	3914	1	34	753	793	*260
June 30,	3914	1	34	754	798	*265
June 30,	3914	2	34	762	3661	*1020
June 30,	3914	4	34	763	2730	*872
June 30,	3914	5	34	763	3672	*1031
June 30,	3914	6	34	763	1760	*463
June 30,	3914	9	34	764	3678	*1036
June 30,	3915	1–13	34	768	—	*1354
June 30,	3919	1	34	797	4471	*1260
June 30,	3920	1	34	798	—	*1319
June 30,	3923	1–2	34	800	5255	*1544
June 30,	3931	1–2	34	808	2479	*731
June 30,	3934	1–9	34	814	4130	*1183
June 30,	3935	1	34	816	359	*65
June 30,	3937	1	34	817	1536	*394
June 30,	3938	1	34	817	1667	*442
Dec. 11,	1	1	34	841	3719	*1062
1907						
Jan. 17,	150	1	34	849	4249	*1207
Jan. 18,	153	1	34	850	3756	*1095
Jan. 19,	300	1–3	34	850	—	*1200
Jan. 25,	397	1–13	34	861	1094	*294
Jan. 25,	398	1	34	864	4438	*1252
Jan. 25,	399	1	34	864	2990	*928
Feb. 1,	441	1	34	870	4858	*1437
Feb. 1,	444	1–2	34	874	2536	*850
Feb. 6,	468	1–3	34	879	4698	*1397
Feb. 6,	470	1	34	880	2990	*929
Feb. 6,	471	1	34	880	2630	*869
Feb. 8,	892	1	34	881	4405	*1235
Feb. 19,	991	1	34	897	4446	*1253
Feb. 20,	1134	1–38	34	898	—	*499
Feb. 20,	1134	40–41	34	910	—	*519
Feb. 20,	1134	43–44	34	911	—	*520
Feb. 22,	1184	1	34	923	1704	*457
Feb. 25,	1191	1	34	929	2256	*582
Feb. 26,	1635	1	34	943	3756	*1096
Feb. 26,	1635	1	34	949	257	*55
Feb. 26,	1635	4	34	993	35	*14
Feb. 26,	1638	6	34	997	4679	*1281
Feb. 27,	2073	13	34	1000	793	*260
Feb. 27,	2077	1	34	1001	5255	*1568
Mch. 1,	2284	1	34	1012	3756	*1097
Mch. 1,	2284	4–6	34	1014	3756	*1100
Mch. 1,	2285	1	34	1016	3678	*1036
Mch. 1,	2285	1	34	1018	3756	*1101
Mch. 1,	2286	1	34	1052	2357	*620
Mch. 2,	2507	1	34	1060	1661	*438
Mch. 2,	2507	1	34	1062	3678	*1037
Mch. 2,	2508	1	34	1063	1309	*358
Mch. 2,	2508	1	34	1063	1315	*360
Mch. 2,	2509	1	34	1111	5255	*1545
Mch. 2,	2509	1	34	1110	3717	*1062
Mch. 2,	2509	5	34	1119	5255	*1545
Mch. 2,	2511	1	34	1158	1094	*298
Mch. 2,	2511	1	34	1159	1268	*345
Mch. 2,	2511	1	34	1159	3665	*1022
Mch. 2,	2511	1	34	1160	1094	*298
Mch. 2,	2511	1	34	1160	1095	*309
Mch. 2,	2511	1	34	1161	1094	*299
Mch. 2,	2511	1	34	1162	215	*41
Mch. 2,	2511	1	34	1163	1094	*299
Mch. 2,	2511	1	34	1163	1254	*335
Mch. 2,	2511	1	34	1165	1293	*355
Mch. 2,	2511	1	34	1166	3620	*1013
Mch. 2,	2511	1	34	1167	1270	*346
Mch. 2,	2511	1	34	1167	1341	*365
Mch. 2,	2511	1	34	1168	1270	*346
Mch. 2,	2511	1	34	1169	1361	*372
Mch. 2,	2511	1	34	1170	3665	*1022
Mch. 2,	2511	1	34	1171	1265	*343
Mch. 2,	2511	1	34	1172	1179	*321
Mch. 2,	2511	1	34	1175	1673	*445
Mch. 2,	2512	1	34	1193	1581	*409
Mch. 2,	2512	1	34	1193	3721	*1063
Mch. 2,	2512	1	34	1195	1538	*397
Mch. 2,	2512	1	34	1200	1612	*415
Mch. 2,	2513	1	34	1206	408	*71
Mch. 2,	2513	1	34	1206	3860	*1115
Mch. 2,	2513	1	34	1212	4002	*1146
Mch. 2,	2513	1	34	1212	4004	*1148
Mch. 2,	2513	1	34	1213	3860	*1117
Mch. 2,	2513	1	34	1214	4011	*1149
Mch. 2,	2513	1	34	1215	3874	*1126
Mch. 2,	2515	1–2	34	1217	1260	*338
Mch. 2,	2516	1–2	34	1218	2475	*695
Mch. 2,	2516	2	34	1218	2475	*697
Mch. 2,	2518	1	34	1219	2475	*702
Mch. 2,	2534	1–7	34	1228	2000	*490
Mch. 2,	2537	1–5	34	1232	2256	*583
Mch. 2,	2559	1–2	34	1243	2324	*609
Mch. 2,	2561	1	34	1244	3874	*1127
Mch. 2,	2562	1–4	34	1245	2245	*575
Mch. 2,	2563	1	34	1245	2243	*575
Mch. 2,	2568	1	34	1248	2291	*595
Mch. 2,	2571	1–5	34	1250	3297	*957
Mch. 2,	2573	1–2	34	1251	4937	*1462
Mch. 4,	2907	1	34	1258	—	*112
Mch. 4,	2907	1	34	1260	—	*1361
Mch. 4,	2907	1	34	1269	2463	*647
Mch. 4,	2907	1	34	1270	2463	*648
Mch. 4,	2907	1	34	1280	523	*102
Mch. 4,	2907	1	34	1281	—	*1386
Mch. 4,	2907	1	34	1281	529	*109
Mch. 4,	2913	2	34	1289	3526	*994
Mch. 4,	2913	3	34	1290	5153	*1515
Mch. 4,	2918	1	34	1309	2760	*890
Mch. 4,	2918	1	34	1315	3687	*1048
Mch. 4,	2918	1	34	1315	4382	*1218
Mch. 4,	2918	1	34	1322	4685	*1283
Mch. 4,	2918	1	34	1329	—	*125
Mch. 4,	2918	1	34	1356	278	*58
Mch. 4,	2918	1	34	1360	277	*57
Mch. 4,	2918	1	34	1360	793	*260
Mch. 4,	2918	1	34	1360	793	*261
Mch. 4,	2918	1	34	1365	1816	*476
Mch. 4,	2918	1	34	1367	3661	*1021
Mch. 4,	2918	6	34	1370	5255	*1575
Mch. 4,	2918	8	34	1371	5255	*1575
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Mch. 4,	2919	1	34	1398	3756	*1101
Mch. 4,	2920	1	34	1406	4698	*1398
Mch. 4,	2929	1–3	34	1411	4426	*1249
Mch. 4,	2939	1–5	34	1415	—	*1321
June 16,	3338	1	34	296	1507	*384
1908						
Feb. 8,	19	1	35	6	2298	*600
Feb. 11,	20	1	35	7	2990	*929
Feb. 11,	21	1	35	7	2533	*848
Feb. 11,	21	2	35	7	2534	*849
Feb. 11,	22	1	35	7	2990	*929
Feb. 15,	27	1	35	19	—	*556
Feb. 24,	35	1	35	35	2990	*929
Feb. 24,	36	1	35	35	2990	*930
Mch. 10,	75	1	35	40	2457	*629
Mch. 10,	76	1	35	40	764	*255
Mch. 16,	88	1	35	44	2276	*591
Mch. 16,	93	1–2	35	45	2256	*584
Mch. 24,	96	1–2	35	46	4227	*1198
Mch. 26,	99	1–4	35	46	4249	*1208
Mch. 26,	102	1–3	35	48	2245	*576
Mch. 26,	103	1	35	48	2463	*659
Mch. 28,	112	1–3	35	52	2463	*660
Apr. 2,	123	1–2	35	55	4463	*1256
Apr. 6,	135	1	35	58	2990	*930
Apr. 13,	143	1	35	60	—	*1288
Apr. 16,	145	1–14	35	61	2749	*884
Apr. 19,	147	1–3	35	64	4703	*1399
Apr. 22,	149	1–8	35	65	—	*1322
Apr. 23,	150	1–10	35	66	1094	*299
Apr. 28,	151	1–6	35	69	4466	*1257
Apr. 29,	152	1–6	35	70	4347	*1216
Apr. 30,	153	1	35	71	464	*90
Apr. 30,	153	1	35	72	464	*91
Apr. 30,	153	1	35	73	463	*90
Apr. 30,	153	1	35	73	464	*91
Apr. 30,	153	1	35	75	464	*91
Apr. 30,	153	1	35	73	5260	*1580
Apr. 30,	154	1–3	35	98	2475	*702
May 11,	163	1	35	108	1261	*340
May 11,	163	1	35	108	1261	*341
May 11,	163	1	35	109	1280	*351
May 11,	163	1	35	110	1261	*341
May 11,	163	1	35	110	1280	*352
May 11,	163	1	35	110	1280	*353
May 11,	163	1	35	110	1280	*354
May 11,	163	1	35	114	1094	*303
May 11,	163	1	35	114	1261	*341
May 11,	163	1	35	114	1273	*349
May 11,	163	1	35	117	1625	*434
May 11,	163	1	35	122	4843	*1428
May 11,	163	1	35	125	1667	*442
May 11,	163	1	35	125	3716	*1060
May 13,	166	1	35	127	1556	*405
May 13,	166	1	35	128	1556	*405
May 13,	166	1	35	129	3666	*1024
May 13,	166	1	35	132	1624	*417
May 13,	166	1	35	146	1406	*378
May 13,	166	1	35	153	1527	*391
May 13,	166	1	35	153	1556	*405
May 13,	166	1	35	155	1596	*413
May 13,	166	1	35	155	1596	*414
May 13,	166	1	35	159	1531	*392
May 14,	168	4–7	35	162	4669	*1280
May 14,	168	9	35	163	4673	*1281
May 16,	170	1	35	163	—	*1376
May 16,	171	1	35	163	1094	*303
May 18,	173	1–2	35	164	3517	*993
May 20,	181	1–8	35	169	2479	*721
May 20,	182	1	35	171	1537	*396
May 22,	186	1	35	218	215	*41
May 22,	186	1	35	225	446	*85
May 22,	186	1	35	225	447	*86
May 22,	186	4	35	244	1765	*466
May 23,	187	1–3	35	245	2582	*862
May 23,	187	4	35	245	2990	*930
May 23,	187	5	35	245	2599	*867
May 23,	187	6–7	35	245	2990	*930
May 23,	188	1	35	245	4896	*1455
May 23,	189	1	35	246	4885	*1452
May 23,	192	1	35	256	526	*105
May 23,	192	1	35	257	526	*106
May 23,	192	1	35	259	2463	*648
May 23,	192	1	35	260	2463	*649
May 23,	192	1	35	261	—	*1368
May 23,	192	1	35	264	529	*109
May 23,	192	1	35	265	529	*110
May 23,	192	1	35	267	523	*102
May 23,	192	1	35	267	2475	*703
May 26,	198	1	35	295	4869	*1438
May 27,	200	1	35	321	4249	*1209
May 27,	200	1	35	322	4693	*1394
May 27,	200	1	35	324	—	*1325
May 27,	200	1	35	325	3210	*941
May 27,	200	1	35	325	3212	*942
May 27,	200	1	35	327	—	*1073
May 27,	200	1	35	343	4934	*1458
May 27,	200	1	35	347	2463	*673
May 27,	200	1	35	349	3756	*1104
May 27,	200	1	35	350	2463	*674
May 27,	200	1	35	355	1835	*482
May 27,	200	1	35	355	1835	*483
May 27,	200	1	35	356	1835	*483
May 27,	200	1	35	365	2475	*703
May 27,	200	1	35	367	1178	*319
May 27,	200	1	35	372	4832	*1424
May 27,	200	1	35	373	1587	*411
May 27,	200	1	35	374	3668	*1028
May 27,	200	1	35	375	793	*261
May 27,	200	1	35	376	840	*269
May 27,	200	1	35	377	848	*270
May 27,	200	1	35	380	—	*1447
May 27,	200	4–5	35	387	5255	*1576
May 27,	201	1–6	35	392	1094	*304
May 27,	204	1	35	399	1625	*422
May 27,	204	2–4	35	399	1625	*423
May 27,	204	5–6	35	401	1625	*425
May 27,	204	7	35	401	1625	*426
May 27,	204	8	35	401	1625	*426
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May 27,	206	1	35	413	3860	*1117
May 27,	206	1	35	413	4025	*1154
May 27,	206	1	35	415	241	*51
May 27,	206	1	35	415	3847	*1112
May 27,	206	1	35	415	3926	*1137
May 27,	206	1	35	417	3860	*1118
May 27,	206	1	35	418	413	*72
May 28,	208	1	35	419	4766	*1407
May 28,	208	1	35	419	4774	*1409
May 28,	208	1	35	419	4785	*1410
May 28,	211	1–4	35	424	2352	*617
May 28,	212	1	35	424	2792	*895
May 28,	212	2	35	425	4438	*1252
May 28,	212	3	35	425	4467	*1259
May 28,	212	4	35	425	4468	*1259
May 28,	212	5–6	35	425	4216	*1194
May 28,	212	7	35	426	4178	*1191
May 28,	212	8	35	426	5255	*1562
May 28,	212	9	35	428	4414	*1238
May 28,	212	10–15	35	428	4420	*1243
May 28,	214	1	35	430	1339	*365
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May 28,	214	1	35	441	1315	*361
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May 29,	220	8	35	467	2479	*731
May 29,	220	9	35	467	2301	*605
May 29,	220	10	35	467	2298	*600
May 29,	220	12	35	468	2457	*628
May 29,	220	13	35	468	2256	*584
May 29,	220	14	35	468	2238	*574
May 29,	220	15	35	469	461	*88
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May 30,	225	1–6	35	476	—	*1326
May 30,	227	1	35	499	3484	*989
May 30,	227	1	35	501	1556	*406
May 30,	227	1	35	503	1367	*375
May 30,	227	1	35	505	3676	*1033
May 30,	228	6	35	537	3684	*1043
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May 30,	229	9	35	550	5214	*1528
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May 30,	229	11	35	551	5172	*1525
May 30,	229	12	35	552	5192	*1527
May 30,	229	13	35	552	5167	*1524
May 30,	229	14–15	35	552	5153	*1516
May 30,	229	16	35	552	5167	*1524
May 30,	229	17–19	35	552	3583	*1008
May 30,	229	20	35	553	5167	*1525
May 30,	230	1	35	553	4740	*1405
May 30,	231	1–2	35	553	4249	*1209
May 30,	233	1	35	554	2463	*649
May 30,	236	1–8	35	556	1790	*468
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Feb. 6,	82	1–2	35	613	4153	*1190
Feb. 9,	100	1–2	35	614	2491	*741
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Feb. 16,	132	1	35	623	5255	*1565
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Feb. 18,	144	1	35	627	4937	*1460
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Feb. 18,	150	1–2	35	638	2463	*674
Feb. 19,	160	1–6	35	639	2298	*601
Feb. 19,	161	1	35	640	793	*262
Feb. 20,	165	1–2	35	641	2463	*675
Feb. 23,	171	1–2	35	643	2990	*931
Feb. 23,	174	1	35	643	3646	*1015
Feb. 24,	178	1–2	35	644	2463	*675
Feb. 24,	179	1	35	645	1790	*471
Feb. 24,	180	1	35	645	2402	*623
Feb. 24,	181	1	35	645	2372	*620
Feb. 25,	191	1	35	647	2477	*718
Feb. 25,	193	1	35	649	—	*1307
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Feb. 27,	226	1	35	659	2595	*867
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May 12,	230	1	36	366	3898	*1131
May 12,	230	1	36	366	3941	*1139
May 13,	236	1	36	369	3157	*940
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May 18,	248	1	36	383	1835	*483
May 23,	254	1	36	415	4035	*1156
May 23,	255	1	36	416	3928	*1138
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May 26,	256	1	36	440	3668	*1028
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June 25,	393	1–2	36	824	1230	*330
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June 25,	431	31	36	863	2463	*651
June 25,	432	1	36	864	2463	*680
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July 27,	4	1	37	12	2491	*822
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Aug. 17,	23	1	37	22	2990	*931
Aug. 19,	33	1	37	25	27	*7
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Mch. 24,	6	1	18	286	3735	2506
1876						
May 8,	10	1	19	213	3244	2100
July 3,	13	1	19	214	1667	1138
July 22,	17	1	19	215	3575	2391
July 22,	17	2	19	215	3586	2401
July 22,	17	3-4	19	215	3575	2391
1877						
Mch. 3,	7	1	19	410	1667	1138
1878						
May 22,	22	1	20	251	—	3763
June 7,	26	1	20	252	1667	1139
June 14,	30	1	20	253	3721	2500
Dec. 21,	1	1	20	487	—	3764
1879						
June 14,	6	1	21	50	4796	3309
1880						
June 7,	44	1	21	308	3756	2587
June 7,	44	1	21	308	—	3764
1881						
Mch. 3,	26	1	21	521	3570	2379
1883						
Mch. 3,	22	1-3	22	641	2866	1906
1884						
Feb. 1,	4	1	23	266	440	252
1885						
Jan. 6,	5	1	23	516	1790	1216
1886						
May 1.	12	1	24	342	2990	1969
June 28,	15	1	24	342	53	31
1887						
Feb. 23,	6	1	24	644	1790	1217
Mch. 3,	16	1	24	647	—	1490
1890						
Aug. 28,	41	1	26	678	94	51
Sept. 1.	43	1	26	679	4714	3253
Sept. 25,	50	1	26	681	1227	867
Sept. 30,	59	1	26	684	2297	1400
1891						
Feb. 5,	9	1	26	1113	1667	1140
Mch. 3,	17	1	26	1115	—	554
Mch. 3,	21	1	26	1117	4826	3338
1892						
Apr. 12,	8	1	27	395	1835	1250
Dec. 13,	1	1	27	752	315	185
1893						
Mch. 3,	21	1	27	757	51	22
Sept. 1,	4	1	28	11	2894	1465
Oct. 31,	13	1	28	13	4130	2788
Dec. 7,	1	1	28	575	2164	1324
1894						
Jan. 27,	9	1	28	577	94	52
Mch. 17,	—	1	28	1210	2164	1323
May 5,	24	1	28	582	3648	2425
May 11,	26	1	28	583	1227	867
1895						
Feb. 5,	9	1-2	28	968	1095	806
Feb. 15,	13	1	28	970	4722	3260
Feb. 21,	18	1	28	971	—	2268
1896						
Feb. 7,	14	1	29	463	3756	2593
Feb. 26,	19	1	29	465	3756	2594
June 11,	62	1	29	476	1426	1011
1897						
Feb. 17,	12	1	29	700	3756	2596
Feb. 18,	13	1-2	29	701	3756	2596
Mch. 3,	23	1	29	704	1225	864
July 24,	21	1	30	224	4130	2789
1898						
Apr. 11,	21	1	30	737	—	2524
Apr. 20.	24	1	30	738	4130	2790
Apr. 22,	25	1	30	739	4130	2790
May 4,	30	1	30	741	1407	1002
July 8,	57	1	30	752	1242	882
1899						
Jan. 28,	12	1	30	1388	3756	2598
Feb. 28,	23	1	30	1390	—	2305
1900						
Mch. 21,	14	1	31	713	3756	2598
Mch. 26,	15	1	31	713	3756	2596
May 25,	27	1	31	717	3756	2599
June 2,	30	1	31	718	3756	2599
1901						
Feb. 23,	8	1	31	1462	3756	2600
Mch. 2,	16	1-3	31	1464	3756	2601
Mch. 2,	16	1	31	1464	—	3769
Mch. 2,	17	1	31	1465	3756	2602
1902						
Feb. 7.	5	1	32	735	82	*19
Feb. 21,	6	1	32	736	98	*20
Feb. 26,	7	1	32	736	3446	*976
May 13,	20	1	32	740	3756	*1083
May 16,	22	1	32	741	3756	*1084
May 19,	23	1	32	741	3756	*1084
July 1,	42	1-2	32	750	4693	*1393
1903						
Jan. 12,	2	1	32	1229	1094	*284
Feb. 11,	7	1	32	1231	—	*554
Nov. 12,	1	1	33	1	47	*16
1904						
Feb. 24,	8	1	33	583	3756	*1087
Mch. 14,	9	1	33	583	3756	*1087
Mch. 28,	11	1	33	584	3756	*1087
Mch. 29,	14	1	33	585	3756	*1088
Mch. 31,	15	1	33	585	3756	*1088
Apr. 12,	20	1	33	587	3756	*1089
Apr. 15,	23	1	33	588	1216	*323
Apr. 18,	25	1	33	589	2306	*608
Apr. 27,	29	1	33	590	3756	*1090
Apr. 28,	34	1	33	591	—	*497
Apr. 28,	34	1	33	591	—	*498
Apr. 28,	34	1	33	591	—	525
Apr. 28,	35	1	33	591	217	*43
1905						
Feb. 9,	16	1	33	1282	—	*555
Feb. 24,	21	1-2	33	1283	3756	*1092
Feb. 28,	22	1	33	1284	218	*44
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Mch. 30,	14	1	34	826	3756	*1095
June 11,	27	1-3	34	831	2463	*642
June 25,	35	1	34	835	5255	*1574
June 28,	39	1	34	836	4693	*1394
June 29,	43	1	34	837	218	*44
June 30,	46	1	34	838	—	*1320
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1907						
Feb. 7,	13	1	34	1421	5250	*1530
Feb. 27,	17	1	34	1422	1216	*325
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Mch. 4,	26	1	34	1425	98	*21
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1908						
Jan. 15,	3	1-3	35	565	3756	*1102
Mch. 26,	14	1	35	569	5255	*1562
May 25,	28	1	35	577	2463	*673
1909						
Mch. 2,	21	1	35	1168	—	*1557
Mch. 3,	24	1	35	1169	4130	*1187
Mch. 4,	25	1	35	1169	3756	*1106
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1910						
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June 7,	31	1	36	881	1838	*486
June 10,	32	1	36	881	1838	*486
June 22,	34	1	36	882	1838	*486
June 25,	36	1-2	36	883	3756	*1109
June 25,	38	1	36	883	3484	*990
June 25,	40	1	36	884	2397	*622
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Feb. 16,	6	1-4	36	1454	1838	*487
Feb. 27,	13	1	36	1458	4693	*1394
Aug. 8,	4	1	37	37	52	*18
Aug. 21,	7	1	37	38	2463	*683
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